



**LAKE COMO BOROUGH
1740 MAIN STREET
LAKE COMO, NJ 07719
(732) 681-3232
AGENDA**

**DATE: DECEMBER 1, 2020
7:30 PM WORKSHOP**

DISCUSSION ITEMS

1. Bamboo Ordinance

PUBLIC COMMENTS ON WORKSHOP ITEMS

ORDINANCE 2019-944
ORDINANCE OF THE BOROUGH OF LAKE COMO
REGULATING THE PLANTING OR GROWING
OF BAMBOO WITHIN THE BOROUGH

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF LAKE COMO THAT CHAPTER 10 BE AMENDED AND SUPPLEMENTED AS FOLLOWS:

SECTION I. PURPOSE AND INTENT.

The purpose of this Ordinance is to preserve and protect private and public property from the damaging spread of running bamboo grasses and to protect indigenous plants and the wildlife they support from the invasive spread of such bamboo.

SECTION II. DEFINITIONS.

- A. Running Bamboo – Any monopodial (running) woody grass from the genera of bamboos including, but not limited to, *Bambusa*, *Phyllostachys* and *Pseudosasa*, as well as common bamboo, golden bamboo and arrow bamboo.
- B. Bamboo Property Owner(s) – Any property owner(s) or tenant(s) who, or which, have Running Bamboo on their property, even if the Bamboo has spread onto their property from an adjoining property.
- C. Borough – The Borough of Lake Como, Monmouth County, New Jersey.
- D. Notice – Any written notice by, from or on behalf of the Borough, notifying the Bamboo Property Owner(s) that they are in violation of this Ordinance and directing them to cure or fix the violation. Such Notice shall be sent by certified mail, return receipt requested, addressed to the owner(s) listed on the current tax address on file with the Borough. A copy may also be posted on the property in question.
- E. Receipt of Notice – Receipt of the Notice required herein shall be the date of mailing said Notice, or, if applicable, posting of the Notice on the property in question, whichever is earlier.

SECTION III. NO PLANTING OF RUNNING BAMBOO.

- A. The planting of Running Bamboo is prohibited in the Borough of Lake Como.
- B. Any existing Running Bamboo may not be replanted or replaced after any such existing Running Bamboo has died or been removed.

SECTION IV. REGULATION OF AND LIMITATIONS ON EXISTING RUNNING BAMBOO.

- A. In the event any species commonly known as “Running Bamboo” is located upon any property within the Borough of Lake Como, prior to the effective date of this prohibition, the owner and occupant of said property shall jointly and severally be required to confine such species to prevent encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way. In lieu of confining the species, the property owner or occupant may elect to totally remove the Bamboo from the property and all affected properties. Failure to properly confine such Bamboo shall require removal as set forth below. The cost of said Removal shall be at the Bamboo property owner’s expense. This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the Code Enforcement Officer that the Bamboo, which is on his/her property at the time of the adoption of this chapter, originated on another property.
- B. This Ordinance shall not be deemed to alter any rights at common law or otherwise that any property owner may have to recover the cost of removal of Running Bamboo on their own property from another property owner from whose property the Running Bamboo has spread.

SECTION V. REMOVAL OF RUNNING BAMBOO.

- A. In the event Running Bamboo is present on the effective date of this prohibition and a complaint is received by the Borough regarding an encroachment of any Bamboo plant or root, and the Code Enforcement Officer of the Borough, after observation and/or inspection, determines that there is an encroachment or invasion on any adjoining/neighborly private or public property or public right-of-way (hereinafter, “the affected property”), the Borough shall serve notice to the Bamboo property owner in writing that the Bamboo has invaded other private or public property(s) or public right-of-way(s) and demand the removal of the Bamboo from the affected property, and demand approved confinement against future encroachment or, in the alternative, the total removal from the Bamboo property owner’s property. Notice shall be provided to the Bamboo property owner, as well as the owner of the affected property, by certified, return receipt request mail and regular mail. Within 45 days of receipt of such notice, the Bamboo property owner shall submit to the Code Enforcement Officer of the Borough, with a copy to the owner of the affected property, a plan for the removal of the bamboo from the affected property, which plan shall include restoration of the affected property after removal of the Bamboo. Within 120 days of receipt of the Code Enforcement Officer’s approval of the plan of removal and restoration, the removal and restoration shall be completed to the satisfaction of the Code Enforcement Office of the Borough.

- B. If the Bamboo property owner does not accomplish the removal of the Bamboo from such other private or public property or public right-of-way in accordance herewith, the Code Enforcement Officer of the Borough of Lake Como shall cause a citation to be issued with a penalty up to \$200 for each day the violation continues, enforceable through the Municipal Court of the Borough of Lake Como. The Administrative Officer may request, and the Municipal Court may grant, a specific performance remedy. The Borough may also institute civil proceedings for injunctive or civil relief.
- C. If the Bamboo Property Owner fails to comply with the Notice, the Code Enforcement Officer may remove or otherwise control the invasive plant species and the Borough may thereafter recover the cost of such removal from the Running Bamboo Property Owner and place a lien on the property to recover the cost of the removal.
- D. When an encroachment is upon public property or public right-of-way and the Bamboo property owner and/or occupant has not complied with the written notice provided as set forth above, the Borough of Lake Como, at its discretion, may remove or contract for the removal of such Bamboo from the Borough property or public right-of-way. The cost of such removal shall be the responsibility of the Bamboo property owner and occupant and shall be paid or assessed as a lien against the property on which the Bamboo growth originated. The cost of said removal from the Borough-owned property and/or public right-of-way shall include the installation of an appropriate barrier to prevent future Bamboo invasion.

SECTION VI. INSPECTION.

All places and premises in the Borough of Lake Como shall be subject to inspection by the Code Enforcement Officer to determine compliance with this Ordinance.

SECTION VIII. SEVERABILITY CLAUSE.

If any part of this Ordinance is found to be unconstitutional, illegal or invalid, for any reason, such unconstitutionality, illegality, or invalidity shall not affect any of the remaining provisions or parts of this Ordinance and those remaining provisions shall remain in full force and effect.

SECTION IX. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days after enactment by Council and written approval by the Mayor.

ENACTED AND ORDAINED this day of , 2019.

BOROUGH OF LAKE COMO

Kevin G. Higgins, Mayor

ATTESTED:

Louise A. Mekosh, Borough Clerk

APPROVED this day of , 2019.

Kevin G. Higgins, Mayor

§ 111-1. Purpose.

This chapter is adopted to control the planting, cultivating or growing of bamboo in the Borough of Emerson; and to require barriers to prevent the spread of existing bamboo into other areas of the Borough.

§ 111-2. Regulation of planting, growing or cultivating of bamboo.

Subject to certain exemptions set forth in this chapter, no persons, or other property owners or tenants, shall plant, cultivate, or cause to grow any bamboo on any lot or parcel of ground in the Borough of Emerson, subject to the following exceptions:

- A. The root system of such bamboo plants is entirely contained within an above-ground-level planter, barrel, or other vessel of such design, material, and location as to entirely prevent the spread of growth of the bamboo plants' root system beyond the container beyond which it is planted; or
- B. The root system is contained within a properly constructed and maintained barrier system.
- C. Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than 10 feet from any property line.

§ 111-3. Exemptions.

This chapter shall not apply to any land owner or possessor who, prior to the effective date of this chapter, has planted or caused to grow any bamboo on any property within the Borough limits unless the Code Enforcement Officer determines, on his own or upon complaint from any abutting or nearby property owner, that any portion of such bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any public way or any private property not owned by or in the possession of such land owner or any possessor of said land.

§ 111-4. Complaint notice; order for removal; compliance.

Whenever a complaint is received by the Borough regarding the encroachment of any bamboo plant or root, or whenever the Borough on its own observations and inspections, determines that there is an encroachment of bamboo plants or roots on to the property of another

land owner, or tenant in possession of the property, or both, which notice shall be substantially as follows:

- A. The notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage, and also by first-class mail. Notice by certified mail shall be deemed complete on the date of personal delivery, or the date the certified mail is marked refused or unclaimed or otherwise undeliverable by the United States Post Office, when the first-class mail was not returned.
- B. The notice shall specify the nature of the violation.
- C. The notice shall state that the violation must be corrected within 30 days from the date of the received or returned mailing.
- D. The notice shall state specifically what must be done by the responsible party to correct the violation.

§ 111-5. Violations and penalties.

- A. Any person determined by any court of competent jurisdiction to have violated this chapter shall be subject to pay a fine of not less than \$25 per day, nor more than \$100 per day, or each day the violation existed after the date for removal as set forth in the notice which was sent to violator, and received by the violator. Each day of a continuing violation shall constitute a separate offense, for which an additional fine can be levied. The per-day fine will be in addition to a penalty for failure to comply with the Bamboo Ordinance. This fine can be up to the maximum penalty set by the State of New Jersey.
- B. If the violation is not remedied within the time set forth in the aforesaid notice, the Borough is hereby authorized to remove or have removed any encroaching bamboo and to take all reasonable steps to eradicate the regrowth of the bamboo on the public rights-of-way, including sidewalks, and to restore such land to its normal condition, prior to such removal and eradication.
- C. The cost of the corrective action together with any civil penalties, legal fees and other costs shall be recoverable from the responsible party.

§ 90-1. Purpose.

This chapter is adopted to control the planting, cultivating and/or growing of bamboo in the Borough of Palisades Park and to require barriers to prevent the spread of existing bamboo into others areas of the Borough.

§ 90-2. Planting, growing or cultivating bamboo.

Subject to certain exemptions set forth in this chapter, no persons, residents, citizens, property owners and/or tenants of the Borough shall plant, cultivate, or cause to grow, any bamboo on any lot and/or parcel of ground anywhere within the geographic boundaries of the Borough of Palisades Park, except for:

- A. Where the root system of such bamboo plants is entirely contained within an aboveground level planter barrel, or other vessel of such design, material and location as to entirely prevent the spread of growth of the bamboo plants' root system beyond the container beyond which it is planted;
- B. Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than 10 feet from any property line.

§ 90-3. Exemptions.

This chapter shall not apply to any landowner or possessor of said land who, prior to the effective date of this chapter, has planted or caused to grow any bamboo on any property within the Borough limits unless the code enforcement officer determines on his/her own, or upon complaint from any abutting or nearby property owner, that any portion of such bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any public way or any private property not owned by or in the possession of such landowner or any possessor of said land. If such occurs, the provisions of § 90-4 shall apply.

§ 90-4. Complaint notice, order for removal and compliance.

Whenever a complaint is received by the Borough regarding the encroachment of any bamboo plant or root, or whenever the Borough, on its own observations and inspections, determines that there is an encroachment of bamboo plants or roots on to the property of another landowner, or tenant in possession of the property, or both,

the Borough shall cause notice to be served and the following actions occur:

- A. The notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage and also by first class mail. Notice by certified mail shall be deemed complete on the date of personal delivery, or the date the certified mail is marked refused or unclaimed or otherwise undeliverable by the United States Post Office. First class mail shall be deemed delivered within five calendar days of its being mailed by the Borough.
- B. The notice shall specify the nature of the violation(s).
- C. The notice shall state that the violation(s) must be corrected within 20 calendar days from the date of the received or returned mailing.
- D. The Notice shall state specifically what must be done by the responsible party to correct the violation(s).

§ 90-5. Violations and penalties.

- A. Any person determined by any court of competent jurisdiction to have violated this chapter shall be subject to pay a fine of not less than \$25 per day nor more than \$100 per day, for each day the violation exists after the date for removal as set forth in the Notice which was sent to violator and received by the violator as defined above. Each day of a continuing violation shall constitute a separate offense, for which an additional fine can be levied. The per-day fine will be in addition to a penalty for failure to comply with the Bamboo Ordinance. This fine can be up to the maximum penalty set by the State of New Jersey.
- B. If the violation is not remedied within the time set forth in the aforesaid Notice, the Borough is hereby authorized to remove or have removed any encroaching bamboo and to take all reasonable steps to eradicate the regrowth of the bamboo on the public rights-of-way, including sidewalks, and to restore such land to its normal condition, prior to such removal and eradication.
- C. The cost of the corrective action together with any civil penalties, legal fees and other costs shall be recoverable from the responsible party.

§ 90-6. Severability; when effective.

- A. If any section, subsection, clause or phrase of this chapter is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this chapter.
- B. All ordinances or parts of ordinances inconsistent with any provisions of this chapter are hereby repealed.
- C. This chapter shall take effect immediately upon final passage and publication according to law.

§ 109-11. Purpose.

The purpose of this article is to protect and promote the public health through the control of the growth of invasive plant species.

§ 109-12. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

INVASIVE PLANTS – Vegetation which, by its nature, grows beyond the property of its owner, and causes a neighboring property owner potential hardship due to the vegetation being overly competitive, poisonous, allergenic, illegal by State statute, or hazardous to the neighboring property's structures and facilities is deemed to be "invasive" for the purposes of this ordinance.

§ 109-13. Control of growth.

All persons must control the growth of invasive plants. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this chapter.

§ 109-14. Inspections.

All places and premises in the Borough of Raritan may be subject to inspection by the Property Maintenance Officer or his designee, however, an inspection may only be made of an alleged property if a neighboring property owner files a complaint alleging that any section of this chapter has been violated.

§ 109-15. Removal or abatement.

- A. Whenever an invasive plant, as defined by this chapter, is found on any plot of land, lot or any other premises or place, a violation notice shall be given to the owner, in writing, to remove or abate the violation within such time as shall be specified in such notice.
- B. The cost of abatement shall be borne by the property owner.
- C. If the owner fails to comply with such notice within the timer specified therein, the enforcing official may remove or otherwise control the invasive plant species and the Borough may thereafter recover the cost of such removal from the property owner and place a lien on the property to recover the cost of invasive plants removal.

§ 109-16. Time to comply.

Any property owner who is in violation of this article will have one year from the effective date of this article to have all invasive plants removed from the property.

§ 109-17. Violations and penalties.

Any person, partnership, limited liability company, corporation or other entity who shall violate any provision of this chapter shall, upon conviction thereof, be subject to the maximum fines and penalties

established under N.J.S.A. 40:49-5 and 40:69A-29, and as same shall be amended from time to time. Each and every day a violation of this chapter shall exist shall constitute a separate violation.

§ 233-1. Purpose.

The purpose of this chapter is to protect and promote the public health through the control of the growth of invasive plant species.

§ 233-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

INVASIVE PLANTS — All native and non-native vines and vegetation that grow out of place and are competitive, persistent, and pernicious. These plants may damage trees, vegetation, or structures. Examples include but are not limited to bamboo (spreading or running type), ragweed, multi flora rose, kudzu-vine and poison ivy or oak.

§ 233-3. Control of growth.

All persons must control the growth of invasive plants. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this chapter.

§ 233-4. Inspections.

All places and premises in the Township of Brick shall be subject to inspection by the enforcing officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Township of Brick. Such inspection shall be made if that official has reason to believe that any section of this chapter is being violated.

§ 233-5. Violations and penalties. [Amended 10-7-2014 by Ord. No. 29-14]

- A. Whenever an invasive plant as defined by this chapter is found on any plot of land, lot or any other premises or place, and is found to lack appropriate physical barriers to prevent the spread or growth of the species, or is found to have spread beyond the boundaries of a property, a violation shall be given to the owner of the property from which the invasive species has spread, in writing, to remove or abate the same within 30 days. The cost of all remedies, including the removal of plantings of invasive plants, shall be borne by the property owner.
- B. Any person violating the provisions of this chapter shall, upon conviction, be punishable by a fine of not more than \$2,000 or community service as determined by the Municipal Court. The

continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of such violation may be punished as provided above for each separate offense.

- C. Notwithstanding any other penalty or fine which may be imposed under this section, if an owner fails to comply with the removal or abatement of an invasive plant, the Township may thereafter remove or otherwise abate the planting and thereafter recover the costs of such removal or abatement from the property owner by placing a lien against the property.

§ 233-6. Plantings of invasive plants prohibited. [Added 10-7-2014 by Ord. No. 29-14]

All new in-ground plantings of invasive plants are strictly prohibited. All existing plantings must be contained by appropriate physical barriers to prevent the growth or spread of existing invasive species beyond the boundaries of a resident's property.

§ 206-1. Purpose.

The purpose of this chapter is to protect and promote the public health through the control of the growth of invasive plant species.

§ 206-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ENFORCING OFFICER — The Township Code Enforcement Officer or his designee.

INVASIVE PLANTS — All native and nonnative vines and vegetation that grow out of place and are competitive, persistent, and pernicious. These plants may damage trees, vegetation, or structures. Examples include but are not limited to bamboo (spreading or running type), ragweed, multiflora rose, kudzu vine and poison ivy or oak.

§ 206-3. Control of growth.

All persons must control the growth of invasive plants. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this chapter.

§ 206-4. Inspections.

All places and premises in the Township of Lacey shall be subject to inspection by the enforcing officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Township of Lacey. Such inspection shall be made if that official has reason to believe that any section of this chapter is being violated.

§ 206-5. Violations and penalties.

- A. Whenever an invasive plant as defined by this chapter is found on any plot of land, lot or any other premises or place, a violation shall be given to the owner, in writing, to remove or abate the same within such time as shall be specified therein (recommend time in years, due to difficulty of removing bamboo). Any person violating any provisions of this chapter shall be punished by a fine of not less than \$50 nor more than \$250. **[Amended 3-28-2013 by Ord. No. 2013-06]**
- B. The cost of abatement shall be borne by the property owner.

- C. If the owner fails to comply with such notice within the time specified therein, the enforcing official may remove or otherwise control the invasive plant species, and the Township may thereafter recover the cost.

§ 340-1. Purpose.

The purpose of this chapter is to protect and promote the public health through the control of the growth of invasive plant species.

§ 340-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

INVASIVE PLANTS — All native and non-native vines and vegetation that grow out of place and are competitive, persistent, and pernicious. These plants may damage trees, vegetation, or structures. Examples include, but are not limited to, bamboo (spreading or running type), ragweed, multiflora rose, kudzu-vine and poison ivy or oak.

§ 340-3. Control of growth.

All persons must control the growth of invasive plants. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this chapter.

§ 340-4. Inspections.

All places and premises in the Township of Toms River shall be subject to inspection by the enforcing officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Township of Toms River. An inspection shall be made if that official has reason to believe that any section of this chapter is being violated.

§ 340-5. Removal or abatement.

- A. Whenever an invasive plant, as defined by this chapter, is found on any plot of land, lot or any other premises or place, a violation notice shall be given to the owner, in writing, to remove or abate the violation within such time as shall be specified in such notice.
- B. The cost of abatement shall be borne by the property owner.
- C. If the owner fails to comply with such notice within the time specified therein, the enforcing official may remove or otherwise control the invasive plant species and the Township may thereafter recover the cost of such removal from the property owner and place a lien on the property to recover the cost of invasive plant removal.

§ 340-6. Violations and penalties.

Any person, partnership, limited-liability company, corporation or other entity who shall violate any provision of this chapter shall, upon conviction thereof, be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5 and 40:69A-29, and as same shall be amended from time to time. Each and every day a violation of this chapter shall exist shall constitute a separate violation.

§ 156A-1. Purpose and intent.

The purpose of this Chapter is to preserve and protect private and public property from the damaging spread of certain running bamboo grasses, protect indigenous plant materials from the invasive spread of running bamboo and maintain the general welfare of the residents of the Town of Huntington.

§ 156A-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BAMBOO —

- A. **RUNNING BAMBOO** — Hereinafter defined as any tropical or semi-tropical grasses with monopodial (leptomorph) rhizome (root) systems which typically send off rhizomes far away from the plant including, but not limited to, the following plant genera: Arrow Bamboo, Arundinaria, Bambusa, Chimonobambusa, Common Bamboo, Golden Bamboo, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella, and Semiarundinaria.
- B. **CLUMPING BAMBOO** — Hereinafter defined as any tropical or semi-tropical or sympodial podial (pachymorph) grasses which typically send off rhizomes near the base of the plant, including, but not limited to, Bambusa, Chusquea, Dendrocalamus, Drepanostachyum, Fargesia, Himalayacalamus, Otatea, Thamnocalamus, Thyrostachys and Yushania.

BAMBOO OWNER — Any property owner or resident who has planted and/or grows Bamboo, or who maintains Bamboo on the property, or who permits Bamboo to grow or remain on the property even if the Bamboo has spread from an adjoining property. Any property owner or resident at whose property Bamboo is found will be considered a Bamboo Owner, except any property owner or resident who:

- A. Did not plant or grow or cause Bamboo to be planted or grown on his property, and
- B. Has provided satisfactory proof to the Town of Huntington that, within a reasonable period of time after discovering the encroachment of Bamboo onto the property from an adjoining or neighboring property, advised the owner of such property of an objection to the encroachment of the Bamboo, and
- C. Has initiated steps for the removal of the Bamboo from the property, including remedies at law.

§ 156A-3. Presumption.

In the event Bamboo is found to have encroached, spread, invaded or intruded upon any other property or right of way, said species shall be presumed to be classified as "running bamboo." This presumption shall be rebuttable.

§ 156A-4. Applicability.

For the purposes of this Section, Bamboo found growing upon a property shall constitute presumptive evidence that the Bamboo was planted and/or grown by and/or with the consent of the Bamboo Owner.

§ 156A-5. Prohibition.

Upon the effective date of this provision the planting of "running bamboo" shall be prohibited within the Town of Huntington. Any person who thereafter plants or causes to be planted any such "running bamboo" within the Town of Huntington shall be deemed to be in violation of this Section and shall be subject to such penalties as are set forth hereunder.

§ 156A-6. Duty to confine bamboo.

In the event any species of Bamboo is located upon any property within the Town of Huntington, the owner or occupant of said property shall confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any other property or right of way.

§ 156A-7. Regulation.

Any Bamboo that has been planted or otherwise permitted to grow on any property within the Town of Huntington prior to the effective date of this Section may remain on such property subject to compliance with this Section.

- A. Bamboo shall not be planted, maintained or otherwise be permitted to exist within ten (10) feet of the edge of the pavement or traveled portion of any public roadway in the Town of Huntington, and
- B. Any Bamboo Owner whose property contains Bamboo shall remove and abate the growth of the Bamboo within ten (10) feet of the edge of the pavement or traveled portion of a public road in the Town of Huntington, and

- C. Each Bamboo Owner shall be responsible to ensure that the Bamboo planted or growing on the property prior to the effective date of this Section does not encroach or grow upon any adjoining or neighboring property or properties, including all public property and Town of Huntington rights-of-way, and
- D. Each Bamboo Owner shall be required to take such measures as are reasonably expected to prevent such Bamboo from invading or growing onto adjoining or neighboring properties. Such measures shall include, but not be limited to, installation of sheathing impenetrable by Bamboo at a sufficient depth within the property line or lines where the running bamboo is planted or is growing to prevent the growth or encroachment upon adjoining or neighboring property by the Bamboo, and
- E. The Town Board may from time to time prescribe such rules and regulations as may be necessary to give effect to this Section.

§ 156A-8. Removal from Town property.

- A. Notice. In the event that Bamboo growing on a Bamboo Owner's property invades or grows on an adjoining or neighboring property that is owned or held on behalf of the Town of Huntington or its Trustees, the Director of Public Safety on behalf of the Town of Huntington or its Trustees shall notify the Bamboo Owner in writing that the Bamboo has invaded the Town of Huntington property and that the Bamboo Owner is responsible for the removal of such bamboo from the Town of Huntington property within thirty (30) days. Such period may be extended for good cause shown, as long as it can be demonstrated that remedial measures have been started and the delay is not under the control of or due to the actions of the person to whom the notice has been issued. The Bamboo Owner shall be liable and responsible to the Town of Huntington for all costs incurred in removing the bamboo from the Town of Huntington property. Such costs may be assessed against the property of the Bamboo Owner.
- B. Service of the notice. The notice shall be served either personally in accordance with the CPLR or by registered or certified mail, return receipt requested, and addressed to the property owner at the last address shown on the most current assessment roll of the Town Assessor and/or Receiver of Taxes, or to the owner's agent at the last known address, or to the occupant of the property, or person having a vested or contingent interest in the property as shown on the most current assessment roll of the Town Assessor

and/or Receiver of Taxes. A copy of the notice shall also be posted at the Bamboo Owner's property.

- C. Action upon noncompliance. Upon the failure, neglect or refusal of such owner, agent, or person or business entity occupying the premises to remove, remedy or abate the bamboo nuisance within the specified period of time; or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the notice was properly addressed, the Director of Public Safety may refer the matter to the Administrative Hearing Officer appointed by the Town Board for further action. The Administrative Hearing Officer shall conduct a hearing concerning the premises within fifteen (15) days of receipt of a referral from the Director of the Department of Public Safety.
- D. Administrative Hearing. Upon referral to the Administrative Hearing Officer, the Public Safety Department code enforcement officer shall present a report on the status of the property where the bamboo nuisance is alleged to exist; the owner and/or agent of the owner of the affected property shall have the opportunity to present relevant evidence to the Administrative Hearing Officer, with or without legal counsel. A record shall be kept of such hearing including without limitation all documentary evidence presented together with a record of the testimony offered by any witnesses, who shall be duly sworn by the Administrative Hearing Officer prior to offering testimony. The decision of the Administrative Hearing Officer shall be issued within fifteen (15) days of the last day of the hearing conducted, thereon, and, it shall be filed with the Office of the Huntington Town Clerk and mailed to the person(s) to whom the original notice was served by regular mail and by registered or certified mail, return receipt requested, within five (5) days of the date of the decision.
- E. Action of the Administrative Hearing Officer. The Administrative Hearing Officer appointed by the Town Board, may direct the Bamboo Owner whose property has caused the bamboo nuisance to remove, remedy or abate the bamboo nuisance within thirty (30) days of receipt of a copy of the decision of the Administrative Hearing Officer, and upon the failure, neglect or refusal of such person or business entity to comply with the decision of the Administrative Hearing Officer, the Director of Public Safety may direct Town personnel, to remove, remedy or abate the nuisance, by whatever means deemed necessary or proper by the Town, at the expense of the property owner, or his agent and/or the occupier of land. A copy of the Public Safety Director's directive to Town personnel to proceed shall be mailed by certified or

registered mail, return receipt requested, and addressed to the property owner at the last address shown on the most current assessment role on file in the Office of the Town Assessor and/or the Receiver of Taxes, or to the owner's agent at the last known address, and/or to the person or business entity occupying the land at the location of the property.

- F. Removal of the nuisance. Upon the failure, neglect or refusal of the owner, his agent, or person, or business entity occupying the premises to remove, remedy or abate such nuisance within the period provided by the decision of the Administrative Hearing Officer, or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the notice was properly addressed, Town personnel may enter the property, upon reasonable notice, and take all necessary action to remove or abate the nuisance at the expense of the property owner, his agent, or occupier of the land as set forth in this article.
- G. Any person or business entity who resists, obstructs or impedes the agents, servants, officers and/or employees of the Town of Huntington in the remediation or removal process shall be in violation of this article and shall be subject to the fines and penalties provided herein.
- H. Liability for the costs of removal and/or abatement. The property owner, or his agent, and/or person or business entity who occupies the land shall be liable for the direct and indirect costs of abating the nuisance and all expenses incidental thereto, including but not limited to, an administrative fee equal to twenty-five (25%) percent of the total cost of said removal, remediation and/or disposal process. Said administrative fee is intended to reimburse the Town for the monies and time expended by its employees in abating the nuisance and collecting the sums due, including but not limited to, notifying the appropriate party, certifying the amounts due to the Town, and/or charging same against the property.
- I. The costs incurred by the Town as set forth herein shall be certified by the Director of each Town department providing services and the Town Attorney shall mail written notice of such costs by certified or registered mail, return receipt requested, to the owner of the premises at the last address shown on the most current assessment role on file in the Office of the Town Assessor, or to the owner's agent at the last known address, and/or to the occupier of the premises at the location of the property. Said notice shall further state that upon the failure of the property

owner, his agent, and/or occupier to pay such sums within ten (10) days of receipt of such written notice by cash, certified or bank check, or money order, shall be sufficient cause to add the amount due to the tax bill without further notice.

- J. Recovery of costs and tax lien. In the event the property owner, his agent and/or the occupier of the land fails, refuses and/or neglects to pay the monies due and owing to the Town within said ten-day period, or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the notice was properly addressed, such certification of costs shall be provided to the Town of Huntington Tax Receiver who shall cause the costs as shown thereon to be charged against such lands without further notice. The amount so charged shall forthwith become a lien against such lands and shall be added to and become part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

§ 156A-9. Replanting prohibited.

Any Bamboo either planted or caused to be planted or existing on a property prior to the effective date of this Chapter may not be replanted or replaced in kind once such running bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.

§ 156A-10. Penalties for Violations. [Amended 11-6-2019 by L.L. No. 56-2019]

- (A) Any person or entity violating any provisions of §§ 156A-5 and 156A-9, prohibiting the planting and/or replanting of running bamboo shall be guilty of an offense and, upon conviction, shall be subject to a fine of not less than seven hundred fifty (\$750) dollars nor more than one thousand five hundred (\$1,500) dollars. Each month's continued violation shall constitute a separate additional offense. Any person or entity found by the Bureau of Administrative Adjudication to have violated any provisions of §§ 156A-5 and 156A-9 shall likewise be subject to a monetary penalty within the range of fines authorized herein for any offense or continuing offense.
- (B) Any person or entity violating any provisions of §§ 156A-6, 156A-7 and 156A-8 prohibiting the maintaining, growing or failure to remove running bamboo in violation of these regulations shall be

deemed guilty of an offense and, upon conviction, shall be subject to a fine of not less than two hundred fifty (\$250) dollars and not more than five hundred (\$500) dollars. Each month's continued violation shall constitute a separate additional violation. Any person or entity found by the Bureau of Administrative Adjudication to have violated any provisions of §§ 156A-6, 156A-7 and 156A-8 shall likewise be subject to a monetary penalty within the range of fines authorized herein for any offense or continuing offense.

§ 79-1. Purpose.

The provisions of this chapter are enacted to control the planting, growing or cultivating of bamboo in the Township of Concord so as to control the introduction of bamboo in Concord Township as well as prevent the trespass of existing bamboo onto neighboring properties by requiring effective barriers.

§ 79-2. Regulations governing planting, growing or cultivation of bamboo.

- A. Subject to the exemptions set forth in this chapter, no person, property owner, or tenant shall plant, cause to grow or cultivate any bamboo on any lot or parcel of ground located in Concord Township, subject to the following exceptions:
- (1) The root system of the bamboo plants are entirely contained within an aboveground planter, barrel or other container of such design, material and location as to prevent the spread of the bamboo's root system beyond the confines of the container in which it is contained; or
 - (2) The root system is planted in the ground but is entirely contained within a barrier, constructed in accordance with the following specifications. Compliance with these specifications is subject to inspection by the Code Enforcement Officer.
 - (a) The barrier itself shall be composed of a high-density polypropylene or polyethylene, with a thickness of at least 40 mils;
 - (b) The barrier shall be secured and joined together by stainless steel clamps or stainless steel closure strips designed to be used with such barriers;
 - (c) The barrier shall be installed at least 30 inches deep;
 - (d) At least three inches of the barrier must protrude above ground level around the entire perimeter of the bamboo;
 - (e) The barrier shall slant outward from bottom to top.
- B. Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant is closer than 10 feet to any property line.

§ 79-3. Exemptions.

This chapter shall not apply to any land owner or possessor who, prior to the effective date of this chapter, had planted or caused to grow any bamboo on any property within the Township boundaries unless, upon determination of the Code Enforcement Officer, any portion of such bamboo has been allowed to grow upon or its roots, branches and/or stalks have extended onto or over any public way or another's private property.

§ 79-4. Complaint; notice; order for removal; compliance.

Whenever a complaint is received by the Township regarding the encroachment of any bamboo plant or root, or whenever the Township on its own observations and inspections determines that there is an encroachment of bamboo plants or roots onto the property of another, public street or sidewalk, the Township shall give notice to the landowner or tenant in possession of the property to remove the offending bamboo plant or root system.

- A. The notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage. Notice by certified mail shall be deemed complete on the date of personal delivery. If the certified mail is marked "refused," "unclaimed" or otherwise undeliverable by the United States Postal Service, notice will be sent by regular mail and by posting the notice on the property.
- B. The notice shall specify the nature of the violation.
- C. The notice shall state that the violation must be corrected within 30 days from the date of mailing or posting the property, whichever is later.
- D. The notice shall state specifically what must be done by the responsible party to correct the violation and come into compliance with this chapter.
- E. The notice shall state that failure to comply within 30 days will result in the removal of the offending bamboo or root system by the Township and that the responsible party will be billed for all costs incurred by the Township. The Township may, in its discretion, elect to issue a citation daily until such time as the offending bamboo or root system is removed, and the notice should so advise the responsible party.

§ 79-5. Violations and penalties.

Any property owner or possessor of a property determined by any court of competent jurisdiction to have violated this chapter shall be subject to pay a fine of \$100 per day for each day that the violation persists, as well as court costs, legal fees and any other fees incurred by the Township to enforce this chapter against the responsible party. Each day of a continuing violation shall constitute a separate offense, for which a separate fine shall be levied.

§ 138-29. Purpose and intent.

The purpose of this article is to preserve and protect private and public property from the damaging spread of certain running bamboo grasses, protect indigenous plant materials from the invasive spread of running bamboo, and maintain the general welfare of the residents of Haverford Township.

§ 138-30. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BAMBOO — Any monopodial (running) tropical or semi-tropical grasses from the genera Bambusa including, but not limited to Bambusa, Phyllostachys, and Pseudosasa as well as Common Bamboo, Golden Bamboo and Arrow Bamboo.

BAMBOO OWNER — Any property owner or resident who has planted and/or grows bamboo, or who maintains bamboo on the property, or who permits bamboo to grow or remain on the property even if the bamboo has spread from an adjoining property. Any property owner or resident at which bamboo is found on the property will be considered a bamboo owner, except any property owner or resident who:

- A. Did not plant or grow or cause bamboo to be planted or grown on his property, and
- B. Has provided satisfactory proof to the Township that, within a reasonable period of time after discovering the encroachment of bamboo onto the property from an adjoining or neighboring property, he advised the owner of such property of his objection to the encroachment of the bamboo, and
- C. Has initiated steps for the removal of the bamboo from the property, including remedies at law.

TOWNSHIP — The Township of Haverford, County of Delaware, Commonwealth of Pennsylvania.

§ 138-31. Applicability.

For purposes of this section, bamboo found growing upon a property shall constitute presumptive evidence that the bamboo was planted and/or grown by and/or with the consent of the bamboo owner.

§ 138-32. Prohibition.

Upon the effective date of this provision, the planting or growing of bamboo shall be prohibited within the Township. Any person who thereafter plants or grows, or causes to be planted or grown, bamboo within the Township shall be deemed to be in violation of this section, and shall be subject to such penalties as are set forth hereunder.

§ 138-33. Regulation.

Any bamboo that has been planted or otherwise permitted to grow on any property within the Township prior to the effective date of this section may remain on such property subject to compliance with this section.

- A. Bamboo shall not be planted, maintained or otherwise be permitted to exist within 40 feet of the edge of the pavement or traveled portion of any public roadway in the Township, and
- B. Any bamboo owner whose property contains bamboo shall remove and abate the growth of the bamboo within 40 feet of edge of the pavement or traveled portion of a public road in the Township;
- C. Each bamboo owner shall be responsible to ensure that the bamboo planted or growing on the property prior to the effective date of this section does not encroach or grow upon any adjoining or neighboring property or properties, including all public property and Township right-of-ways; and
- D. Each bamboo owner shall be required to take such measures as are reasonably expected to prevent such bamboo from invading or growing onto adjoining or neighboring properties. Such measures shall include, but not be limited to, installation of sheathing comprised of metal or other material impenetrable by bamboo at a sufficient depth within the property line or lines where the running bamboo is planted or is growing to prevent the growth or encroachment upon adjoining or neighboring property by the bamboo.

§ 138-34. Removal.

- A. In the event that bamboo growing on a bamboo owner's property invades or grows on an adjoining or neighboring property that is owned or held on behalf of the Township, the Township shall notify the bamboo owner in writing that the bamboo has invaded the Township property and that the bamboo owner is responsible

for the removal of such running bamboo from the Township property. This notice shall be sent by certified mail, return receipt requested and by regular mail to the latest address of the bamboo owner on file with the Township and a copy of the notice shall also be posted at the bamboo owner's property.

- B. In the event that the bamboo owner does not remove or contract for the removal of the bamboo from the Township property, or does not make an arrangement with the Township for removal of such bamboo within 30 days from the date the Township first provided notice pursuant to the above, the Township, at its discretion, may remove or arrange for the removal of such bamboo from the Township property. The, bamboo owner shall be liable and responsible to the Township for all costs incurred in removing the bamboo from the Township property. Such costs may be assessed against the property of the bamboo owner.

§ 138-35. Replanting prohibited.

Any bamboo either planted or caused to be planted or existing on a property prior to the effective date of this article may not be replanted or replaced in kind once such running bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.

§ 138-36. Violations and penalties. [Amended 3-12-2012 by Ord. No. 2660]

Any person, firm or corporation violating any of the provisions of this article shall, in addition to the other charges hereinbefore provided for each offense, upon summary conviction before any Magisterial District Justice, pay a fine not exceeding \$600 and costs of prosecution; and in default of one payment of the fine and costs, the violator may be sentenced to the county jail for a term of not more than 30 days. Each and every day in which any person, firm or corporation shall be in violation of this article shall constitute a separate offense.



**LAKE COMO BOROUGH
1740 MAIN STREET
LAKE COMO, NJ 07719
(732) 681-3232
AGENDA**

**DATE: DECEMBER 1, 2020 – VIRTUAL MEETING
REGULAR MEETING**

MEETING CALLED TO ORDER

SALUTE TO FLAG AND MOMENT OF SILENT REFLECTION

SUNSHINE LAW

Introduction as required under the Sunshine Law: Adequate notice of this meeting has been provided by the adoption of a Resolution by the Mayor and Council on the seventh day of January 2020 in which Resolution the time and place of Agenda and Regular Meetings commencing with January 7, 2020 were set forth. Notice of same was delivered to the Asbury Park Press and the Coast Star and a copy of the notice was posted on the bulletin board in Borough Hall. Notice of the virtual meeting was noticed to the papers on November 27, 2020 and a copy of the notice was posted on the bulletin board in Borough Hall and posted on the website. All meetings are open to the public.

ROLL CALL

Douglas Witte
Virginia Kropac
Hawley Scull
Christopher D'Antuono
David Gardner
Nick DeMauro

APPROVAL OF MINUTES

Minutes from the November 16, 2020 Regular Meetings

COMMUNICATIONS

Letter from Lake Como Tax Collector Toni Mullen regarding the Tax Sale

REPORTS OF COMMITTEES

UNFINISHED BUSINESS

PUBLIC COMMENTS ON NEW BUSINESS

CONSENT AGENDA

All items listed under this section are considered to be routine by the Borough Council and will be enacted by one motion. There will be no separate discussion on these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

NEW BUSINESS

Municipal Clerk's Report of Sale: Vacant Land
Block 26, Lot 1 Corner of Melrose Avenue and Leroy Place

Resolution 2020-137
Amending Online Auction Service Company
Offered by Councilwoman Kropac

Resolution 2020-138
Payment of Bills
Offered by Councilwoman Scull

Resolution 2020-139
Payment of NJNG Bill
Offered by Councilman DeMauro

Ordinance 2020-952
Animal House Ordinance
First Reading and Introduction
Offered by Councilman Witte

Ordinance 2020-953
Bond Ordinance – 705 18th Avenue
First Reading and Introduction
Offered by Councilman D'Antuono

Ordinance 2020-954
Acceptance of a Parcel of Land Dedicated to the Borough of Lake Como by
South Monmouth Regional Sewerage Authority
First Reading and Introduction
Offered by Councilman Gardner

PUBLIC COMMENTS

NEXT MEETING

The next regular meeting of the Mayor and Council will be held on Tuesday, December 15, 2020, immediately following the 7:30pm Workshop meeting and the location is to be determined. All meetings are open to the public.

MOTION TO ADJOURN

MOTION:
SECOND:
ALL IN FAVOR:
OPPOSED:



Borough of Lake Como

1740 Main Street • Lake Como, New Jersey 07719
(732) 681-3232 • FAX (732) 681-8981

Kevin G. Higgins
Mayor

Louise A. Mekosh
Borough Clerk/Administrator

Dear Administrator, Mayor and Council Members:

Our tax sale was held on November 19, 2020 as an online auction sale. A list of 18 properties was furnished to RealAuctions.com on October 19, 2020 to create the tax sale website. The tax sale website opened for bidding on October 20, 2020. An advertisement referencing the tax sale auction website was published in the Coast Star once a week in each of the four weeks prior to the sale, a link to the auction site was posted on the Borough's website and the property owners were mailed tax sale notices in two of the four weeks prior to the tax sale as mandated by the state tax sale statutes. On the day the tax sale auction closed, we had a total of 1 property that a lien was sold against. The lien sold was an outside lien. The total collected at the tax sale was \$5010.41 in delinquent charges and cost of sale and \$23,100.00 in premiums. The breakdown of charges are as follows:

1 tax property - \$3,943.74 principal & \$919.41 interest
Cost of sale - \$147.26
Premiums - \$23,100.00

****Please note that no liens were sold against water/sewer accounts per Executive Order 190. Any water/sewer accounts with 2019 balances were pulled from the tax sale list.****

Sincerely,
Toni Mullen, CTC
Tax Collector

RESOLUTION NO. 2020-137

**A RESOLUTION AMENDING RESOLUTION NUMBERS 2020-94 AND 2020-120
AMENDING THE ONLINE AUCTION SERVICE COMPANY**

WHEREAS, the Mayor and Council of the Borough of Lake Como authorized the Municipal Clerk to sell surplus property with the passage of Resolution Numbers 2020-94 and 2020-120; and

WHEREAS, the Resolutions listed US Gov Bid Government Surplus as the online auction service; and

WHEREAS, US Gov Bid Government Surplus has been unresponsive; and

WHEREAS, the Municipal Clerk recommends Municibid as the new online auction site. Municibid is an approved State Contract Vendor with State Contract Number 19-GNSV1-00696.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Clerk is hereby authorized to sell surplus property utilizing the online auction services of Municibid.

Dated: 12/01/20

Kevin Higgins, Mayor

Louise A. Mekosh, RMC, CMC, CMFO
Borough Clerk/Administrator

Resolution 2020 – 138

Be it resolved by the Mayor and Council of the Borough of Lake Como that the proper officers be directed and authorized to make payment from the following accounts:

CURRENT ACCOUNT:

	Per Attached Bill List		\$467,044.38
4846	Lake Como Water Sewer Acct	Eng. OE	<u>100.00</u>
			\$467,144.38

WATER/SEWER ACCOUNT:

	Per Attached Bill List	\$ 21,437.67
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PAYROLL ACCOUNT:

4848	Employee Payroll Dated 11/25/20	\$ 43,937.90
2332	Employee Payroll Dated 11/25/20	12,560.21
2364	Lake Como Current Account	10,127.76
2365	Lake Como Water Sewer Account	<u>305.32</u>
		\$ 66,931.19

Dated: December 1, 2020

Kevin G. Higgins, Mayor

Louise A. Mekosh, RMC, CMC, CMFO
Borough Clerk/Administrator

November 30, 2020
11:30 AM

Borough of Lake Como
Purchase Order Status Report by P.O. Number

Page No: 1

Range: First to Last
P.O. Type: All
Format: Condensed
Include Non-Budgeted: Y
Include Revenue: Y
First Enc Date Range: to 11/30/20
Open: N Rcvd/Arpv/Held: Y Paid: N Void: N Deleted: N
Bid: Y State: Y Other: Y Exempt: Y As of Date: 11/30/20

PO #	PO Date	Vendor	Description	R/A/H Amount
20-00560	08/25/20	GARDEN STATE LABORATORIES, INC	Water Testing August	547.00
20-00699	10/29/20	WATCHUNG SPRING WATER CO INC	Water/Rental	94.96
20-00714	11/02/20	SHAIN SCHAFFER PC	Borough Attorney November	2,083.34
20-00722	11/04/20	Quill LLC	Office Supplies	601.19
20-00730	11/13/20	MONMOUTH COUNTY SPCA	Animal Control October	200.00
20-00731	11/13/20	ONE CALL CONCEPTS	One Call Service	25.74
20-00732	11/13/20	THE COAST STAR	Legal Advertising	230.00
20-00733	09/11/20	SEABREEZE FORD	2019 Ford Super Oil/Filter	50.76
20-00734	10/06/20	SEABREEZE FORD	2014 Ford Oil/Filter/tires	96.60
20-00735	11/13/20	JUNGLE LASERS, LLC.	Nat Geomatica September	1,000.00
20-00736	10/13/20	ALLIED DIESEL SERVICE	2006 GMC Transmission	6,500.00
20-00739	11/13/20	MONMOUTH COUNTY TREASURER1	County Taxes	260,380.53
20-00740	11/13/20	MONMOUTH COUNTY TREASURER2	Library Taxes	19,262.54
20-00741	11/13/20	MONMOUTH COUNTY TREASURER3	Health Taxes	5,490.26
20-00742	11/13/20	MONMOUTH COUNTY TREASURER4	Open Space Taxes	30,739.92
20-00743	11/17/20	DELISA WASTE SERVICES	Tipping Fees Nov 1-15, 2020	2,898.42
20-00744	11/17/20	DENTAL SERVICE ORG	Dental December	103.83
20-00745	11/17/20	JCP&L	Street Lighting	1,941.12
20-00746	11/17/20	VERIZON	Building Cell Phone	42.74
20-00747	09/30/20	VAN WICKLE AUTO SUPPLY, INC.	October Purchases	106.84
20-00748	11/13/20	CME ASSOCIATES	IMPTS 17th Ave Ph2	2,710.00
20-00749	10/27/20	Cintas Corporation	Electrostatic Spray/Sanitizer	880.12
20-00753	11/20/20	ROK INDUSTRIES, INC.	Municipal Tax Liens Advert	270.00
20-00754	07/21/20	H2M ASSOCIATES, INC.	Plan Bd Escrow Laurett	525.00
20-00756	11/23/20	LAKE COMO PAYROLL ACCOUNT	Employee Payroll 11/25/2020	46,065.03
20-00757	11/24/20	Anthony Polisano	Electric Inspections	125.00
20-00761	11/24/20	JCP&L	Electric Service	246.56
20-00764	11/30/20	U.S. BANK NA	MCIA 2013B Pooled Revenue Bond	86,675.00
20-00765	11/30/20	CABLEVISION/OPTIMUM	Telephone/Optionline	845.21
20-00766	11/30/20	JCP&L	Electric-Boro/Police/Fire	269.44
20-00767	11/30/20	STATE OF NJ PENSIONS&BENEFITS	Employee Group Ins December	17,474.90

Total Purchase Orders: 31 Total P.O. Line Items: 85

PO #	PO Date	Vendor	Description	R/A/H Amount
Total R/A/H Amount:		488,482.05		

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
	0-10	467,044.38	0.00	0.00	467,044.38
	0-20	21,437.67	0.00	0.00	21,437.67
Total of All Funds:		488,482.05	0.00	0.00	488,482.05

Resolution 2020 – 139

Be it resolved by the Mayor and Council of the Borough of Lake Como that the proper officers be directed and authorized to make payment from the following account:

CURRENT ACCOUNT:

4847	NJ Natural Gas Co.	PB&G OE	\$282.63
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Dated: December 1, 2020

Kevin G. Higgins, Mayor

Louise A. Mekosh, RM, CMC, CMFO
Borough Clerk/Administrator

BOROUGH OF LAKE COMO, MONMOUTH COUNTY, STATE OF NEW JERSEY

ORDINANCE NO. 2020-952

**ORDINANCE OF THE BOROUGH OF LAKE COMO
AMENDING CHAPTER § 11 "RENTAL HOUSING"
OF THE BOROUGH CODE**

BE IT ORDAINED by the Borough Council of the Borough of Lake Como, in the County of Monmouth and State of New Jersey that certain sections of § 11 of the Code of the Borough of Lake Como be and is hereby amended to read as follows:

SECTION I. § 11-1.2, § 11-1.3 and § 11-3.8 shall be amended as follows:

§ 11-1.2 Definitions

As used in this section:

SUBSTANTIATED COMPLAINT

shall mean an act of disorderly, indecent, tumultuous or riotous conduct, including by way of example but not limited to, simple assault, terroristic threats, harassment, urinating in public, lewdness, criminal mischief, excessive noise, petty disorderly offense or as a violation of any provision of Title 2C of the New Jersey Statutes or any other municipal ordinance governing disorderly conduct upon or in proximity to any seasonal rental premises, and attributed to the acts or incitements of any of the tenants of those premises which have been substantiated by prosecution and conviction and/or guilty plea in any court of competent jurisdiction. For purposes of this definition, the phrase "upon or in proximity to" shall mean anywhere on the property or upon or within the adjacent right-of-way, adjoining roadways or adjoining properties.

§ 11-1.3 Hearing, Penalty

a. If, in any 24 month period, two substantiated complaints, as defined in subsection § 11-1.2 hereof, on separate occasions, of disorderly, indecent, tumultuous or riotous conduct, including by way of example, but not limited to, simple assault, assault, terroristic threats, harassment, lewdness, urinating in public, criminal mischief, excessive noise, a petty disorderly offense, or as a violation of any provision of Title 2C of the New Jersey Statutes or any other municipal ordinance governing disorderly conduct upon or in proximity to any seasonal rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction, the Borough Council or any officer or employee of the Borough so designated by the Borough Council for this purpose, may institute proceedings to require the landlord of the seasonal rental premises to post a bond against the consequences of future incidents of the same character, or of a character actionable under this ordinance. For purposes of this definition, the phrase "upon or in proximity to" shall mean anywhere on the property or upon or within the adjacent right-of-way, adjoining roadways or adjoining properties.

§ 11-3.8 Revocation of licenses (underlined language added)

a.

A licensing authority may revoke or refuse to renew a license granted under this act for any of the following reasons:

1.

A finding that there was any misstatement of material fact in the application upon which the license was issued.

2.

The occurrence of any fact which, had it occurred and been known to the licensing authority before issuance of the license, would have resulted in the denial of the application.

3.

Repeated violations, or prolonged failure to correct any violation, of any applicable building, housing, health or safety code regulations.

4.

Refusal to allow access to any portion of the licensed premises at all reasonable times, with or without advance notice, in order that officers or agents of the licensing authority, or any official charged with enforcement within the Borough of Lake Como of any building, housing, health or safety code or regulations applicable to the premises may determine compliance with such codes, regulations, or ordinances.

5. In the event any tenant or occupant of any individual living unit upon the licensed premises is charged with a violation of a Borough ordinance that would constitute a substantiated complaint if a conviction or guilty plea was entered, notice of the pending charge will be given by mail to the licensee and the person designated to receive notices on the behalf of the licensee's behalf. In the event two (2) such complaints are issued during one (1) licensing year and result in convictions and/or guilty pleas in Municipal Court, then such convictions and /or guilty pleas may be grounds for suspension or revocation of the license. In the event the owner of the licensed premises is the complaining party and said complaint results in a conviction in municipal court, such conviction shall not be counted as a complaint for purposes of license suspension or revocation.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 4. This Ordinance shall take effect upon final passage and publication as provided by law.

SO ORDAINED as aforesaid.

KEVIN G. HIGGINS, Mayor

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Lake Como Borough Council held on _____. Said Ordinance will again be read and considered for final passage at a meeting of the Lake Como Borough Council to be held at 7:00 p.m. on _____ at 1740 Main Street, Lake Como, New Jersey 07719. At said time and place, all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

LOUISE A. MEKOSH, Borough Clerk

MAYORAL APPROVAL

APPROVAL BY THE MAYOR ON THIS ____
DAY OF _____, 2020

Kevin Higgins, Mayor

**BOROUGH OF LAKE COMO
ORDINANCE NUMBER 2020-953**

**BOND ORDINANCE PROVIDING FOR THE PURCHASE OF
PROPERTY LOCATED AT 705 18TH AVENUE,
DESIGNATED AS BLOCK 31, LOT 24, BY AND IN THE
BOROUGH OF LAKE COMO, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING
\$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE
OF \$285,700 BONDS OR NOTES OF THE BOROUGH TO
FINANCE PART OF THE COST THEREOF**

WHEREAS, the current owners, Gregory and Deborah Rodriguez ("Sellers"), of the property located at 705 Eighteenth Avenue, Lake Como, New Jersey, shown on the municipal tax map as Lot 24 in Block 35 ("the Property"), are willing to sell the Property; and

WHEREAS, the Property is adjacent to public property owned by the Borough of Lake Como (the "Borough" or "Lake Como") and is located near a redevelopment area; and

WHEREAS, the Borough believes that it is in best interest of its citizens to purchase the Property; and

WHEREAS, the parties have executed a Letter of Intent by which Sellers agree to sell the Property to the Borough for the sum of Two Hundred and Eighty-Five Thousand Dollars (\$285,000.00) (the "Purchase Price");

WHEREAS, subject to the due diligence to be conducted by the Borough, the Borough and Sellers have agreed to enter into a Contract of Sale ("Contract of Sale") for the Property for the Purchase Price; and

WHEREAS, the governing body of the Borough believes it is in the best interest of Lake Como residents that it obtain full title of the Property and now desire to adopt a bond ordinance to finance the acquisition of the Property.

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF LAKE COMO, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Borough of Lake Como, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the amount of \$300,000, said amount being inclusive of \$14,300 as the amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof, and to meet part of said \$300,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$285,700 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the

Borough in a principal amount not exceeding \$285,700 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purpose for the financing of which said obligations are to be issued are for the purchase of the Property, designated as Block 31, Lot 24, located at 705 18th Avenue, as referenced on the Official Tax Map of the Borough (the "Property"), including any structures, buildings, improvements, personal property (unless excluded by the Contract of Sale), fixtures, easements, rights-of-way or other property rights currently located thereon, and the payment of the purchase price for the Property, a lawful public purpose.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$285,700.

(c) The estimated cost of said improvement or purpose is \$300,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$14,300, is comprised of the down payment for said improvement or purpose.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Monmouth make a contribution or grant in aid to the Borough for the improvement and purpose authorized hereby and the same shall be received by the Borough *prior* to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth shall

be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer of the Borough. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer of the Borough upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer of the Borough is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer of the Borough is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Borough hereby certifies that it has adopted a capital budget or temporary capital budget, as applicable. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been, or shall be, specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is thirty (30) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in

this bond ordinance by \$285,700, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$15,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement herein before described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvement or purpose described in Section 3 hereof is "placed in service" (within the

meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Internal Revenue Code of 1986, as amended of the interest on all tax-exempt bonds and notes issued under this bond ordinance.

SECTION 11. The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough, which are authorized herein, and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: December 1, 2020

LOUISE A. MEKOSH, Clerk
Borough of Lake Como

ADOPTED ON SECOND READING
DATED: December 15, 2020

LOUISE A. MEKOSH, Clerk
Borough of Lake Como

BOROUGH OF LAKE COMO, MONMOUTH COUNTY, STATE OF NEW JERSEY

ORDINANCE NO. 2020-954

**ORDINANCE OF THE BOROUGH OF LAKE COMO PROVIDING FOR THE
ACCEPTANCE OF A PARCEL OF LAND DEDICATED TO THE BOROUGH OF
LAKE COMO BY SOUTH MONMOUTH REGIONAL SEWERAGE AUTHORITY**

WHEREAS, South Monmouth Regional Sewerage Authority (“SMRSA”) is the record owner of certain property located in the Borough of Lake Como and designated as Lot 3, Block 21, having received same from the Borough of South Belmar in 1975; and

WHEREAS, the Deed from the Borough of South Belmar into SMRSA states: “In the event that the Grantee at some point in the future abandons the premises conveyed by the Grantor herein, then the subject premises shall revert back to Grantor and then the Grantee agrees to reconvey title to said premises to the Grantor; and

WHEREAS, SMRSA has abandoned the use and demolished the pump station formerly located on the premises; and

WHEREAS, SMRSA has provided documentation from the New Jersey Department of Environmental Protection approving demolition of the pump station; and

WHEREAS, the Borough Council has, after inspection of the site and consultation with its professionals, determined that it is in the public interest to accept the deed from SMRSA and take title to the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Lake Como, County of Monmouth, and State of New Jersey as follows:

SECTION 1: The Borough accepts the Deed from SMRSA in the form attached as Exhibit A.

SECTION 2: The Mayor and Clerk of the Borough of Lake Como are authorized and directed to take any and all steps, including recording of the Deed and any required documents to accept the dedication of the property, and to effectuate the purposes of this Ordinance.

SO ORDAINED, as aforesaid.

KEVIN HIGGINS, Mayor

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced at a meeting of the Borough of Lake Como Council held on _____, and read a first time, and that the Ordinance herein will be considered on second reading and for final passage at a meeting of the Borough of Lake Como Council to be held on _____ at seven thirty p.m. at the Borough of Lake Como Municipal Complex, 1740 Main Street, Lake Como, New Jersey, 07719. At said time and place, all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

Louise A. Mekosh, Borough Clerk