

CITY OF BRIGANTINE
ORDINANCE NO. 15 OF 2026

AN ORDINANCE OF THE CITY OF BRIGANTINE
AMENDING AND SUPPLEMENTING CHAPTER 98 OF
THE CITY CODE CURRENTLY ENTITLED “BAMBOO”
TO NOW BE TITLED “BAMBOO AND INVASIVE
SPECIES” WITH AMENDMENTS THERETO

WHEREAS, On January 20, 2026, the State of New Jersey enacted the "Invasive Species Management Act" prohibiting the sale, distribution, import, export, and propagation of certain invasive plant species; and

WHEREAS, the Legislature aimed this comprehensive policy at addressing the ecological and economic impacts of invasive plant species across the State and establishes a permanent, statewide framework governing how designated invasive plant species may be grown and sold; and

WHEREAS, the new law reflects more than two decades of deliberation and planning among policymakers, scientists, land managers, agricultural interests, and environmental organizations, and brings New Jersey into closer alignment with neighboring states that have already adopted invasive species regulations; and

WHEREAS, implementation will unfold over several years through agency rulemaking, appointment of the New Jersey Invasive Species Council, and the phased evaluation and designation of regulated species; and

WHEREAS, the law establishes a durable, science-based framework for managing invasive plants and one that allows for adaptation as new research emerges and ecological conditions change; and

WHEREAS, invasive plant species are widely recognized as a major driver of ecosystem degradation. Once established, such species can outcompete native vegetation, alter soil chemistry and hydrology, reduce wildlife habitat, and complicate land management and restoration efforts; and

WHEREAS, until the adoption of the law in 2026, New Jersey was one of a small number of states without a dedicated invasive species statute, despite growing scientific consensus on the risks posed by invasive plants and the costs associated with their management; and

WHEREAS, while State agencies had some authority to address invasive species under existing environmental and agricultural laws, the absence of a unified framework created

regulatory gaps and inconsistencies which the New Jersey Invasive Species Management Act intends to address by establishing uniform statewide standards and clear, enforceable limits on specific activities associated with invasive plants; and

WHEREAS, the law creates prohibited activities (without a permit) including propagating, importing/exporting, selling, or advertising the sale of the regulated species; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) shall develop a website that includes the updated list of prohibited invasive species with information about how to identify the species, best practices for mitigation, and, where possible, alternative native species options; and

WHEREAS, the education intent of the website supports informed decision-making by homeowners, landscapers, municipalities, and land managers; not simply to restrict plant choices; and

WHEREAS, the Act does not rely solely on a static list and instead it creates a living regulatory framework which will be amended from time-to-time as the Invasive Species Council determines to add or remove species based on scientific criteria and Council recommendations, allowing the State to respond to emerging threats, new research, and changing climate; and

WHEREAS, the NJDEP, in consultation with the NJ Department of Agriculture, must publish an official list of invasive and prohibited species within one year of enactment; and

WHEREAS, the statute names an initial set of invasive plants, which includes widely recognized invasives such as Norway maple (*Acer platanoides*), tree-of-heaven (*Ailanthus altissima*), and English ivy (*Hedera helix*); and

WHEREAS, the City recognizes that the new State law does not permit the City to force property owners with existing invasive species to eradicate such species from their properties but the City strongly encourages private property owners to recognize the environmental concerns of these species so that the property owners will act to remove the species for the benefit of the City and their direct property neighbors; and

WHEREAS, the City encourages the State to adopt detailed regulations regarding enforcement on private property where the invasive species are causing a nuisance to neighboring properties which, for now, remains a private, civil matter between the property owners so that all municipalities have a uniform process to force the removal of invasive species; and

WHEREAS, the City further encourages the State to create a program similar to other states, that will fund the replacement of invasive species with native species to encourage property owners to remove invasive species from their properties; and

WHEREAS, the City seeks to amend its ordinance to adopt the State's invasive species list, to establish an enforcement mechanism against private property owners that refuse to remove invasive species that are creating a nuisance for neighboring properties and to prevent the further introduction of invasive species on our beautiful island.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and City Council of the City of Brigantine, County of Atlantic, State of New Jersey that Chapter 98 of the Code of the City of Brigantine be and is hereby renamed from "Bamboo" to "Bamboo and Invasive Species" and is amended and supplemented to create a new Article II entitled "Invasive Species" to read as follows:

Invasive Species

§ 98-5 Adoption of State Invasive Species List.

The City of Brigantine adopts the Invasive Species List as published by the New Jersey Department of Environmental Protection and Department of Agriculture which may be amended by the State from time to time.

§ 98-6. Prohibition.

No owner, tenant or occupant of a property, or person, corporation or other entity, shall plant, install or cause or permit the planting or installation of any species contained on the New Jersey Invasive Species List upon any property located within the City of Brigantine.

§ 98-7. Duty to confine.

In the event any species on the State Invasive Species List is located upon any property within the City of Brigantine, 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 the 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 species from the property and all affected properties. Failure to properly confine such species shall require removal as set forth below. The cost of said removal shall be at the invasive species 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 species, which is on his/her property at the time of the adoption of this chapter, originated on another property. The Code Enforcement Office may engage in the service of scientific professionals to assist with the identification and confirmation of invasive species, and to provide expert knowledge on the appropriate and effective means of removing invasive species and creation of barriers to prevent future invasion.

§ 98-8. Removal

- A. In the event an Invasive Species is present on the effective date of this prohibition and a complaint is received by the City regarding an encroachment of any prohibited invasive species, and the Code Enforcement Officer of the City, after observation and/or inspection, determines that there is an encroachment or invasion on any adjoining/neighboring private or public property or public right-of-way (hereinafter, "the affected property"), the City shall serve notice to the species property owner in writing that the species has invaded other private or public property(ies) or public right-of-way(s) and demand the removal from the affected property, and demand approved confinement against future encroachment or, in the alternative, the total removal from the invasive species property owner's property. Notice shall be provided to the invasive species property owner, as well as to the owner of the affected property, by certified, return receipt requested mail and regular mail. Within 45 days of receipt of such notice, the invasive species property owner shall submit to the Code Enforcement Officer of the City, with a copy to the owner of the affected property, a plan for the removal of the invasive species from the affected property, which plan shall include restoration of the affected property after removal of the species. 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 Officer of the City.
- B. If the invasive species property owner does not accomplish the removal of the invasive species from such other private or public property or public right-of-way in accordance herewith, the Code Enforcement Officer of the City of Brigantine shall cause a citation to be issued with a penalty up to \$100 for each day the violation continues, enforceable through the Municipal Court of the City of Brigantine. The Code Enforcement Officer may request, and the Municipal Court may grant, a specific performance remedy. The City may also institute civil proceedings for injunctive or civil relief.
- C. Nothing herein shall be interpreted as limiting the rights of a private property owner to seek civil relief through a Court of proper jurisdiction, nor the institution of civil proceedings against the property parties.
- D. When an encroachment is upon public property or public right-of-way and the invasive species property owner and/or occupant has not complied with the written notice provided as set forth above, the City of Brigantine, at its discretion, may remove or contract for the removal of such invasive species from the City property or public right-of-way. The cost of such removal shall be the responsibility of the invasive species property owner and occupant and shall be paid or assessed as a lien against the property on which the invasive species' growth originated. The cost of said removal from the City-

owned property and/or public right-of-way shall include the installation of an appropriate barrier to prevent future invasion.

§ 98-9. Planting or Replanting Prohibited.

Any invasive species, either planted or caused to be planted or existing on the effective date of this regulation, may not be replanted or replaced once such invasive species is or has become dead, destroyed, uprooted, or otherwise removed.

Section II.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the City Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the City to meet the goals of the Ordinance.

C. Effective Date. This Ordinance shall take effect upon final passage and publication as required by law.

ACTION ON INTRODUCTION:

Motion made by: Councilman Kane

Motion seconded by: Councilman Riordan

VOTE ON INTRODUCTION:

Deputy Mayor Bew:	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Lettieri:	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Haney:	☐ Yes	☐ No	☐ Abstain	☒ Not Present
Councilman Virgilio	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Kane:	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Riordan:	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Mayor Sera:	☒ Yes	☐ No	☐ Abstain	☐ Not Present

ACTION ON ADOPTION (after public hearing)

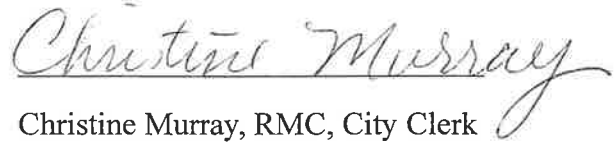
Motion made by: Councilman Lettieri

Motion seconded by: Councilman Kane

VOTE ON ADOPTION:

Deputy Mayor Bew:	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Lettieri:	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Haney:	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Virgilio	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Kane:	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Riordan:	☐ Yes	☐ No	☐ Abstain	☒ Not Present
Mayor Sera:	☒ Yes	☐ No	☐ Abstain	☐ Not Present

I certify that this ordinance was introduced at a properly advertised public meeting on August 5, 2026, published pursuant to law and the subject of a second reading and public hearing on August 19, 2026 prior to final adoption.


Christine Murray, RMC, City Clerk

Vince Sera, Mayor