

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE 05-2021

**AN ORDINANCE AMENDING BOROUGH CODE CHAPTER 113
("NUISANCES; PUBLIC HEALTH"), ARTICLE II ("PROHIBITIONS
AGAINST BAMBOO") OF THE CODE OF THE BOROUGH OF CAPE
MAY POINT**

BE IT ORDAINED by the Board of Commissioners of the Borough of Cape May Point that Chapter 113 "Nuisances; Public Health", Article II "Prohibitions Against Bamboo" of the Borough Code is hereby amended (additions shown in underline, deletions shown in ~~strikethrough~~).

SECTION 1 Article II, "Prohibitions Against Bamboo", 113-5.C "Removal" is amended as follows: paragraph (2)

(2) If the bamboo property owner does not ~~accomplish the remediation of the encroachment from such other private or public property or public right-of-way in accordance herewith,~~ remediate the encroachment in accordance with the plan of remediation proposed and accepted by the Code Enforcement Officer of the Borough, the Code Enforcement Officer ~~of the Borough of Cape May Point~~ 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 Borough of Cape May Point. 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.

SECTION 2

All ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3

Should any provision of this ordinance be deemed invalid for any reason that invalidity shall not affect the remaining provisions of the ordinance, and the provisions and sections of the ordinance are hereby declared to be severable with respect to their validity.

SECTION 4

This ordinance shall take effect twenty (20) days after final passage, according to law.

Final Adoption Vote	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

Catherine Busch, Commissioner

Robert Moffatt, Mayor

Anita vanHeeswyk, Commissioner

ATTEST:

Elaine L. Wallace, Borough Clerk

FIRST READING: May 25, 2021
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