

Ordinance of the City of Jersey City, N.J.

File No. Ord. 24-015
Agenda No. 3.2 (1st Reading)
Agenda No. 4.2 (2nd Reading and Final Passage)



AN ORDINANCE TO CODIFY THE PLANTING OF NATIVE PLANTS THROUGHOUT THE CITY OF JERSEY CITY.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

WHEREAS, native plants are localized, well adapted to the local soils and climate, tend to be more insect and disease resistant, and require less watering, than non-native plants.

WHEREAS, native plants enhance the beauty of the landscape, maintain and restore biodiversity, and support native pollinators, butterflies, and birds, who use the plants for food, cover and rearing their young.

WHEREAS, native plants improve water quality and protects local ecosystems and environmental health. Native plants allow rain to percolate through their root systems, and thereby, reduce erosion while filtering storm water runoff.

WHEREAS, the term “non-native” will be used to describe plants not naturally occurring or were introduced into the environment through human intervention and will be hereby referred to as “introduced” and the term “established” will be used to describe introduced species that produce self-sustaining populations.

WHEREAS, the term “invasive” to describe a harmful plant that (if left un treated) dominates the landscape will hereby be referred to as “problematic” or “dominating” to reflect the City’s updated views on harmful language and how it affects all its residents.

WHEREAS, invasive, non-native problematic/dominating plants threaten the natural heritage and identity of New Jersey, disrupt the ecology of natural ecosystems, displace native plants and animal species, and degrade our unique and diverse biological resources.

WHEREAS, the Environmental Protection Agency acknowledges the importance of native plants for their beauty and for their ability to reduce soil erosion, improve water quality, store carbon, and reduce air pollution.


WHEREAS, the U.S. Department of Agriculture recognizes that native plants are particularly adapted to the local climate and soil conditions where they naturally occur while providing nectar, pollen, and seeds for native butterflies, insects, birds and other animals.

WHEREAS, on May 1, 2017, then Governor Chris Christie signed into law bill S-227/A-963 which requires the NJ Dept. of Transportation, the NJ Turnpike Authority, and the South Jersey Transportation Authority to use solely native vegetation for landscaping, land management, reforestation efforts, and habitat restoration.


Sec. 2. PURPOSE AND INTENT.

The purpose of these regulations is to establish minimum standards for the design, installation, and maintenance use of native vegetation by the City, to promote the preservation of native plant communities.

APPROVED AS TO LEGAL FORM



Business Administrator



Corporation Counsel

An Ordinance to codify the planting of native plants throughout the City of Jersey City.

It is the intent of this ordinance to maximize the use of appropriate native plants on municipal properties to help mitigate the effects of habitat loss and fragmentation from development, and in order to combat the climate crisis, stormwater overflow, species extinction, global warming to promote the public health, safety, and welfare by:

- a)acknowledging that pollination is an essential ecological survival function that depends on native plants and the pollinators that rely on them;
- b)promoting microhabitats for the conservation of wildlife by establishing new wildlife habitat while maintaining and connecting existing habitat;
- c)doing our part to reverse the massive decline in native pollinator populations from loss of habitat due to development, widespread use of pesticides, and from our insistence on using non-native plants in landscaping;
- d)creating larger and, more connected plant populations to help ensure the future of native plant species by increasing their ability to migrate in response to changes in climate;
- e)promoting public health through the long term, widespread adoption of diverse native plantings; and,
- f)educating residents on the importance of native plant species and native pollinators to the ecosystem.

Sec. 3. DEFINITIONS.

- a)Community garden: a public or community use area intended for the purposes of gardening.
- b)Endangered plant: any plant species which is in danger of extinction throughout all or a significant part of its native range.
- c)Established plant: any introduced plant that can survive and produce self-sustaining populations without human assistance.
- d)Garden: a cultivated area dedicated to growing vegetables, fruits, annual and perennial plants, ornamental grasses, and ground cover in a well-defined location.
- e)Habitat Garden: an intentionally cultivated space designed to benefit wildlife containing native plants, shrubs, and grasses intended to provide food and shelter for native insects', birds, and small mammals through the seasons while conserving biodiversity.
- f)Introduced plant: a plant species that humans either intentionally or unintentionally moved to a new location.
- g)Invasive plant (Dominating/ Problematic): a plant species reproducing outside its native range and outside cultivation that causes harm or disrupts naturally occurring native plant communities by altering structure, composition, natural processes, or habitat quality.
- h)Landscaped area: parks, public space, streetscapes, open spaces.
- i)Landscaping: any combination of living plants and non-living landscape material such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials.
- j)Managed natural landscape: a planned, intentional, and maintained planting of native or non-native grasses, wildflowers, forbs, ferns, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plantings. Meadow vegetation means grasses and flowering broad-leaf plants that are native to, or adapted to, and that are commonly found in meadow and prairie plant communities, not including noxious weeds.
- k)Monoculture: the practice of planting one species in a field or garden.
- l)Native plant: those species of plants naturally occurring within the northeast and mid-Atlantic regions of the United States before Euro-American settlement, according to best scientific and historical documentation.
- m)Neonicotinoids: neonics are a class of synthetic, neurotoxic insecticides that are used on agricultural crops, lawns, gardens, golf courses, and in flea and tick pet treatments. Developed in the mid-1990s, neonics affect both targeted and non-targeted insects and are toxic to many pollinating insects.

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n)Non-native plant: a plant introduced with human help (intentionally or accidentally) to a new, different eco-region habitat where it was not previously found.

o)Cultivar: a cultivar is a subspecies classification describing plants varieties which are produced through artificial selection and are not straight species.

p)Pollinators: animals (primarily insect, but sometimes avian or mammalian) that fertilize plants, resulting in the formation of seeds and the fruit surrounding seeds, that humans and other animals rely on to produce nuts and fruits that are essential components of a healthy diet, and that the majority of flowering plant species found world-wide rely on to make the seeds that will become the next generation of plants.

q)Pollinator garden: a garden designed with the intent of growing specific nectar and pollen-producing plantsproducing plants, in a way that attracts pollinating insects known as pollinators.

r)Pollinator pathway: public and private pesticide-free corridors of native plants that provide nutrition and habitat for pollinating insects and birds. Even the smallest green spaces, like flower boxes and curb strips, can be part of a pathway.

s)Rain garden: a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of storm water and accompanying pollutants from entering streams, rivers, and lakes. Including bioswales.

t)Remove: to transport a native plant from the premises on which it has been growing.

u)Straight species: a native plant that is not a cultivar or has not been bred to emphasize or minimize certain traits of the parent plant. Naturally occurring hybrids of native plants shall be considered as Straight Species for the purpose of this ordinance.

v)Neonicotinoids: neonics are a class of synthetic, neurotoxic insecticides that are used on agricultural crops, lawns, gardens, golf courses, and in flea and tick pet treatments. Developed in the mid-1990s, neonics affect both targeted and non-targeted insects and are toxic to many pollinating insects.

w)Monoculture: the practice of planting one species in a field or garden.

Sec. 4. LIMITS ON WEED CONTROL LAWS.

No regulation shall be enacted by the Municipality or any person or entity which prohibits or discourages the planting, maintenance, or protection of native plants or requires or incentivizes the removal or reduction of native vegetation, except when deemed necessary for public safety.

Sec. 5. APPLICABILITY.

This ordinance shall be a minimum standard and shall apply to all public buildings, public land and parks within the incorporated and unincorporated areas of the Municipality.

Sec. 6. NATIVE PLANTING REQUIREMENTS.

(a) In the first year, a minimum of 50% of new plantings [with a subsequent increase to 70% in the third year] of (shrubs, groundcovers, and flowers) installed by the City in parks, public lands, and other municipal properties shall be native, in order to:

- Protect and promote appropriate native vegetation; and
- Promote microhabitats in urban areas for the conservation of pollinators and birds; and
- Create larger, more connected plant populations, to help ensure the future of native plant species by increasing their ability to migrate in response to change in climate.
- Take leadership in addressing the bio-diversity crisis by creating pollinator pathways.

(b) To avoid creating a monoculture, different types of plants species shall be planted as follows:

- When planting 5 – 10 plantings, two or more species will be require
- When planting 11 – 20 plantings, four or more species will be required
- When planting 21 or more plantings, five or more species will be required

(c) The City may plant non-native, non-invasive plants in the following areas or for the following purposes; provided, however, that the City shall still make an effort to include native plants where appropriate:

An Ordinance to codify the planting of native plants throughout the City of Jersey City.

- flower bulbs planted as part of volunteer initiatives including, but not limited to, the Big Dig initiative;
- lawns and athletic fields;
- holiday, seasonal and annual decorative plantings; and
- planters, provided that the City shall incorporate native plants into their planters to the extent that doing so is feasible based on the survivability of native plants in such conditions

(d) The City agrees not to plant pesticide treated plants near or close to native plants.

(e) The City agrees to prioritize planting native tree species throughout the City’s right-of-way wherever applicable and where the tree species will have the highest chances of success for the vitality.

Sec. 7. LIMITATIONS ON NEONICOTINOIDS.

For the purposes of this ordinance, the City shall, to the extent possible and to the extent such plants are reasonably available, prioritize sourcing native plants that have not been treated with neonicotinoids.

Sec. 8. COMMUNITY EDUCATION.

The public shall, though various means, be educated about the importance of native plants to the Jersey City landscape. The City will promote the use of native plants by creating educational information on its website about the importance of native plants, including a list of the keystone plants native to the City ecoregion and the nurseries that sell them. City may also make referrals to local nonprofits for further information and design suggestions.

Sec. 9. PRIORITIZING STRAIGHT SPECIES.

The City shall, to the extent possible and to the extent such plants are reasonably available, prioritize using and installing native plants that are straight species on any Municipal property.

Sec. 10. MANAGED NATURAL LANDSCAPE.

An owner, authorized agent, or authorized occupant of any privately owned lands or premises may, consistent with this subsection and all other applicable laws, statutes, rules, and ordinances, install and maintain a managed natural landscape, such as a rain garden or pollinator garden.

Managed natural landscapes shall not include any plant identified by any applicable government agency as a noxious weed. Managed natural landscapes may include plants and grasses of any height and which have gone to seed. Managed natural landscapes shall not include plants that, due to location and/or manner of growth, constitute a hazard to the public.

Sec. 11. NO MOW ZONES

To protect all existing and new community gardens, managed natural landscapes, pollinator gardens, pollinator pathways, rain gardens, on public property, the City shall establish No Mow Zones around these areas to prevent accidental mowing. Official signage shall be used in English and Spanish to declare the area a No Mow Zone. The City will also create a registry of the locations of these gardens to assist in educating park maintenance staff and contractors.

Sec. 12. REPORTING REQUIREMENT.

TO BE DETERMINED

Sec. 13. CONFLICTING REGULATIONS REPEALED.

All rules and regulations that are in conflict with this article, in whole or in part, are hereby repealed to the extent that they are in conflict.

Sec. 14. SEVERABILITY.

If any portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate provision and shall not affect the validity of the remaining portions of the article.

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Sec. 15. EFFECTIVE DATE.

This article shall take effect 60 days after it is enacted by the City; provided, however, that this article shall not apply to any plantings carried out pursuant to existing contracts, invitations to bid, or designs completed prior to the effective date of this article.

Sec. 16. PENALTY

Any individual or entity found responsible for damaging, destroying, or mowing down any established and City recognized native plant gardens, managed natural landscapes, pollinator gardens, pollinator pathways, or rain gardens on public property will be subject to penalties as outlined in Chapter 1, General Provisions, Article I, Section 1-25; provided, however, that the penalty for a violation of this Chapter shall be \$100.00 to \$2,000.00 as determined by the Jersey City Municipal Court. Additionally, the City may pursue all legal remedies in the Hudson County Superior Court for any of the forementioned improvements that are removed, destroyed or damaged in violation of this Chapter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY AS FOLLOWS:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.

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RECORD OF COUNCIL VOTE ON INTRODUCTION – Mar 20 2024						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES	AYE	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Apr 10 2024						
RIDLEY	ABSENT	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	


SPEAKERS:
Carol McNichol, Eleana Little

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY –						
RIDLEY		SALEH		DEGISE		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		GILMORE		WATTERMAN, PRES.		


RECORD OF FINAL COUNCIL VOTE – Apr 10 2024						
RIDLEY	ABSENT	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

Adopted on first reading of the Council of Jersey City, N.J. on **Mar 20 2024**
Adopted on second and final reading after hearing on **Apr 10 2024**


This is to certify that the foregoing Ordinance was adopted
by the Municipal Council at its meeting on Apr 10 2024



City Clerk



Joyce E. Watterman, President of Council
Approved: Apr 10 2024



Steven M. Fulop, Mayor
Date to Mayor: Apr 11 2024
Approved: Apr 11 2024

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FACT SHEET -

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Project Manager

Mira Prinz-Arey, Councilperson		201-547-5092	mprinz-arey@jcnj.org
Department	Municipal Council		
Division	Municipal Council		

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Meeting	Regular Meeting of Municipal Council - Mar 20 2024
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Purpose

This ordinance codifies plating of native plants throughout the City of Jersey City. This ordinance is co-sponsored by Councilman Yousef Saleh and the Divisions of Sustainability and Innovation.
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Cost (Identify all sources and amounts)

N/A

Contract term (include all)

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Approved by
John Mercer, Assistant Business Administrator/CFO
John McKinney, Attorney
John Metro, Business Administrator

Status:
Approved - Mar 01 2024
Approved - Mar 01 2024
Approved - Mar 13 2024