

AN ORDINANCE

NO. 15-1298

**AN ORDINANCE To Amend The Code Of Upper Dublin Township, Chapter 69, Brush, Grass And Weeds, To Regulate The Planting, Growing And/or Maintenance Of Running Bamboo.**

The Board of Commissioners of Upper Dublin Township hereby ordains:

**Section 1.** The Code of the Upper Dublin Township, Chapter 69 thereof, entitled Brush, Grass and Weeds, §69-1, Definitions, shall be amended by the addition of definitions for Bamboo and Bamboo Owner, to provide as follows:

**§69-1. Definitions.** As used in this chapter, the following terms shall have the meanings indicated:

- (a) BAMBOO - any monopodial (running) bamboo of the tribe "bambuseae", including, but not limited to, the genus Phyllostachys, and Pseudosasa as well as the Common Bamboo, Golden Bamboo, and Arrow Bamboo.

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

- (b) Did not plant or grow or cause Bamboo to be planted or grown on his property, and
- (c) Has provided satisfactory proof to the Township that, within a reasonable amount of time after discovering the encroachment of Bamboo onto the property from an adjoining neighbor, he advised the owner of such property of his objection to the encroachment of Bamboo, and
- (d) Has initiated steps for the removal of the Bamboo from his property.

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**Section 2.** The Code of the Upper Dublin Township, Chapter 69 thereof, entitled Brush, Grass and Weeds, §69-2, Prohibited Acts, shall be amended by the addition of a new paragraph D, to provide as follows:

**§69.2. Prohibited Acts.**

It is hereby declared to be unlawful for any person, firm or corporation, being an owner of any improved or unimproved lot, to permit or allow any of the following to occur on such lot, each of the following acts hereby being declared a public nuisance:

● \* \* \* \* \*

D. Permit Bamboo to be planted or grown on the lot, or to spread to an adjoining lot, it being the intent to prohibit Bamboo within the Township, except as provided herein. Bamboo found growing on a property shall constitute presumptive evidence that Bamboo was planted and/or grown by and/or with the consent of the Bamboo Owner.

**Section 3.** The Code of the Upper Dublin Township, Chapter 69 thereof, entitled Brush, Grass and Weeds, shall be amended by the addition of a new §69-2.1, Regulation of Bamboo, to provide as follows:

**§69.2.1. Regulation of Bamboo.**

The following special regulations pertain to the planting and maintenance of Bamboo.

- A. Any Bamboo that has been planted or otherwise permitted to grow on any lot within the Township prior to the effective date of this Section may remain on such property subject to compliance with this Section.
  - (1) Bamboo shall not be planted, maintained, or otherwise permitted to exist within 40 feet of the edge of the pavement or traveled portion of a public road in the Township, within 40 feet of the property line of any Township/public property, or within 25 feet of the property line of an adjoining or neighboring property, and
  - (2) Each Bamboo Owner shall be required to take such measures as are reasonably expected to prevent such Bamboo from invading the setbacks set forth in (1) above. Such measures shall include but are not 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 such growth or encroachment prohibited herein.

B. Removal.

(1) In the event that Bamboo growing on a Bamboo Owner's property invades or grows on adjoining or neighboring property that is owned or held on behalf of the Township, the Township will 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 via 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.

(2) 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 agreeable to the Township for removal of such Bamboo within sixty (60) 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 the cost incurred for removal of the Bamboo from the Township Property. Such costs may be assessed against the property of the Bamboo Owner.

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

**Section 4.** The Code of the Upper Dublin Township, Chapter 69 thereof, entitled Brush, Grass and Weeds, §69.7 thereof, Abatement by township. Shall be amended to provide as follows:

**§69.7. Abatement by township.**

In the event that any person shall refuse or neglect to abate such nuisance within the time set forth in § 69-6 above, the township may cause such Grass, Weeds, Noxious Plants or

Bamboo to be cut or removed and bill the owner for the cost thereof, plus an administrative fee of 10%.

**Section 5.** Nothing in this Ordinance or in Chapter 69 of the Code Upper Dublin Township, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 69 prior to the adoption of this amendment.

**Section 6.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

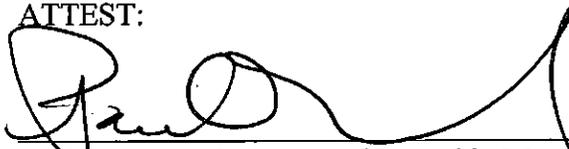
**Section 7.** This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this 10<sup>th</sup> day of February, 2015.

BOARD OF COMMISSIONERS OF  
UPPER DUBLIN TOWNSHIP

  
Ira S. Tackel, President

ATTEST:

  
Paul A. Leonard, Secretary/Township Manager