

## ORDINANCE NO. 2023-O-8

AN ORDINANCE OF THE TOWNSHIP OF WARRINGTON, COUNTY OF BUCKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODIFIED ORDINANCES OF WARRINGTON TOWNSHIP BY AMENDING CHAPTER 113 TO INSERT A NEW ARTICLE II BAMBOO THAT ESTABLISHES REGULATIONS FOR THE PLANTING AND GROWING OF BAMBOO.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Warrington, County of Bucks, Commonwealth of Pennsylvania and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. Chapter 113 Brush, Grass and Weeds shall be amended by inserting a new Article II Bamboo as follows:

Article II Bamboo

§113-7 Purpose and Intent

Warrington Township has determined that the planting, cultivating and growing of certain running plants, particularly those plants commonly referred to as "bamboo," within Warrington Township has a negative impact on the health, safety and welfare of the citizens of Warrington Township and the public at large, as the uncontrolled planting, cultivating and growth of said bamboo plants results in the destructive spread onto private and public property and thereby constitutes a nuisance. Therefore, it is in the best interest of the citizens of Warrington Township, and the public at large, to control the planting, cultivating and/or growing of said bamboo plants. By primarily prohibiting the future planting, cultivating and/or growing of said bamboo plants and by requiring the use of barriers to prevent the invasive spread of existing bamboo plants, this will help control and mitigate this problem in Warrington Township.

§113-8 Definitions

- A. **Bamboo** - Any monopodial 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.
- B. **Bamboo Owner** – Any property owner and/or resident, corporation and/or other entity who has planted and/or grows bamboo, or who maintains and/or cultivates bamboo on his/her/its property, or who permits bamboo to grow or remain on property, even if the bamboo has spread from an adjoining property. Any property owner and/or resident, corporation and/or other entity owning, residing, occupying or doing business on property on which bamboo is found shall be considered a bamboo owner. A property owner and/or resident, corporation and/or other entity will not be considered to be a bamboo owner if:

1. They have provided satisfactory proof to Warrington Township that, within a reasonable period of time not to exceed 60 days after discovering the encroachment of bamboo onto the subject property from an adjoining or neighboring property, he/she/it advised the owner of such property of his/her/its objection to the encroachment of the bamboo; and
2. They have initiated steps for the removal of the bamboo from the property, including remedies.
3. Did not plant or grow or cause bamboo to be planted or grown on their property.

C. **Warrington Township** - The Township of Warrington, County of Bucks, Commonwealth of Pennsylvania.

§113-9           Applicability- For purposes of the 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.

§113-10           Prohibition- Upon the effective date of this ordinance 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, unless the bamboo is grown in a suitable container that prevents the spread of the bamboo beyond that container (as outlined below), shall be deemed to be in violation of this section and shall be subject to such penalties as are set forth herein.

§113-11           Exceptions for Bamboo grown in a container- Bamboo may be grown in a container only when the root system of such bamboo plant(s) is entirely contained within an above ground level planter, barrel, or other vessel of such design, material and location so as to prevent the spread or growth of the bamboo plants' root system beyond the container in which it is planted.

§113-12           Regulations- 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 permitted to exist within 10 feet of any property line, curb or sidewalk, or within 40 feet of any roadway, cartway, street, storm sewer, and/or public water facility within the Township.
- B. Any bamboo owner whose property contains bamboo that is located within 10 feet of any property line, curb, and/or sidewalk, or within 40 feet of any roadway, cartway, street, storm sewer, sanitary sewer and/or public water facilities within the Township shall remove such bamboo and shall abate the growth of such bamboo so that it is not within 10 feet of any property line, curb, and/or sidewalk, nor within 40 feet of any roadway, cartway, street, storm sewer, sanitary sewer and/or public water facilities within the Township.

- C. 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 bamboo is planted or is growing to prevent the growth or encroachment upon adjoining or neighboring property by the bamboo.

§113-13          Removal

- A. In the event that bamboo growing on a bamboo owner's property invades or grows onto an adjoining or neighboring property that is owned or held on behalf of any property owner in the Township, the Township Code Enforcement Officer shall notify the bamboo owner in writing by means of a Warning Letter which provides the bamboo property owner with thirty (30) calendar days for the removal of the bamboo from the adjoining or neighboring property. If the bamboo property owners fails to comply with the Warning Letter, a Notice of Violation shall be issued to the bamboo property owner that the bamboo has invaded private property or public property owned by the Township and shall require the bamboo owner to remove the bamboo from the adjoining or neighboring property within thirty (30) calendar days of the date of mailing of the Notice of Violation. 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 or in the property records of the Bucks County Board of Assessment. A copy of the notice shall also be posted at the bamboo owner's property as well as being filed in the Township records related to the property on which the bamboo is found.
- B. In the event that the bamboo owner does not remove or contract for the removal of the bamboo from the adjoining or neighboring property or does not make an arrangement with the Township for removal of such bamboo within thirty (30) calendar days from the date of the Enforcement Notice pursuant to the above, the Township Manager, at his/her sole discretion may order the removal by Public Works personnel or arrange for the removal of such bamboo from the adjoining or neighboring property by a contractor. The bamboo owner shall be liable and responsible to the Township for all costs incurred in removing the bamboo from the adjoining or neighboring property plus an administrative fee of ten percent of the cost. Such costs and fees may be assessed against the property of the bamboo owner and liened as permissible by law.
- C. Disposal or removal of bamboo roots, shoots, and stems must be completely desiccated by drying, prior to being placed in the trash. Bamboo roots, shoots, and stems may not be composted. Bamboo may not be burned in Warrington Township, pursuant to ordinance.

§113-14          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 bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.

§113-15      Violations and Penalties

Any person, firm or corporation violating any of the provisions of this chapter 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 Five Hundred Dollars (\$500); the Township may also request that the District Justice impose a requirement that the Bamboo Owner reimburse the Township for legal expenses. Each and every day in which any person, firm or corporation shall be in violation of this ordinance shall constitute a separate offense.

Section 2.      Repealer. Any ordinance or part of an ordinance to the extent that it is inconsistent herewith is hereby repealed. All other provisions of the Codified Ordinances of Warrington Township, not inconsistent herewith, shall remain in full force and effect.

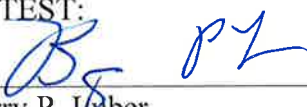
Section 3.      Severability. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

Section 4.      Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED on this 26<sup>th</sup> day of December, 2023.

**BOARD OF SUPERVISORS OF WARRINGTON TOWNSHIP**

ATTEST:

  
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Barry P. Lidber  
Township Manager

  
\_\_\_\_\_  
Fred Gaines, Chair

  
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Ruth Schemm, Vice Chair,

  
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Michael Diorka, Member

  
\_\_\_\_\_  
Vanessa Maurer, Member

  
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Andrew Macaulay, Member

