

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Greenburgh

Local Law No. 6 of the year 2023

A local law creating a new Chapter in the Code of the Town of Greenburgh, Chapter 325, entitled
(Insert Title)
"Bamboo"

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Greenburgh as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2023 of the (County)(City)(Town)(Village) of Town of Greenburgh was duly passed by the Town Board on July 12 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: August 28, 2023

(Seal)



TOWN of GREENBURGH

Local Law No. 6 / 2023

A local law to amend the Code of the Town of Greenburgh, pursuant to the New York State Constitution Article IX and New York Municipal Home Rule § 10 by creating a new Chapter 325 entitled, “Bamboo” in the Code of the Town of Greenburgh.

BE IT ENACTED by the Town Board of the Town of Greenburgh:

- § 1. **Title.**
- § 2. **Purpose and Intent.**
- § 3. **Amendment adding new Chapter 325 to the Code of the Town of Greenburgh**
- § 4. **Supersession.**
- § 5. **Severability.**
- § 6. **Effective Date.**

§ 1. Title.

This local law is entitled “Bamboo.”

§ 2. Purpose and Intent.

- A. **Purpose.** The purpose of this chapter is to promote and protect the property, property values, and health and welfare of the residents of the Town of Greenburgh; guests and visitors to the Town; and aesthetic qualities of the environment of the Town of Greenburgh. This law was not written in the interest of curtailing the rights of our residents, but to protect the rights of those who might be adversely affected by such plants.
- B. **Intent.** The Town Board finds that the planting and/or the growing of certain species of bamboo within the Town of Greenburgh has been, and will continue to be, destructive to the natural environment, including indigenous flora; potentially harmful to human health, in that it can provide a breeding ground for mosquitoes which are vectors for disease; destructive to structures, building foundations, walls, driveways, walkways and other improvements on properties within the Town adjoining and neighboring those properties where such bamboo has been planted and/or permitted to grow; and that, because of these effects, the Town declares it necessary to regulate or prohibit the planting and/or growing of such bamboo within the Town.

§ 3. Amendment adding Chapter 325 to the Code of the Town of Greenburgh

The Code of the Town of Greenburgh is hereby amended by adding thereto a new chapter, Chapter 325, entitled “Bamboo,” to read as follows:

§325-1. Definitions.

RUNNING BAMBOO

Any tropical or semi-tropical grass of the genera Phyllostachys, Pleioblastus or of any other related genera that is classified as a leptomorph.

§325-2. Regulation.

- A. It shall be unlawful from the effective date of this chapter for an owner or tenant of property, anywhere within the Town of Greenburgh, to plant running bamboo into the ground, or, with respect to existing running bamboo, to cause, permit, cultivate and/or allow such bamboo to be maintained in such a manner that it migrates onto any adjoining property, including any public property and/or any Town right-of-way.
- B. All running bamboo which migrates onto adjacent properties shall be deemed a public nuisance, and no property owner shall have any vested or nonconforming right to continue maintenance of such bamboo, even if it preexisted the adoption of this regulation.

§325-3. Control of Bamboo.

- A. Each owner of the property from which the bamboo originated, or owner or tenant who has maintained bamboo that has spread to adjoining or neighboring properties, is required to take such measures as are reasonably expected to prevent such running bamboo from invading or growing onto adjoining or neighboring properties, including the Town’s right-of-way. Such measures shall include, but not be limited to, installation of sheathing impenetrable by running bamboo at a sufficient depth, which at a minimum shall be three (3) feet in depth, within the subject property lines where the running bamboo exists, to prevent encroachment upon adjoining or neighboring property, including the Town’s right-of-way, by such bamboo.

§325-4. Removal.

- A. In the event that existing running bamboo growing on an owner’s or tenant’s property invades or grows upon an adjoining or neighboring property, including any public property and/or any Town right-of-way, the Town’s Building Inspector shall notify in writing, through the issuance of a Notice of Violation, the bamboo property owner that said owner or tenant has planted, caused, or permitted such bamboo to invade or grow upon an adjoining or neighboring property, and that said owner or tenant shall be responsible for the removal of such bamboo, within 30 days from the date of such notice.

- B. In the event that new running bamboo is planted or allowed to grow on an owner's or tenant's property, the Building Inspector shall notify in writing, through the issuance of a Notice of Violation, the bamboo property owner that said owner or tenant has planted, caused, or permitted such bamboo to grow upon their property, and that said owner or tenant shall be responsible for the removal of such bamboo from the property and anywhere such bamboo has grown or spread to, within 30 days from the date of such notice. This subsection shall not apply if the Building Inspector issues a Notice of Violation to an adjoining or neighboring property pursuant to § 325-4A, and the property owner on which the bamboo is growing or has spread to permits the removal of said bamboo.

- C. Property owners issued a Notice of Violation pursuant to § 325-4A or § 325-4B shall remove the offending bamboo in its entirety, including stems and roots, and dispose of the bamboo according to the "NYS DEC Guidelines for Disposing of Invasive Plant Material."

§325-5. Violations and penalties.

- A. Violations. Any owner of the property from which the bamboo originated or owner of property where bamboo has been maintained who violates any of the provisions of this chapter shall be guilty of a violation thereof. Each and every day that a violation of this chapter shall exist shall constitute a separate violation of this chapter.

- B. Penalties. Failure to cure a violation of any provision of this chapter within the allotted period of time, as specified within the Notice of Violation, shall be punishable by a fine of not less than \$100 and not more than \$500, for each violation. A second and subsequent violation for the same offense is punishable by a fine of not more than \$1,000. Each day the violation is committed constitutes a separate offense. If a property owner is issued a second and subsequent violation pursuant to § 325-4A, said property owner shall remove all of the existing bamboo on its property as well as the adjacent or neighboring property which caused such violation.

- C. Remediation. If, after being issued a Notice of Violation, a property owner demonstrates good-faith efforts to the satisfaction of the Building Inspector to remove the offending bamboo but is precluded from immediately doing so due to inclement weather, delays on the part of a bamboo removal service outside of the property owner's control, or issues obtaining access to the adjoining or neighboring property to remove the offending bamboo, the Building Inspector shall have the authority to preclude the involuntary delays from the count of violations.

§ 4. Supersession:

Pursuant to New York Municipal Home Rule Law Section 22, this law is intended to supersede any other inconsistent provision of law.

§ 5. Severability:

If any clause, sentence, paragraph, subdivision, section or part of this law or the application to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§ 6. Effective Date:

This law shall take effect immediately upon filing with the Secretary of State.