

Chapter 157

NOXIOUS PLANTS AND WEEDS

GENERAL REFERENCES

Housing standards — See Ch. 138.

Sale of residential property — See Ch. 192.

Nuisances — See Ch. 159.

§ 157-1. Intent and purpose.

The purpose of this section is to control the planting, cultivating or growing of certain running noxious plants and weeds, including bamboo grasses, in the Township of Falls; and to require barriers to prevent the invasive spread of existing running bamboo into other areas of the Township.

§ 157-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BAMBOO — Any invasive monopodial (running) tropical or semitropical grasses from the genera Bambusa, including, but not limited to Bambusa, Phyllostachys, Fallopiia and Pseudosasa as well as Common Bamboo, Golden Bamboo, Arrow Bamboo, Japanese Knotweed and Japanese Bamboo. Bamboo which is not invasive or running bamboo plants or grasses shall not be subject to the provisions of this chapter.

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

- A. Has provided satisfactory proof to the Township that, within a reasonable period of time after discovering the encroachment of bamboo onto the property from an adjoining or neighboring property, he/she advised the owner of such property of his/her objection to the encroachment of the bamboo; and
- B. Has initiated steps for the removal of the bamboo from the property, including remedies at law.

TOWNSHIP — The Township of Falls, Bucks County, Pennsylvania.

§ 157-3. General provisions.

- A. For purposes of this chapter, 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 property owner, tenant, or other individual, entity or corporation having control of the property.
- B. Prohibition of noxious plants and weeds other than bamboo. Owners of property situate in the Township of Falls, whether such property is occupied or vacant, must keep the

property reasonably free of weeds, invasive honeysuckle vines, or any other noxious plants and weeds. Owners of such property must correct all violations of this section within 10 days of written notice by the Township. This subsection shall not apply to bamboo-related violations.

- C. Prohibition of bamboo. Except as provided in § 157-3E of this Code, upon the effective date of this chapter, the planting or growing of bamboo shall be prohibited within the Township, and no persons, property owners, tenants, or other individuals, entities, or corporations having control of property within the Township shall plant, cultivate, or cause to grow any bamboo on any lot or parcel of ground within the Township. Any person who thereafter plants or grows, or causes or allows to be planted or grown, bamboo within the Township shall be deemed to be in violation of this chapter and shall be subject to such penalties as are set forth herein.
- D. This chapter shall not be deemed to alter any rights at common law or otherwise that any property owner may have to recover the cost of removal of bamboo on his/her own property that has run over from a neighboring property.
- E. Exceptions.
- (1) The root system of such bamboo plants is entirely contained within an aboveground level planter, barrel or other vessel of such design, material, and location as to entirely prevent the spread of growth of the bamboo plants' root system beyond the container in which they are planted; or
 - (2) The root system is contained within a barrier, constructed in accordance with the following specifications, and only after a compliance inspection is performed and a permit issued by the Township:
 - (a) The barrier itself shall be composed of a high-density polypropylene or polyethylene, with a thickness of 40 mils or more;
 - (b) Each portion of sheet of the barrier shall be secured or joined together by the use of stainless steel clamps or stainless steel closure strips designed to be used with such barriers;
 - (c) The barrier shall be installed not less than 30 inches deep;
 - (d) The barrier shall be circular or oblong-shaped;
 - (e) Not less than three inches of the barrier shall protrude above ground level around the entire perimeter of the bamboo;
 - (f) When installed, the barrier shall slant outward from the bottom to top;
 - (3) Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than 10 feet from any property line, pavement, or sidewalk or 40 feet from a public road within the Township.
- F. Any bamboo that has been planted or otherwise permitted to grow on any property within the Township prior to the effective date of this chapter may remain on such property subject to compliance with the following:

- (1) The bamboo shall not be closer than 10 feet from any property line, pavement, or sidewalk, or 40 feet from a public road within the Township.
 - (2) Any bamboo owner whose property contains bamboo shall remove and abate the growth of the bamboo within 40 feet of the edge of the pavement or traveled portion of a public road in the Township.
 - (3) Each bamboo owner shall be responsible to ensure that the bamboo planted or growing on the property prior to the effective date of this section is maintained such that it does not encroach or grow upon any adjoining or neighboring property or properties, including all public property and public rights-of-way.
 - (4) If the Township Code Enforcement Officer determines that any portion of such bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any public right-of-way or any private property not owned by or in the possession of such land owner, the property owner or possessor shall be required to comply with the provisions of § 157-3E(2) above.
- G. Removal of bamboo. 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 with the Township for removal of such bamboo within 30 days from the date the Township first provided notice, the Township, at its discretion, may take the appropriate steps to effectuate the removal or arrange for removal of such bamboo, including but not limited filing an action in equity. The bamboo owner shall be liable and responsible to the Township for all costs incurred in removing the bamboo from the Township property, including reasonable attorney's fees. Such costs may be assessed against the property of the bamboo owner and entered as a lien on the property. Nothing herein shall be construed to create any affirmative obligation on the part of the Township to abate or remove any bamboo within the Township.
- H. Replanting of bamboo 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 running bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed, unless such replanting is consistent with the provisions of this chapter that apply to new plantings.

§ 157-4. 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, upon conviction before any Magisterial District Justice, be guilty of a summary offense and shall be required to pay a fine not exceeding \$1,000 and costs of prosecution. Each and every day on which any person, firm or corporation shall be in violation of this chapter shall constitute a separate offense.