

Chapter 90

BAMBOO

§ 90-1. Purpose.

This chapter is adopted to control the planting, growing or cultivating of bamboo in the Township of Nether Providence and to require barriers to prevent the spread of existing bamboo into other areas of the Township.

§ 90-2. Planting, growing or cultivating of bamboo prohibited; exceptions.

Subject to the exemptions set forth in this chapter, no persons, property owners or tenants shall plant, cause to grow or cultivate any bamboo on any lot or parcel of ground located in the boundaries of Nether Providence Township, subject to the following exceptions:

- A. The root system of the bamboo plants are entirely contained within an aboveground planter, barrel or other container of such design, material and location as to prevent the spread of the bamboos' root system beyond the confines of the container that it is planted in; or
- B. The root system is planted in the ground but is entirely contained within a barrier, constructed in accordance the following specifications. Compliance with these specifications is subject to inspection by the Code Enforcement Officer.
 - (1) The barrier itself shall be composed of a high-density polypropylene or polyethylene, with a thickness of at least 40 mL;
 - (2) The barrier shall be secured and joined together by stainless steel clamps or stainless steel closure strips designed to be used with such barriers;
 - (3) The barrier shall be installed at least 30 inches deep;
 - (4) At least three inches of the barrier must protrude above ground level around the entire perimeter of the bamboo;
 - (5) The barrier shall slant outward from bottom to top.
- C. 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 is closer than 10 feet from any property line.

§ 90-3. Exemptions.

This chapter shall not apply to any landowner or possessor who, prior to the effective date of this chapter, had planted or caused to grow any bamboo on any property within the Township boundaries unless, upon determination of the Code Enforcement Officer, any portion of such bamboo has been allowed to grow upon or its roots, branches and/or stalks have extended onto or over any public way or another's private property.

§ 90-4. Complaint; notice; order for removal and compliance.

Whenever a complaint is received by the Township regarding the encroachment of any bamboo plant or root, or whenever the Township on its own observations and inspections determines that

there is an encroachment of bamboo plants or roots onto the property of another, public street or sidewalk, the Township shall give notice to the landowner or tenant in possession of the property to remove the offending bamboo plant or root system.

- A. The notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage, and the notice shall be posted on the offending property in a conspicuous place. Notice by certified mail shall be deemed complete on the date of personal delivery or the date the certified mail is marked "refused," "unclaimed" or otherwise undeliverable by the United States Postal Service.
- B. The notice shall specify the nature of the violation.
- C. The notice shall state that the violation must be corrected within 30 days from the date of mailing or posting the property, whichever is later.
- D. The notice shall state specifically what must be done by the responsible party to correct the violation and come in compliance with this chapter.
- E. The notice shall state that failure to comply within 30 days will result in the removal of the offending bamboo or root system by the Township and the billing of the responsible party, or, in the alternative, a citation will be issued daily until such time as offending bamboo or root system is removed.

§ 90-5. Violations and penalties.

Any property owner or possessor of a property determined by any court of competent jurisdiction to have violated this chapter shall be subject to pay a fine of not less than \$25 per day, nor greater than \$100 per day, that the violation persists; also, the responsible party will be required to pay court costs, legal fees and any other fees incurred by the Township to enforce this chapter against the party. Each day of a continuing violation shall constitute a separate offense, for which a fine can be levied.