

## Chapter 82

### BAMBOO

#### GENERAL REFERENCES

Weeds and vacant property — See Ch. 69.

Shade trees — See Ch. 80.

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#### § 82-1. Bamboo restrictions.

- A. No owner or occupant of property or person or corporation or other entity shall plant, replant, install or reinstall or cause or permit the planting, replanting, installation or reinstallation of a plant species, upon any property, including but not limited to one-family and two-family residences, located within the City of Yonkers, commonly considered to be classified as "running bamboo," hereinafter defined as any tropical or semitropical grasses with monopodial (leptomorph) rhizome (root) systems, including but not limited to the following plant genera: Arundinaria, Chimonobambusa, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella and Semiarundinaria.
- B. Every owner or occupant of property or person or corporation or other entity located within the City of Yonkers shall, before taking any action to plant, replant, install or reinstall or cause or permit the planting, replanting, installation or reinstallation of a plant species, upon any property, including but not limited to one-family and two-family residences, commonly considered to be classified as "bamboo" or "clumping bamboo," hereinafter defined as any tropical or semitropical grasses with monopodial (leptomorph) rhizome (root) systems or sympodial (pachymorph) grasses, including but not limited to Bambusa, Chusquea, Dendrocalamus, Drepanostachyum, Fargesia, Himalayacalamus, Otatea, Thamnocalamus, Thyrsostachys and Yushania, register with the Department of Housing and Buildings and obtain a permit for such planting. The fee for such permit shall be \$25.
- C. Duty to confine bamboo. In the event any species commonly considered to be classified as "bamboo" or "clumping bamboo," hereinafter defined as any tropical or semitropical monopodial (leptomorph) rhizome (root) systems or sympodial (pachymorph) grasses, including but not limited to Bambusa, Chusquea, Dendrocalamus, Drepanostachyum, Fargesia, Himalayacalamus, Otatea, Thamnocalamus, Thyrsostachys and Yushania, is located upon any property, including but not limited to one-family and two-family residences, within the City of Yonkers, the owner or occupant of said property shall confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any other property or right-of-way. Measures to confine the bamboo shall include but not be limited to the installation of a sheathing impenetrable by bamboo, at a sufficient depth, no less than 18 inches deep, within the property line or lines to prevent the growth or encroachment of the bamboo upon adjacent or adjoining property. Failure to do so shall be an offense.
- D. Notice. The City of Yonkers shall notify the owner or occupant of the property which is in violation of Subsection A or B above. Such notice shall be served upon an owner or any other person directly or indirectly in control of the premises, either personally or by registered or certified mail.

- E. Violations. An owner, occupant, person or corporation upon whom notice has been served to cut, trim, remove or otherwise eliminate such bamboo and who, for a period of 30 days after the mailing of such notice, shall neglect or fail to comply with the provisions of any such notice shall be deemed to have violated this chapter.
- F. Presumption. In the event that any species commonly considered to be classified as "bamboo" is found to have encroached, spread, invaded or intruded upon any other property, public or private, or any right-of-way, said species shall be presumed to be classified as "running bamboo." This presumption shall be rebuttable.
- G. Restrictions. Any planting of bamboo on a property which is less than 10 feet from any public street or right-of-way or less than five feet from any building shall be limited to a height of no more than 15 feet. No stalks or roots of bamboo shall interfere with any utility lines, pipes, poles, wires or other services, whether above or below ground. In such event that any stalks do create a problem, then the owner or occupant of the property will receive a notice from the Commissioner ordering him to cut, trim or remove the stalks. Failure to do so will allow the City of Yonkers to take corrective action.

**§ 82-2. Penalties for offenses.**

Any violation of this section shall constitute a Class III offense.