

**TOWNSHIP OF WORCESTER  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE 2017-269**

**AN ORDINANCE TO PROHIBIT BAMBOO ALONG A PUBLIC  
THOROUGHFARE**

**WHEREAS**, the Board of Supervisors has determined that the encroachment of Bamboo into, on and across public thoroughfares in Worcester Township constitutes a hazard to both motorists and pedestrians;

**NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED THAT:**

1. Township Code Chapter 126, *Streets and Sidewalks*, is hereby amended to include Article III, as follows:

ARTICLE III  
Bamboo Near Public Thoroughfares

§126-11 Title. This article shall be known as an "Ordinance to Prohibit Bamboo along a Public Thoroughfare."

§126-12 Intent and Purpose. The Township has determined that the planting, cultivating and growing of certain noxious plants and grasses, particularly those plants and/or grasses commonly referred to as "Bamboo," has a negative impact on the health, safety and welfare of the citizens of Worcester Township and the public at large. The Township has therefore determined that is in the best interests of the citizens of the Township and the public at large to prohibit the planting, cultivating and/or growing of said Bamboo plants and grasses within the public right-of-way.

§126-13 Definitions. For the purposes of this ordinance, the following definitions shall apply:

**BAMBOO** – Any monopodial tropical or semi-tropical grasses from the genera *Bambusa*, *Phyllostachys*, or *Pseudosasa*, including, but not limited to, *Phyllostachys aurea* (Golden Bamboo), *Bambusa vulgaris* (common Bamboo), and *Pseudosasa japonica* (Arrow Bamboo).

**PUBLIC THOROUGHFARE** – Public highways, streets, roadways, trails, paths, and sidewalks.

§126-14 Planting restricted. Bamboo shall not be planted, maintained or otherwise be permitted to exist within 40 feet of the edge of the pavement or traveled portion of any public thoroughfare in Worcester Township. This shall apply to all parts of the Bamboo plant, including stalks, leaves, roots, and branches.

§126-15 Removal and abatement. Property owner(s) 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 thoroughfare in Worcester Township. After removal of the Bamboo, all rhizomes shall be disposed of by incineration.

§126-16 Enforcement and administration. The Township may enforce this article by any or all of the following measures;

- A. Provide written notice to a property owner to remove the Bamboo within a certain period of time.
- B. Move or cause the removal of any Bamboo that is interfering with the public thoroughfare and is growing within the right-of-way of a public thoroughfare within 40 feet of edge of the pavement or traveled portion of a public thoroughfare and charge the property owner with the cost of that work.
- C. Issue a non-traffic citation to the property owner(s) for violation of this article.

§126-17 Notice of violation; violations and penalties. A notice of violation may be issued followed by a citation, or a citation may be issued without being preceded by a notice of violation.

- A. Any action by any person, firm, corporation or other entity which violates or does not comply with any provision of this article or any regulation thereof shall be punishable by fine(s) as established in Section 126-17.B of this ordinance. Each day that a violation occurs shall be considered a separate violation.
- B. Any person, firm, corporation or other entity who violates or permits a violation of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

2. Miscellaneous provisions.

- a. In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance. The invalidity of section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts. It is hereby declared to be the intention of the Township that this Ordinance would have been adopted had such invalid section, clause, sentence, or provision not been included therein.
- b. To the extent this Ordinance is inconsistent with the Code of Worcester Township, the provisions of this Ordinance shall take precedence. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
- c. This Ordinance shall become effective immediately upon enactment.

**ENACTED AND ORDAINED** by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this 21<sup>st</sup> day of June, 2017.

**FOR WORCESTER TOWNSHIP**

By: \_\_\_\_\_  
Susan G. Caughlan, Chair  
Board of Supervisors

Attest: \_\_\_\_\_  
Tommy Ryan, Secretary