

**TOWNSHIP OF RADNOR**  
**DELAWARE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2019-05**

**AN ORDINANCE OF THE TOWNSHIP OF RADNOR, DELAWARE COUNTY, PENNSYLVANIA PROVIDING FOR THE AMENDMENT OF THE RADNOR TOWNSHIP CODE OF ORDINANCES BY AMENDING PART 2, GENERAL LEGISLATION CREATING A NEW CHAPTER 224, ADOPTING REGULATIONS FOR THE PLANTING, CONTROLLING, AND REMOVAL OF BAMBOO, INCLUDING PENALTIES AND OTHER REMEDIES FOR VIOLATIONS.**

**WHEREAS**, non-native plant species are damaging to indigenous plant material and the health, safety and welfare of the community; and

**WHEREAS**, the planting and cultivation of invasive bamboo grasses are damaging to both public and private property.

**NOW THEREFORE**, be it, and it is hereby ENACTED and ORDAINED by the Board of Commissioners of the Township of Radnor, Delaware County, Commonwealth of Pennsylvania, as follows:

**ARTICLE I.**

The Radnor Township Code is hereby amended by adding a new Chapter 224 to Part2, General Legislation which shall read as follows:

Chapter 224

**BAMBOO**

**§224.1 PURPOSE AND INTENT**

The purpose of this Chapter is to preserve and protect private and public property from the damaging spread of certain bamboo grasses, protect indigenous plant materials from the invasive spread of bamboo, and maintain the general welfare of residents of Radnor Township.

**§224.2 GENERAL PROVISIONS**

A. Definitions:

- (1) Bamboo – Any monopodial (running) woody or arborescent grasses from the genera bambusa, arundinaria and dendrocalamus of the subfamily

bambusoideae, from tropical or temperate regions having hollow stems and thick rhizomes, including, but not limited to, Acidosasa, Arundinaria, Bashania, Brachystachyum, Chimonbambusa, Gelidocalamus, Indocalamus, Indosasa, Ochlandra, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella, Semiarundinaria, Shibataea, and Sinobambusa.

- (2) Bamboo Owner – Any person who has planted and/or grows Bamboo on their property; who maintains Bamboo on their property; or who permits Bamboo to grow or remain on their property.
- (3) Person – Any individual, corporation, partnership, joint venture, unincorporated association, agency, or other group acting as a unit, or combination thereof.
- (4) Township – The Township of Radnor, County of Delaware, Commonwealth of Pennsylvania.

- B. Prohibition. Except for pre-existing Bamboo, the planting, growing or cultivating of running bamboo by any person shall be prohibited within the Township.

Any person who hereafter plants or causes to be planted Bamboo within the Township, shall be deemed to be in violation of this Part, and shall be subject to such penalties as are set forth herein.

- C. Pre-Existing Bamboo.

- (1) The owner of any premises on which running bamboo plants or roots currently exist shall manage, trim or cut all running bamboo contained on such property. Running bamboo, including the root system, shall be no closer than ten (10) feet from any public right of way or any property line. Barriers shall be provided to prevent future encroachment of running bamboo or root system into these areas.
- (2) In the event that the Bamboo encroaches within any public right of way or adjacent property, the Township may issue an Encroachment Notice for removal of such Bamboo within ninety (90) days from the date of the Encroachment Notice. If the owner fails to remove the encroachment the Township may enter the property and remove the encroachment at owner's cost. If such costs are unpaid more than thirty (30) days after the demand for payment has been made by the Township on the Bamboo Owner, the Township may lien the property of the Bamboo Owner for these costs, plus interest, fees, and expenses, as allowed by law.

- (3) Any property owner who has a Bamboo encroachment upon their property from an adjacent property shall notify the Township for assistance in remediation.

### §224-3 VIOLATIONS AND REMEDIES

#### A. Notice of Violation

- (1) Each Bamboo Owner shall be responsible to ensure that any Bamboo on their property does not violate the provisions of this Part. In the event that there is any Bamboo growing in violation of the provisions of this Part, the Township shall notify the Bamboo Owner in writing of the existence of such violation. Said Notice of Violation shall be served by handing it directly to the Bamboo Owner; by mailing it to the last known address of the Bamboo Owner; or by posting the property at a conspicuous location.
- (2) Any Bamboo Owner receiving a Notice of Violation shall bring their property into compliance with this Part within thirty (30) days of the Owner's receipt of said Notice. If the Bamboo Owner fails to bring their property into compliance with the Notice and this Part, then the Township may issue a non-traffic citation against the Bamboo Owner.
- (3) In addition, where a Bamboo Owner does not remedy and correct the violations set forth in any Notice of Violation issued to them, the Township may remove any Bamboo that is in violation of this Part located upon the Bamboo Owner's property; take all reasonable action to eradicate its re-growth; and/or restore any real property to its natural condition prior to such removal and eradication. Any costs incurred by the Township in removing any Bamboo and/or remedying any violation of this Ordinance shall be at the expense of the Bamboo Owner, and in the event that the costs remain unpaid more than thirty (30) days after the demand of payment has been made by the Township on the Bamboo Owner, the Township may lien the property of the Bamboo Owner for these costs, plus interest, fees, and expenses, as allowed by law.

#### B. Violations, Penalties, and Remedies

- (1) Upon summary conviction before any Magisterial District Judge, any person violating any of the provisions of this Part shall, in addition to the other charges hereinbefore provided for each offense, pay a fine not exceeding \$500.00, plus all court costs, including reasonable attorney's fees, incurred as a result of the prosecution. Each and every day in which a person shall be in violation of this Part shall constitute a separate offense.

- (2) In addition, the Township Board of Commissioners may institute suits, in equity or at law, to restrain, prevent, or abate a violation of this Part. Such proceedings may be initiated before any court of competent jurisdiction. The expense of such proceedings shall be recoverable from the violator in any manner as may now or hereafter be provided by law.

**ARTICLE II. Repealer**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**ARTICLE III. Severability**

If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

**ARTICLE IV. Effective Date**


This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

*ENACTED* and *ORDAINED* this 24<sup>th</sup> day of June, 2019.

**RADNOR TOWNSHIP  
BOARD OF COMMISSIONERS**

Attest: \_\_\_\_\_



  
Name: Lisa Borowski  
Title: President