

ORDINANCE #1 -2012

AN ORDINANCE OF WARWICK TOWNSHIP, CHESTER COUNTY, PROHIBITING BAMBOO THAT CAUSES A HAZARDOUS OR DANGEROUS CONDITION TO THE USE OF PUBLIC THOROUGHFARES OR IMPAIRS THE USE OR MAINTENANCE OF A PUBLIC THOROUGHFARE WITHIN WARWICK TOWNSHIP, CHESTER COUNTY

WHEREAS, Bamboo (*Bambusa*, *Phyllostachys*, and/or *Pseudosasa* species) has been planted next to public roadways in Warwick Township; and

WHEREAS, there are species of Bamboo that are invasive and grow to 40 feet in height; and

WHEREAS, during wind, rain and/or snow storm events the bamboo stalks bend and block portions of public roads and cause a hazard to highway traffic and impair the use and maintenance of the public roads.

NOW, THEREFORE, the Board of Supervisors of Warwick Township, in accordance with the powers granted in the Second Class Township Code, does hereby enact and ordain as follows:

SECTION 1. This Ordinance shall be known as an Ordinance To Prohibit Bamboo Along Public Thoroughfares.

SECTION 2. This Ordinance shall regulate the growing of invasive Bamboo including, but not limited to species in the *Bambusa*, *Phyllostachys*, and *Pseudosasa* genera, commonly known as Common Bamboo, Golden Bamboo, and Arrow Bamboo.

SECTION 3. 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 roadway, sidewalk, path, or trail in Warwick Township.

SECTION 4. 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 roadway, sidewalk, path, or trail in Warwick Township.

SECTION 5. Enforcement and Administration. The Township may enforce this ordinance by any or all of the following measures:

- A. Providing written notice and warning to a property owner advising the property owner to remove the bamboo within a certain period of time or the Township will initiate enforcement proceedings.
- B. Moving or causing the removal of any bamboo that interferes with the public thoroughfare and is growing within the right-of-way of a public thoroughfare within 40 feet of the edge of the pavement or traveled portion of a public roadway, sidewalk, path, or trail. Any such action taken by the Township shall be charged against the real estate upon which the bamboo is located and shall be a lien upon such real estate.
- C. Any person, firm or corporation who violates or permits a violation of any provision of this Ordinance shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine no less than \$50 and no more than \$1,000, plus costs of prosecution, including counsel fees. In default of payment thereof,

the defendant may be sentenced to imprisonment for a term not exceeding five (5) days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each provision of this Ordinance that is violated shall also constitute a separate offense.

SECTION 6. Severability Clause

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 7. Repealer. All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed insofar as the same affects this ordinance.

SECTION 8. Effective Date

This Ordinance shall be effective five days following adoption.

ENACTED AND ORDAINED this 13th day of June, 2012.