

**TOWNSHIP OF ASTON  
DELAWARE COUNTY, PENNSYLVANIA  
ORDINANCE No. 931**

**AN ORDINANCE ESTABLISHING REGULATIONS FOR THE  
PLANTING AND GROWING OF BAMBOO**

**I. 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 running bamboo, and maintain the general welfare of the residents of Aston Township.

**II. GENERAL PROVISIONS**

**A. Definitions:**

1. Bamboo – Any monopodial (running) tropical or semi-tropical grasses from the genera of bamboos including, but not limited to Bambusa, Phyllostachys, and Pseudosasa as well as common bamboo, golden bamboo and arrow bamboo.
2. Bamboo Owner – Any property owner or resident who has planted and/or grows Bamboo, or who maintains Bamboo on the property, or who permits Bamboo to grow or remain on the property even if the Bamboo has spread from an adjoining property. Any property owner or resident at which Bamboo is found on the property will be considered a Bamboo Owner, except any property owner or resident who:

- Did not plant or grow or cause Bamboo to be planted or grown on his property, and
  - Has provided satisfactory proof to the Township that, within reasonable period of time after discovering the encroachment of Bamboo onto the property from an adjoining property, he advised the owner of such property of his objection to the encroachment of the Bamboo, and
  - Has initiated steps for the removal of the Bamboo from the property, including remedies at law.
3. Notice - Any written notice by, from or on behalf of the Township, notifying the Bamboo Owner that they are in violation of this Ordinance and directing them to cure or fix the violation. Such Notice shall be sent by certified mail, return receipt requested, addressed to the owner(s) listed on the current tax address on file with the Township. A copy may also be posted on the property in question. Receipt of Notice shall be the date of mailing said Notice, or, if applicable, posting of the Notice on the property in question, whichever is earlier.

4. Township – The Township of Aston, County of Delaware, Commonwealth of Pennsylvania.

B. Applicability. For purposes of this Section, Bamboo found growing upon a property shall constitute presumptive evidence that the Bamboo was planted and/or grown by and/or with the consent of the Bamboo Owner.

C. Prohibition. Upon the effective date of this Ordinance, the planting or growing of Bamboo shall be prohibited within the Township. Any person who thereafter plants or grows, or causes to be planted or grows Bamboo within the Township shall be deemed to be in violation of this Section, and shall be subject to such penalties as are set forth hereunder.

D. Regulation. Any Bamboo that has been planted or otherwise permitted to grow on any property within the Township prior to the effective date of this Ordinance may remain on such property subject to compliance with the following section.

- Bamboo shall not be maintained or otherwise be permitted to exist within 40 feet of the edge of the pavement or traveled portion of any public roadway in the Township and Township right-of-ways, and
- Any Bamboo Owner 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 road in the Township and Township right-of-ways, and
- Each Bamboo Owner shall be responsible to ensure that the Bamboo existing on the property prior to the effective date of this Section does not encroach or grow within 10 feet of any adjoining or neighboring property or properties, including all public property; and
- Any Bamboo Owner whose property contains Bamboo shall remove and abate the growth of the Bamboo within 10 feet of any adjoining or neighboring property or properties, including all public property; and
- Each Bamboo Owner shall be required to take such measures as are reasonably expected to prevent such Bamboo from invading or growing onto adjoining or neighboring properties. Such measures shall include, but not be limited to, installation of sheathing comprised of metal or other material impenetrable by Bamboo at a sufficient depth within the property line or lines where the running bamboo is planted or is growing to prevent the growth or encroachment upon adjoining or neighboring property by the Bamboo.

E. Removal.

(1) In the event that Bamboo growing on a Bamboo Owner's property invades or grows on an adjoining or neighboring property that is owned or held on behalf of the Township, the Township shall notify the Bamboo Owner in writing that the Bamboo has invaded the Township property and that the Bamboo Owner is responsible for the removal of such running bamboo from the Township property. This notice shall be sent by certified mail, return receipt requested and by regular mail to the latest address of the Bamboo Owner on file with the Township and a copy of the notice shall also be posted at the Bamboo Owner's property.

(2) In the event that the Bamboo Owner does not remove or contact for the removal of the Bamboo from the Township property, or does not make arrangement with the Township for the removal of such Bamboo within thirty (30) days from the date the Township first provided notice pursuant to the above, the Township, at its discretion, may remove or arrange for the removal of such Bamboo from the Township property. The Bamboo Owner shall be liable and responsible to the Township for all costs incurred in removing the bamboo from the Township property. Such costs may be assessed against the property of the Bamboo Owner.

F. Replanting Prohibited. Any Bamboo either planted or caused to be planted or existing on a property prior to the effective date of this Chapter may not be replanted or replaced in kind once such bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.

**III. VIOLATIONS AND PENALTIES**

Any person, firm or corporation violating any of the provisions of this chapter shall, in addition to the other charges hereinbefore provided for each offense, upon summary conviction before any Magisterial District Judge, pay a fine not exceeding \$1,000 and costs of prosecution; and in default of one payment of the fine and costs, the violator may be sentenced to the county jail for a term of not more than 30 days. Each and every day



in which any person, firm or corporation shall be in violation of this ordinance shall constitute a separate offense.

**IV. 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 Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

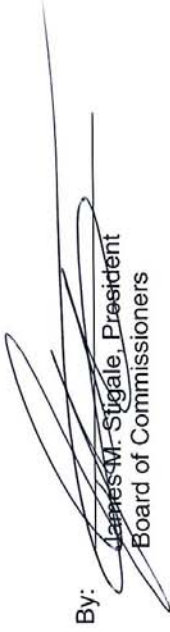
**V. EFFECTIVE DATE**


This Ordinance shall be effective thirty days following adoption.

**VI. REPEALER**

Any ordinance or part of an ordinance to the extent that it is inconsistent herewith is hereby repealed.

**Now, Therefore, Be It Ordained and Adopted this 15<sup>th</sup> Day of October, 2014, by the Aston Township Board of Commissioners.**

By:   
James M. Stigale, President  
Board of Commissioners

Attest:   
Richard D. Lehr  
Township Secretary Manager