

BOARD OF COMMISSIONERS  
CHELTENHAM TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2334-16

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AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF CHELTENHAM, MONTGOMERY COUNTY, PENNSYLVANIA, PART II (GENERAL LEGISLATION), TO AMEND CHAPTER 215 ENTITLED "PROPERTY MAINTENANCE" TO DELETE A CERTAIN PROVISION REGARDING VEHICLES; TO AMEND CHAPTER 188 ENTITLED "NUISANCES"; TO ADD AND/OR REVISE CERTAIN PROVISIONS REGARDING THE STORAGE OF UNLICENSED AND UNINSPECTED VEHICLES, THE OUTDOOR DISASSEMBLY OF VEHICLES, TO REGULATE VEHICLES BEING PARKED ON GRASS, TO REGULATE RECREATIONAL VEHICLES AND EQUIPMENT, TO REGULATE COMMERCIAL STORAGE CONTAINERS, TO CONTROL THE PLANTING, GROWING AND CULTIVATION OF CERTAIN RUNNING BAMBOO GRASSES, TO REQUIRE BARRIERS AND PREVENT THE INVASIVE SPREAD OF EXISTING RUNNING BAMBOO ONTO OTHER AREAS OF THE TOWNSHIP, AND TO AMEND THE VIOLATIONS AND PENALTIES SECTION OF THIS CHAPTER

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WHEREAS, the Township of Cheltenham (the "Township"), pursuant to the provisions of the "First Class Township Code", 53 P.S. §56502.26 is authorized to make regulations prohibiting and removing nuisances on public or private grounds, and to require the removal of the same by the owner or occupier of such grounds.

NOW, THEREFORE, the Board of Commissioners of the Township of Cheltenham does hereby ENACT and ORDAIN as follows:

**SECTION I. Amendment to Code.**

- A. Amend §215-2.A(18) to read as follows (new text in bold): **"Delete Section 302.8 Motor vehicles. (See Cheltenham Code, Chapter 188).**

**SECTION II. Amendment to Code.**

- A. Add a new §188-4 entitled **"Vehicles."** as follows (new text in bold):

**§188-4 Vehicles.**

- A. **Unlicensed or uninspected vehicles. Except as provided for in other Township regulations, no vehicle which is unlicensed or does not display a valid state inspection sticker shall be parked, kept or stored on any premises within the Township. The following exceptions shall apply to this subsection:**

- 1) A vehicle registered as an antique, classic or vintage vehicle which does not require a state inspection sticker.
  - 2) An inoperable or unlicensed vehicle may be stored inside a permanent, enclosed building.
- B. Disassembled vehicles; vehicles being repaired. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled on any premises within the Township. The following exceptions shall apply to this subsection:**
- 1) A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a permanent, enclosed building designed and approved for such purposes.
  - 2) Painting of a vehicle is prohibited unless conducted inside a code-compliant spray booth.
- C. Parking on grass and unpaved areas. A vehicle may only be parked on all-weather surfaces including, but not limited to: asphalt, concrete, gravel or crushed stone, paver blocks or approved pervious pavement (hereinafter “Paved Areas”). Parking a vehicle on grass or dirt or other than Paved Areas is prohibited, except as otherwise set forth below. The following exceptions shall apply to this subsection:**
- 1) Parking a vehicle on grass, dirt or other than Paved Areas on public property at community-organized or township-organized events, as approved by the applicable public entity.
  - 2) Parking a vehicle on grass, dirt or other than Paved Areas on private property not more than seven (7) days in a calendar year.
  - 3) Parking a vehicle on grass, dirt or other than Paved Areas only while washing personal vehicles.
- D. Recreational vehicles and equipment. A recreational vehicle or recreational equipment, including, but not limited to a boat and boat trailer, travel trailer, pick-up camper or coach, motorized dwelling, tent trailer, trailer (recreation and utility), school bus, passenger van, all-terrain vehicle, or similar equipment (hereafter “RV”) shall not be parked or stored overnight on any public street, nor shall such a vehicle and/or equipment be stored on any residential property in front of the principal building’s front building line. Such RV may, however, be parked on a public street for no more than 12 hours in any one seven-day period and only for the purpose of loading or unloading. No such RV shall be used for living, sleeping or housekeeping purposes when parked or stored in conformity with this subsection.**
- E. Temporary storage units.**
- 1) Permit required. The placement of a temporary storage unit shall require a Township permit and payment of a fee in advance, in accordance with the Township fee schedule, which may be amended from time-to-time by Resolution of the Board of Commissioners.

- 2) **Location of temporary storage unit.** A temporary storage unit shall be placed on driveways or behind the principal building's front building line, provided, however, that the location of the temporary storage unit does not conflict with site distance, utilities, or other code limitations. If placement on a driveway or behind the principal building's front building line is not feasible or code-compliant, the temporary storage unit may be placed in the front yard or on a public street, subject to review and approval of the Township.
- 3) **Length of permit.** A temporary storage unit permit may be issued for a period of not more than 15 days. The permit may be renewed in increments of not more than 15 days for a maximum total of 60 days.

B. *Re-number "§188-4. Enforcement; removal of nuisances." to "§188-5. Enforcement; removal of nuisances."*

C. *Re-number "§188-5. Violations and penalties" to "§188-6. Violations and penalties." and amend to read as follows (new text in bold):*

**Violations and Penalties.** Any person, firm or corporation violating any of the provisions of this Ordinance shall, in addition to other charges hereinbefore provided for, upon conviction before any Magisterial District Justice, be guilty of a summary offense and shall be required to pay a fine not exceeding \$1,000 and costs of prosecution. Each and every day on which any person, firm or corporation shall be in violation of this Ordinance shall constitute a separate offense.

D. *Add a new §188-2.D. entitled "Bamboo." as follows (new text in bold):*

(1) **Purpose and Intent.** The purpose of this section is to control the planting, cultivating or growing of certain running bamboo grasses in the Township of Cheltenham; and to require barriers to prevent the invasive spread of existing running bamboo into other areas of the Township.

(2) **General Provisions.**

(a) **For the purpose of this Chapter, Bamboo found growing on a property shall constitute presumptive evidence that the Bamboo was planted and/or grown by and/or with the consent of the property owner, tenant, or other individual, entity or corporation having control of the property.**

(b) **Prohibition.** Except as provided in §188.2.D.(2)(d) of this Code, upon the effective date of this Chapter, the planting or growing of Bamboo shall be prohibited within the Township and no persons, property owners, tenants, or other individuals, entities or corporations having control of property within the Township shall plant, cultivate, or cause to grow, any Bamboo on any lot or parcel of ground within the Township. Any person who thereafter plants or grows, or causes or allows to be planted or grown Bamboo within the Township shall be deemed to be in violation of this Chapter and shall be subject to such penalties as are set forth herein.

(c) **This Ordinance shall not be deemed to alter any rights at common law or otherwise that any property owner may have to recover the cost of removal of**

**Bamboo on their own property that has run over from a neighboring property.**

**(d) Exceptions. The prohibition in §188.2.D.(2)(b) shall not apply if:**

- i. The root system of such Bamboo plants is entirely contained within an above ground level planter, barrel or other vessel of such design, material and location as to entirely prevent the spread of growth of the Bamboo plants' root system beyond the container in which it is planted; or**
- ii. The root system is fully contained within a barrier, constructed in accordance with the follow specifications, and only after a compliance inspection is performed and a permit issued by the Township:**
  - a. The barrier itself shall be composed of a high density polypropylene or polyethylene, with a thickness of 40 mL or more;**
  - b. Each section of the barrier shall be secured or joined together by the use of stainless steel clamps or stainless steel closure strips designed to be used with such barriers;**
  - c. The barrier shall be installed not less than 30 inches deep;**
  - d. The barrier shall be circular or oblong shaped;**
  - e. Not less than three inches of the barrier shall protrude above ground level and the entire perimeter of the Bamboo;**
  - f. When installed, the barrier shall slant outward from the bottom to top.**
  - g. Whether planted or growing in a container, as described herein, all Bamboo plants shall be located, trimmed and maintained by the Bamboo Owner so that no part of the plant, including the root system of the plant, shall be closer than ten (10) feet from any pavement, sidewalk or public road within the Township.**
  - h. Each Bamboo Owner shall be responsible to ensure that the Bamboo planted or growing on their property is maintained such that it does not encroach or grow upon any adjoining or neighboring property or properties, including all public property and public rights-of-way. Bamboo Owners shall trim and maintain Bamboo plants so that no part of the plant, including the root system, is located closer than ten (10) feet from any property line.**

- (e) Any Bamboo that has been planted or otherwise permitted to grow on any property within the Township prior to the effective date of this Chapter may remain on such property subject to compliance with §188.2.D.(2)(d).
- (f) If the Township Enforcement Officer determines that any portion of such Bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any public right-of-way or any private property not owned by or in the possession of such land owner, the property owner or possessor shall be required to comply with the provisions of §188.2.D.(2)(d)ii. above.
- (g) **Removal from Township Property.** In the event that the Bamboo Owner does not remove or contract for the removal of the Bamboo from Township property, or does not make an arrangement with the Township for removal of such Bamboo within thirty (30) days from the date the Township first provided notice, the Township, at its discretion, may take the appropriate steps to effectuate the removal or arrange for the removal of such Bamboo, including but not limited to filing an action in equity. The Bamboo Owner shall be liable and responsible to the Township for all costs incurred in removing the Bamboo from Township property, including reasonable attorney's fees. Such costs may be assessed against the property of the Bamboo Owner and entered as a lien on the property. Nothing herein shall be construed as to create any affirmative obligation on the part of the Township to abate or remove any Bamboo within the Township.
- (h) **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 running Bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed, unless such replanting is consistent with the provisions of this Chapter that apply to new plantings.

E. Amend §188-1 "Definitions" to include the following (new text in bold):

Add a new definition of "**Bamboo**" – Any monopodial (running) tropical or semi-tropical grasses from the genera *Bambus* including, but not limited to *Bambusa*, *Phyllostachys* and *Pseudosasa* as well as Common Bamboo, Golden Bamboo, Arrow Bamboo, and Japanese Bamboo.

Add a new definition of "**Bamboo Owner**" – Any property owner or resident who has planted and/or grows Bamboo, or who maintains Bamboo on his/her 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 of or resident at property on which Bamboo is found on the property will be considered a Bamboo Owner, except any property owner or resident who:

- A. has provided satisfactory proof to the Township that, within a reasonable period of time after discovering the encroachment of Bamboo onto the property from an adjoining or neighboring property, he/she advised the owner of such property of his/her objection to the encroachment of the Bamboo, and

**B. has initiated steps for the removal of the Bamboo from the property, including remedies at law.**

*Add a new definition of “Township” – The Township of Cheltenham, Montgomery County, Pennsylvania.*

*Add a new definition of “Temporary Storage Unit” – A transportable unit designed and used primarily for temporary storage of building materials, household goods, personal items and/or other materials for use on a limited basis on residential property.*

**SECTION III. Severability.**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION IV. Failure to Enforce not a Waiver.**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION V. Effective Date.**

This Ordinance shall take effect and be in force from and after its approval as required by law.

**SECTION VI. Savings/Repealer.**

Chapter 215, entitled “Property Maintenance,” and Chapter 188, entitled “Nuisances,” of the Cheltenham Township Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other Ordinance. All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**ORDAINED AND ENACTED** into an Ordinance this 19<sup>th</sup> day of October, 2016.

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**



Attest: \_\_\_\_\_  
**Bryan T. Havir, Manager/Secretary**



By: \_\_\_\_\_  
**Morton J. Simon, Jr., President**