



**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2437-22**

“Bamboo Ordinance Update”

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF
CHELTENHAM TOWNSHIP, MONTGOMERY COUNTY,
PENNSYLVANIA AMENDING THE CODE OF THE TOWNSHIP
OF CHELTENHAM, PART II: GENERAL LEGISLATION,
CHAPTER 188: NUISANCES, SECTION 188-2I: VEGETATION,
IN ORDER TO UPDATE THE REGULATION OF BAMBOO IN
THE TOWNSHIP**

NOW THEREFORE, it is hereby **ENACTED** and **ORDAINED** by the Board of Commissioners of Cheltenham Township as follows:

SECTION I. Amendment to Code.

The Code of Cheltenham Township, Part II (General Legislation), Chapter 188 (Nuisances), Section 188-2 (Vegetation) is hereby amended to repeal and replace Subsection 188-2.D.2.(d) with the following new Subsection 188-2.D.2.(d):

- (d) Exceptions. The prohibition in Section 188-2.D(2)(b) shall not apply if:
- [1] The root system of such bamboo plants is entirely contained within an aboveground 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 within ten (10) feet of a neighboring property;
 - [2] The root system is fully contained within an in-ground 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 concrete barrier if such barrier is no less than five (5) inches in thickness and a depth of four (4) feet;
 - [b] Reserved;
 - [c] Reserved;
 - [d] Reserved;
 - [e] Not less than five (5) inches of the concrete barrier shall protrude above ground level around 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.

SECTION II. Amendment to Code.

The Code of Cheltenham Township, Part II (General Legislation), Chapter 218801 (Nuisances), Section 188-2 (Vegetation) is hereby amended to repeal and replace Subsection 188-2.D.2.(e) with the following new Subsection 188-2.D.2.(e):

- (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 § 188-2D(2)(d).

SECTION III. Amendment to Code.

The Code of Cheltenham Township, Part II (General Legislation), Chapter 218801 (Nuisances), Section 188-2 (Vegetation) is hereby amended to repeal and replace Subsection 188-2.D.2.(g) with the following new Subsection 188-2.D.2.(g):

- (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 60 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.

SECTION IV. 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 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 V. 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 VI. Effective Date.

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

SECTION VII. Repealer.

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

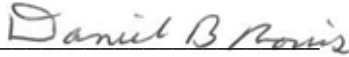
ORDAINED and **ENACTED** by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, this **20TH** day of **April, 2022**.

ATTEST:



Robert Zienkowski
Township Manager and Secretary

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

By: 

Daniel B. Norris, President