

AGENDA

AMBLER BOROUGH PLANNING COMMISSION

I. CALL TO ORDER

April 24, 2018 (7:00 PM)

II. ROLL CALL

III. APPROVAL OF: March 27, 2018 Minutes

IV. OLD BUSINESS:

- 1 Review the proposed Ordinance Input regarding prohibiting the spread of bamboo in the Borough.
- 2 Input is requested on updating the Borough Open Space Plan to incorporate the newly acquired parcels since the last update in 2006. Update on timeline will be provided and additional materials to be discussed next month.

V. ADJOURNMENT

AMBLER BOROUGH, MONTGOMERY COUNTY, PA

ORDINANCE NUMBER _____

AN ORDINANCE OF THE BOROUGH OF AMBLER AMENDING CHAPTER 10, PART I OF THE BOROUGH CODIFIED ORDINANCES (GRASS AND WEEDS) BY ADDING A NEW SECTION 10-105, FORBIDDING THE PLANTING OF CERTAIN TYPES OF NEW BAMBOO PLANTS WITHIN THE BOROUGH; REQUIRING REMOVAL AND ABATEMENT OF EXISTING BAMBOO IN CERTAIN CIRCUMSTANCES; LEAVING THE REMAINDER OF THE ORDINANCE IN FULL FORCE AND EFFECT; EFFECTIVE ON THE EARLIEST DATE PERMITTED BY THE PENNSYLVANIA BOROUGH CODE

WHEREAS, the Ambler Borough Council seeks to preserve and protect private and public property from the damaging spread of bamboo grasses, and

WHEREAS, the Borough has received numerous complaints about bamboo that has migrated from the property on which it was originally planted onto adjoining properties without the permission of the owners, thereby constituting a noxious growth, and

NOW THEREFORE Ambler Borough Council does ORDAIN as follows:

§10-105. Bamboo.

1. Definitions.

BAMBOO – Any Monopodial (running) tropical or semi-tropical grasses from the genera Bambusa, including but not limited to Bambusa, Phyllostachys, Fallopia and Pseudosasa, as well as common bamboo, golden bamboo, arrow bamboo, and Japanese bamboo. For purposes of this ordinance, bamboo does not include clumping varieties (non-invasive rhizome structure).

BAMBOO OWNER – Any owner or occupier of property that contains any type of running bamboo Except where the bamboo has migrated from another property without the knowledge or consent of the owner/occupier.

2. Prohibition of New Bamboo. As of the effective date of this section, the planting of new bamboo (as bamboo is defined in this ordinance) is prohibited on any property within the Borough. A violation of this ordinance is a summary offense punishable by a fine of one hundred dollars (\$100.00). After seven (7) days have elapsed from a violation notice, each day thereafter is a separate offense.
3. Regulation of Existing Bamboo. Any bamboo that has been planted or otherwise permitted to grow on any property within the Borough prior to the effective date of this subsection may remain on such property subject to compliance with this subsection.

- A. No part of a bamboo plant, regardless of whether the plant is contained within a vessel or not, shall be planted, maintained or otherwise permitted to migrate beyond the property boundary lines of the bamboo owner onto other properties.

4. Removal and Abatement.

- A. Any property owner whose property contains bamboo that violates §10-105.3 shall remove and abate growth of the bamboo so that it is no longer in violation of this subsection.
- B. The bamboo owner, defined herein, is responsible for removing, trimming, or cutting any part of a bamboo plant that grows in violation of this section.
- C. The bamboo owner shall be responsible for any incurred costs related to the removal and/or abatement of bamboo that is in violation of this subsection.

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

6. Violation and Penalty.

- A. Upon a determination by the Borough that a violation of this ordinance exists, the property owner will be sent a letter explaining the violation and the steps that must be undertaken to abate and remedy the violation. Such notice shall be sent by regular mail to the property owner's address of record.
- B. The letter will instruct the property owner that it has ten days within which to begin a correction of the violation and advise that if such work does not commence within ten days (or any additional period agreed to by the Borough), then the owner will be issued a summary citation enforceable in magisterial district court. The letter will also advise that the owner has 120 days within which to complete the removal of the bamboo that forms the basis for the violation. The letter shall include details as to the steps that need to be taken to correct the violation.
- C. If the work to correct the violation does not commence within ten days or such additional time as agreed to by the Borough, or is not completed within 120 days, the summary citation shall issue as in the usual course.

D. A violation of this ordinance is punishable by a fine not to exceed \$600.00 (to be determined by the court) along with the payment of court costs. The Borough reserves the right to enforce this ordinance through all legal and equitable means, including injunctive relief.

7. This ordinance is effective upon adoption. Enforcement of this ordinance will commence one year (365 days) after adoption.
8. Should a court of competent jurisdiction find any provision herein to be without legal effect, then such infirm portion shall, to the extent possible, be severed from the remainder of the ordinance, which shall continue in effect.

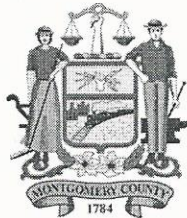
SO ORDAINED this _____ day of _____, 2018.

Frank DeRuosi, Council President

ATTEST: _____
Mary Aversa, Secretary

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR
KENNETH E. LAWRENCE, JR., VICE CHAIR
JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY
PLANNING COMMISSION**

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JODY L. HOLTON, AICP
EXECUTIVE DIRECTOR

April 23, 2018

Mr. Glenn Kucher
Borough of Ambler
131 Rosemary Avenue
Ambler, Pennsylvania 19002

Re: MCPC #17-0211-003
Proposal Name: Bamboo Ordinance – Code of Ordinances Text Amendment
Borough of Ambler

Dear Mr. Kucher:

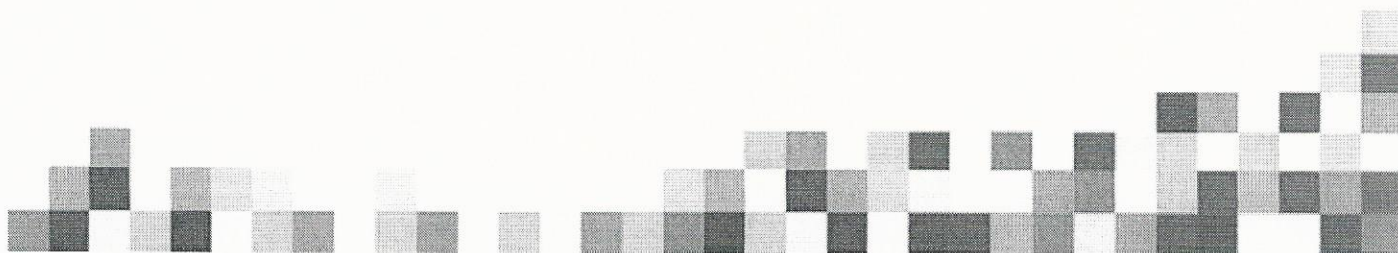
We have reviewed the above-referenced Code of Ordinances text amendment as you requested on April 4, 2018. We forward this letter as a report of our review.

BACKGROUND

The Borough of Ambler proposes the above-referenced code text amendment to address the growth of bamboo, three species of which are on the DCNR Invasive Plant List, in the borough. The proposed language would add a new section **§10-105 Bamboo** to the existing Grass and Weeds regulations in Chapter 10, Part 1 of the Borough's Code of Ordinances.

The new language would define bamboo and regulate running varieties only (vs. clumping varieties). The planting of new bamboo would be prohibited and violation would result in a summary offense fine. Existing bamboo would be permitted to remain so long as no part of the plant reaches across any property line of the bamboo owner, which is also defined in the proposed language. The proposal would place responsibility for the work and cost associated with bamboo removal or abatement in order to achieve compliance on the bamboo owner, and the work would be required to be completed within 120 days from notice of violation.

We reviewed a previous iteration of a proposed bamboo ordinance in a letter dated February 23, 2018.



RECOMMENDATION

The Montgomery County Planning Commission (MCPC) supports the applicant's proposal without comment as we have found it to be generally consistent with best practices for the municipal regulation of running bamboo varieties. We commend the borough for taking this initiative and we believe that the proposed ordinance, if adopted, will help mitigate some of the harmful or undesirable effects of bamboo growth in Ambler, particularly in regard to encroachment onto adjacent properties.

CONCLUSION

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Sincerely,



Lauren Van Dyk, Community Planner
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610-278-3749

c: Mary Aversa, Borough Manager
Robert LaGreca, Chair, Borough Planning Commission
Joseph Bresnan, Esq., Borough Solicitor
Joseph Dougherty, Borough Engineer