

## **AGENDA**

### **AMBLER BOROUGH PLANNING COMMISSION**

---

**I. CALL TO ORDER**

**February 27, 2018 (7:00 PM)**

**II. ROLL CALL**

**III. REORGANIZATION**

**IV. APPROVAL OF: January 23, 2018 Minutes**

**V. 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.

**VI. ADJOURNMENT**

# Borough Of Ambler

131 ROSEMARY AVENUE  
AMBLER, PENNSYLVANIA 19002-4476

PHONE 215-646-1000  
FAX 215-641-1355 ADMINISTRATION  
FAX 215-641-1921 WATER DEPARTMENT  
WEBSITE: [www.boroughofambler.com](http://www.boroughofambler.com)



## Memorandum

To: Ambler Borough Planning Commission Member

From: Glenn Kucher, Code Enforcement Officer

Date: February 23, 2018

Re: Bamboo Revisions

---

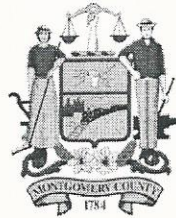
Borough Council has provided additional language to the November 28, 2017 draft Ordinance regarding the spread and regulation of bamboo in the Borough at the February Committee and Council meetings. Below is a summary of changes that were made:

- Distinguished in the definitions the different types of bamboo specifically running versus clumping prohibiting / regulating ONLY RUNNING
- Clarified language regarding bamboo owner with assistance from Joe Bresnan
- Combined Section a i & ii to state "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 exist within 10 feet of any property line or edge of the pavement or traveled portion of a public or private road, alley or sidewalk in the Borough"
- Under Section 4. Added language regarding containment / barrier
- Removed Section 6. Disposal
- Add under Section 7 and NEW a. – "effective on the date of adoption of this ordinance, property owners have (1) one year to comply with the regulations outlined within"
- Under Section 7.d. – 120 days to comply
- Removed Section 8.a - Combined i, ii, iii for a new section 8.a referring to 120 days
- Revised Section 8.b regarding penalties

Let me know if you have any additional questions.

**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**

MONTGOMERY COUNTY COURTHOUSE • PO BOX 311  
NORRISTOWN, PA 19404-0311  
610-278-3722  
FAX: 610-278-3941 • TDD: 610-631-1211  
WWW.MONTCOPA.ORG

JODY L. HOLTON, AICP  
EXECUTIVE DIRECTOR

November 28, 2017

SUBJECT: Draft Bamboo Ordinance (revised 11/22/17)

TO: Glenn Kucher, Ambler Borough Code Enforcement Officer

FROM: Lauren Van Dyk, Community Planner

---

A new draft bamboo ordinance was presented to the Ambler Planning Commission at their monthly meeting on October 24, 2017. Council has requested that the Planning Commission further explore the merits of an ordinance that both prohibits new bamboo growth in the Borough and addresses the spread of existing bamboo across property lines and into street right-of-ways.

The draft ordinance prepared by MCPC has been revised below based on our discussion at last evening's meeting. Changes made are in red.

**§10-105. Bamboo.**

1. Definitions.

BAMBOO – Any of various woody or arborescent grasses of the subfamily Bambusoideae and of the grass family Poaceae.

BAMBOO OWNER – Any owner who has planted and/or grows bamboo on his or her property; who maintains bamboo on his or her property; or who permits bamboo to grow or remain on his or her property, regardless of whether the bamboo has spread from an adjoining property. A property owner will not be considered a bamboo owner if he/she has initiated steps for the removal of the bamboo from the subject property, including seeking available remedies at law and/or equity.

2. Prohibition of New Bamboo. As of the effective date of this section, the planting of new bamboo 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 exist within:
    - i. 25 feet of the edge of the pavement or traveled portion of a public or private road, alley or sidewalk in the Borough; or
    - ii. 10 feet of any property line.
4. Removal and Abatement.
  - a. Any property owner whose property contains bamboo that violates §10-102.3 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.
  - d. Whenever possible, if bamboo growing in violation of this subsection is present on two or more adjacent properties, bamboo owners are strongly encouraged to begin removal/abatement work at the same time. The removal or abatement of larger bamboo stands will be most successful if all affected bamboo owners take action simultaneously.
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. Disposal. Once removed from a property either by digging or cutting, all bamboo plant material shall be incinerated.
7. Notice of Violation.
  - a. The Borough shall give notice to the bamboo owner whenever a complaint is received by the Borough regarding a violation of this subsection, or whenever the Borough on its own observations and inspections determines that there is a violation.

- b. The notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage, and the notice shall be posted on the offending property in a conspicuous place. Notice by certified mail shall be deemed complete on the date of personal delivery or the date that the notice is posted on the property, whichever is earlier.
- c. The notice shall specify the nature of the violation and specifically what must be done by the bamboo owner to correct the violation and comply with this subsection.
- d. The notice shall state that failure to comply within 30-45 days of the issuance of the notice, unless an extension is granted by the Borough in accordance with §10-105.8.a, will result in penalties per §10-105.8.b.

8. Penalty for Bamboo Violation.

- a. A bamboo owner must commence work to remove or abate the bamboo which is in violation of this subsection within 10 days of the issuance of the first violation notice, and removal/abatement must be complete within 30-45 days of issuance of the notice.
  - i. If the work cannot reasonably be completed within 30-45 days, the bamboo owner may request an extension from the Borough.
  - ii. ~~Such requests~~ Requests for an extension shall be granted or denied at the discretion of the Borough. If an extension is granted, the terms of the extension will be finalized by the Borough and will be recorded by the Borough.
  - iii. Requests for extensions shall be considered based on whether significant progress has been made and whether the work is ongoing as determined by the Borough.
- b. Any property owner who shall violate any provision of this subsection shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this subsection continues shall constitute a separate offense.
- e. Further, provided, however, that where the bamboo owner has been given notice personally, or by certified mail, which notice shall set forth the time, place and nature of the violation, no prosecution shall be instituted for 48 hours after said notice and if during said 48 hour period the offender shall voluntarily enter a plea of guilty, abate the prohibited conditions and pay a fine of \$10 to the Borough Secretary for the use of the Borough, no prosecution for such offense shall thereafter be brought.



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 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; however, for purposes of enforcement, an owner or occupier of property containing running bamboo shall not be considered a bamboo owner if he or she has made a demand in writing or in court against an adjoining property owner claiming that the bamboo has migrated from the adjoining property against the wishes of the claimant and that the claimant seeks its removal by the owner of the adjoining property.

2. Prohibition of New Bamboo. As of the effective date of this section, the planting of new bamboo 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 exist within 10 feet of any property line or edge of the pavement or traveled portion of a public or private road, alley or sidewalk in the Borough.

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.

- i. The removal or abatement of bamboo shall only be deemed complete by the Borough if the root system is fully contained within a barrier.

- a. The barrier shall be composed of high-density polypropylene or polyethylene at a thickness of 40 mil. or more.
    - b. Portions or sheets of the barrier shall be secured or joined together by the use of stainless steel clamps or stainless steel closure strips designed for such barriers.
    - c. The entire perimeter of the barrier shall extend at least 30 inches below ground level and at least 3 inches above ground level.
    - d. When installed, the barrier shall slant outward from the bottom to the top.

- 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.

- D. Whenever possible, if bamboo growing in violation of this subsection is present on two or more adjacent properties, bamboo owners are strongly encouraged to begin removal/abatement work at the same time. The removal or abatement of larger bamboo stands will be most successful if all affected bamboo owners take action simultaneously.

- 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**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311  
NORRISTOWN, PA 19404-0311  
610-278-3722  
FAX: 610-278-3941 • TDD: 610-631-1211  
WWW.MONTCOPA.ORG

JODY L. HOLTON, AICP  
EXECUTIVE DIRECTOR

February 23, 2018

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

Re: MCPC #17-0211-002  
Proposal Name: Bamboo Ordinance  
Borough of Ambler

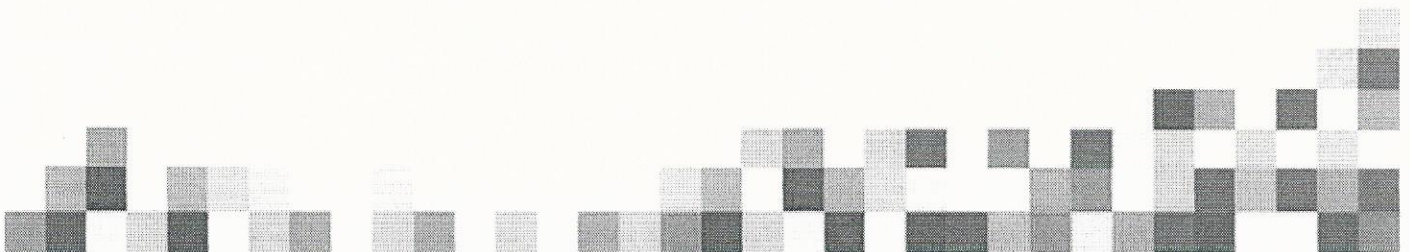
Dear Mr. Kucher:

We have reviewed the above-referenced zoning text amendment in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on February 22, 2018. We forward this letter as a report of our review.

## **BACKGROUND**

As many communities in southeastern Pennsylvania have done, the Borough of Ambler proposes to enhance their existing Grass and Weeds regulations (**Chapter 10, Part 1**) by adding a new section, **§10-105 Bamboo**, to specifically address the growth and spread of bamboo in the borough. The proposed ordinance would regulate only running bamboo (vs. clumping), which is common in the region. Despite being used for screening or ornamental purposes, running bamboo generally spreads and becomes overgrown quickly, therefore, it can easily encroach into right-of-ways or across property lines. Due to its aggressive nature, running bamboo is known to cause damage to ecosystems or physical property if growth is uncontrolled.

The proposed zoning text amendment would define "bamboo" (running types only) and "bamboo owner", and would prohibit the planting of any new bamboo in the borough. Existing bamboo would be permitted to remain so long as no part of the plant exists within 10 feet of any property line, roadway, alley or sidewalk to prevent the bamboo from spreading uncontrollably and from potentially causing damage to property or infrastructure. If removal or abatement is required, bamboo owners would be required to install a protective barrier to the specifications noted in the proposal (§10-105.4.A) to prevent future spreading. The proposal also includes procedures for issuing violations and fines.



**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.

Should the governing body adopt this proposed zoning ordinance amendment, Section 609 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,



Lauren Van Dyk, Community Planner  
lvandyk@montcopa.org  
610-278-3749

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