

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 54 - 2017

September 6, 2017

AN ORDINANCE

Amending Article 720, Neighborhood Improvement Ordinance, by providing for the definition and prohibition of running bamboo.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Article 720.02 Definitions, be amended to include the following definition as number 21 and the remaining definitions numbered appropriately.

21. “Running Bamboo” means any monopodial, or “running”, woody grass that spread variously, sending out underground runners (rhizomes) which sometimes range far from the parent plant. The definition refers to all parts of the bamboo including the above ground plant, its roots and rhizomes. For the purposes of enforcement of this Article running bamboo shall be identified by the structure of growth and need not be by biological identification.

SECTION TWO: That Article 720.09 Maintaining Property, be amended to add Grass to letter B, regulations on bamboo and to re-letter the sections appropriately.

720.09 MAINTAINING PROPERTY

A. LITTER

1. No owner, possessor or responsible agent of real property shall permit litter to accumulate on the property and adjacent sidewalk area including the tree well and planter strip. It shall be the owner's, possessor's or responsible agent's duty to remove such litter to prevent any such accumulation. (14262 §1 3/3/05; 14480 §1 5/2/07)

2. No owner, possessor or responsible agent of real property shall accumulate, permit or store items such as furniture, durable goods (refrigerators, washers, dryers, etc.) small appliances, carpets, tires, vehicles, vehicle parts, automotive products or municipal waste, hazardous waste, residual waste or construction or demolition debris on the exterior of the property if it poses a threat to the physical appearance, safety or public health of the community or if their presence creates the potential for a public nuisance. (14262 §1 3/3/05; 14636 §1 10/16/08)

3. The owner, possessor or responsible agent of a commercial or institutional property may be required to procure, place, empty and maintain a sufficient number of litter receptacles on their property for public use by its customers to prevent the chronic accumulation of litter. These litter receptacles may not be placed in the public right of way. 14262 § 3/3/05)

4. It shall be unlawful for anyone to obstruct or reduce in any way clear width of any doorway, hallway, passageway, fire escapes or other exitways. (14480 §1 5/2/07)

B. GRASS AND WEEDS

1. No owner, possessor or responsible agent of real property shall permit grass or weeds to exceed ten (10) inches in height in the tree well, sidewalk, curbline or planter strip. It shall be the owner's, possessor's or responsible agent's duty to cut the grass or weeds to prevent such growth. (15005 §1 7/18/12)

2. No owner, possessor or responsible agent of real property or any tract of land shall allow any growth of grass or weeds to exceed ten (10) inches in height. (14480 §1 5/2/07; 15005 §1 7/18/12)

3. The public officer shall only be required to notify the property owner once per calendar year that their property needs cutting before having it cut by the City or its contractors. (15005 §1 7/18/12)

C. Running Bamboo Prohibited

1. Any property who, with respect to running bamboo, plants, grows, maintains, or allows any of the same, on the property, or who permits running bamboo to spread from or to an adjoining property, shall be prohibited unless said owner can establish to the reasonable satisfaction of the City or court that the following conditions are met:

(a) Such running bamboo existed at its then present location prior to the enactment of this ordinance;

(b) No part of the running bamboo and its root system is closer than 20' from any property line, utility easement, and public right of way;

(c) Such running bamboo shall be isolated from all other vegetation by a barrier composed of a high density polypropylene or polyethylene, with a thickness of at least 40 mils. The barrier shall be secured and joined together with stainless steel clamps or stainless steel closure stripes designed to be used with such barriers and shall be installed at least thirty (30) inches deep. At least three (3) inches of barrier must protrude above ground level and the barrier shall slant outward from bottom to top.

2. Disposal of removed running bamboo plant or root system shall be done in an ecologically sensitive manner within a sealed container.

D. VEGETATION

No owner, possessor or responsible agent of real property shall permit vegetation on the property to grow in such a manner as to create a public nuisance. (14636 §1 10/16/08)

E. VEHICLES

1. JUNK VEHICLE: A junk or abandoned vehicle may not be parked, stored or left to remain on any lot, tract, parcel of land or portion thereof on public or private property, occupied or unoccupied, improved or unimproved, within the City of Allentown, unless necessary for the operation of a business enterprise lawfully permitted on private property. Any junk or abandoned vehicle or parts thereof shall be removed. (14480 §1 5/2/07)

2. VEHICLE PARKING: VEHICLE PARKING: Vehicle parking is not permitted on grass, landscaped, dirt or stone areas of property. All parking areas must be in compliance with all applicable city ordinances, codes and regulations. City sponsored or special events are exempt from this requirement. (15005 §1 7/18/12)

F. GRAFFITI

No owner or responsible agent of real property shall permit graffiti to remain on such property for more than ten (10) days and it shall be the owner's, or responsible agent's duty to remove or cause to be removed such graffiti. The City shall notify the owner or responsible agent of this requirement and if not removed within ten (10) days of notification, the City shall have the authority to remove said graffiti. (14262 § 3/3/05; 14480 §1 5/2/07; 14636 §1 10/16/08)

G. SATELLITE DISHES (15005 §1 7/18/12)

It shall be the responsibility of the property owner of real property to remove any satellite dish(es) from the exterior of such property at the time of service disconnection. (15005 §1 7/18/12)

No person owning, holding or in possession of any real estate shall allow or maintain on any lot or tract of land, within the boundary of the City any growth of weeds to a height of over one (1') foot and such growth of weeds is hereby declared to be a nuisance, injurious to the health, cleanliness, comfort, and safety of the residents of the City. (11818 §2 8/18/70)

SECTION TWO: That all ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION THREE: That this ordinance take effect ten (10) days after final passage.

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- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

This Bill is being introduced by City Council.

- **Summary and Facts of the Bill**

Municipalities are regulating the planting of bamboo as an invasive species. Invasive bamboo can rip up lawns, crack foundations, break water lines and bring down fences. Rules typically prohibit planting or growing bamboo unless the root system is entirely contained to prevent the spread of the roots. Bamboo is fast growing – it can grow 60 cm (almost 2 feet) per day in certain conditions. The American Bamboo Society recommends running bamboo be placed within a barrier with certain specifications – this legislation uses those specifications.

The American Bamboo Society recommends using a barrier to control the spread of bamboo - If you plan to install a barrier to control the spread of running bamboos, it is important to install it properly to insure its effectiveness. We recommend for most situations a barrier of 30 inches deep. In other than very light soils the bamboo rhizomes are usually in the top few inches of soil. However when the rhizome encounters an obstruction it will turn, and sometimes it will go down. It is important to avoid loose soil or air pockets next to the barrier or the bamboo may go deeper than you want and perhaps go under the barrier. When filling the hole after placing the barrier, tightly compact the soil next to the barrier. Any soil amendments must be added only in the top foot or so. You mustn't encourage deep rhizome growth if you want to contain the bamboo. If the bamboo planting can be surrounded by a shallow trench 8 to 10 inches deep, this can be a cheaper and easier method to control it's spread. You just need to check a couple of times in the late summer and fall to see if any rhizomes have tried to cross the trench, and cut them off. This check for spreading rhizomes is easy, but very important. It must be done each fall, whether you are using barrier or a trench.

Running bamboo spread at moderate to fast paces. They have a *leptomorph rhizome system*, which means the rhizomes don't usually turn up and become canes. Instead, as they push through the soil the lateral buds produce either canes or new rhizomes perpendicular to the parent rhizome. Because of this dual growth system runners are able to cover more ground per year than clumpers. Mature plants spread 3 to 5 feet on average, (most will also increase 3-5 feet in height per year as well). In some extreme cases runners can spread over 15 feet in a season. Running bamboo include many different genera and species, ranging in size from a foot tall to 80 feet tall, and can be either slow or quick spreading, and either open or dense growing, depending on the species and where it is planted. We carry over 100 different types of running bamboo, in all shapes and sizes.
