

**SILVER SPRING TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2023-08**

**AN ORDINANCE OF SILVER SPRING TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING CHAPTER 408 [WEEDS AND SIMILAR VEGETATION] ADDING THE DEFINITION OF, AND REGULATIONS FOR, BAMBOO; AND MAKING CORRESPONDING REVISIONS TO THE PROVISION FOR ABATEMENT OF VIOLATION.**

**IT IS HEREBY ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Silver Spring, Cumberland County, Pennsylvania, that the Code of the Township of Silver Spring ("the Code"), Chapter 408 [WEEDS AND SIMILAR VEGETATION], as amended, is hereby amended as follows:

**SECTION 1**

Chapter 408 of the Code shall be amended as follows (new text is underlined; deleted text is crossed out; and section or subsection titles are in brackets):

**A. Section 408-4 [Definitions] is amended to insert the following definition in proper alphabetical order:**

**BAMBOO**

Any monopodial(running) tropical or semitropical grasses from the genre Bambusa including, but not limited to, Bambusa, Phyllostachys, and Pseudosasa, as well as Common Bamboo, Golden Bamboo, and Arrow Bamboo.

**B. Section 408-5 [Property maintenance regulation] is amended as follows:**

- A. The following acts and the causing thereof are declared to be a nuisance and are therefore in violation of this chapter.
  - (1) All premises and exterior property shall be maintained free from nuisance weeds. Exemption: activities, practices, equipment and procedures associated with normal agricultural activities, wetlands, approved retention basins, heavily wooded areas, public parks and lands owned by Silver Spring Township.
  - (2) The growth of any and all noxious weeds is prohibited throughout Silver Spring Township.
- B. It shall be illegal and a violation of this chapter to deposit any amount of grass clippings or similar vegetation and debris such as, but not limited to, stone, dirt, mud, sticks, branches and leaves onto any public roadway from any public or private property, it is hereby declared a safety hazard to motor vehicles and pedestrians and detrimental to the Township storm water system. All property owners and occupants are responsible to ensure that any persons hired to cut their grass or maintain their yard do not violate any provisions of this Ordinance.
- C. The following special regulations pertain to Bamboo, as herein defined, the purpose of which is to preserve and protect private and public property and indigenous plants from the damaging spread of these plants.

- (1) The planting or growing of Bamboo shall be prohibited within Silver Spring Township. Any person thereafter who plants or grows, or causes to be planted or grown, Bamboo within the Township shall be deemed in violation of this ordinance and shall be subject to such penalties as set forth herein.
  - (2) Any Bamboo that has been planted or otherwise permitted to grow on any lot or tract of ground within the Township prior to the effective date of this ordinance may remain on such lot or tract of ground, subject to compliance with the following:
    - (a) Bamboo shall not be planted, maintained, or otherwise permitted to exist within 40 feet of the edge of the pavement or traveled portion of a public or private road or sidewalk in the Township, within 40 feet of the property line of any Township or public property, or within 25 feet of the property line of an adjoining or neighboring property.
    - (b) Each property owner shall be required to take such measures as are reasonably expected to prevent such Bamboo from invading the setbacks set forth in subsection (2)(a) above. Such measures shall include, but are not limited to, installation of sheathing comprised of metal or other material impenetrable by Bamboo at a sufficient depth within the property line or lines where the Bamboo is planted or is growing to prevent such growth or encroachment upon adjoining or neighboring properties.
  - (3) In the event that Bamboo growing on a lot or tract of ground invades or spreads onto adjoining or neighboring property that is owned or held on behalf of the Township, the Township shall notify the property owner in writing that the Bamboo has invaded the Township property and that the property owner is responsible for removal of such Bamboo from the Township property. This notice shall be sent via certified mail, return receipt requested and by regular mail to the latest address of the property owner on file with the Township and a copy of the notice shall also be posted at the property upon which Bamboo is growing or has spread.
- D. Upon failure of the owner or agent having charge of a property to abate any violation of this chapter and to cut, remove and destroy any plants regulated by this chapter within 10 days of service of the notice of violation, they shall be subject to prosecution in accordance with the penalties set forth in this chapter and as prescribed by the authority having jurisdiction.

## **SECTION 2. Severability.**

If any section, subsection, sentence, clause, phrase, provision, or portion of this Ordinance is found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision. Such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 3. Effective Date.**

This Ordinance shall become effective as soon as permissible by law after its enactment by the Board of Supervisors of the Township of Silver Spring, County of Cumberland, Commonwealth of Pennsylvania.

**DULY ENACTED AND ORDAINED INTO LAW** as Ordinance No. 08 of 2023 this 23<sup>rd</sup> day of August 2023.

**ATTEST:**

**SILVER SPRING TOWNSHIP  
BOARD OF SUPERVISORS**



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Willetta D. Huth, Secretary



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Carldon R. Machamer, Chair