



**TOWN OF NORTH HEMPSTEAD
OFFICE OF THE TOWN ATTORNEY**

**PROPOSED LOCAL LAW ESTABLISHING
CHAPTER 67 OF THE TOWN CODE ENTITLED "BAMBOO"**

LOCAL LAW MEMORANDUM

Purpose of Law:

The purpose of the amendment is to establish Chapter 67 of the Town Code entitled "Bamboo" in order to regulate the planting and growing of bamboo within the Town.

Budget Implications:

The adoption of the proposed local law will not have any direct budgetary implications.

Explanation:

Matter in **bold** and underscoring is new; matter in brackets with strikethrough [~~—~~] is old law to be omitted.

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2015**

**A LOCAL LAW ESTABLISHING CHAPTER 67 OF
THE TOWN CODE ENTITLED "BAMBOO"**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Town Board of the Town of North Hempstead finds that bamboo within the Town of North Hempstead is destructive to the natural environment and destructive to structures and walkways. The Town Board further finds bamboo threatens the value and physical integrity of public and private property in the Town, and therefore, the Town finds it necessary to regulate planting and growing bamboo within the Town.

Section 2.

Chapter 67 of the Town Code is hereby established as follows:

Chapter 67. Bamboo

§62-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BAMBOO

Any species commonly considered to be classified as "bamboo" either "running" or "clumping," hereinafter defined as any tropical or semitropical monopodial (leptomorph) or sympodial (pachymorph) grasses, including, but not limited to, Arundinaria, Bambusa, Chimonobambusa, Dendrocalamus, Fargesia, Phyllostachys, Pleioblastus, Pseudosasa, Sas, Sasaella, and Semiarundinaria.

ENFORCEMENT OFFICER

All building officials, code enforcement officers, inspectors or other employees of the Town of North Hempstead authorized to enforce this code.

PREEXISTING BAMBOO

Bamboo planted or growing on a property prior to the effective date of this chapter.

§67-2. New Bamboo prohibited.

Upon the effective date of this chapter, planting or installing bamboo shall be prohibited within the Town of North Hempstead. Any person who shall thereafter plant, install, or cause or permit the planting or installing of bamboo, within the Town shall be deemed to be in violation of this section, and shall be subject to the penalties set forth hereunder.

§67-3. Existing Bamboo regulated.

Any bamboo which has been planted, installed or otherwise permitted to grow in any property within the Town of North Hempstead prior to the effective date of this chapter may remain on such property subject to compliance with this chapter. Property owners shall be responsible to ensure that preexisting bamboo does not encroach or grow upon any adjoining or neighboring property or properties, including all public property and rights-of-way held by the Town, and shall be required to take such reasonable measures to prevent such bamboo from invading or growing onto adjoining or neighboring properties. Such measures shall include 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 the growth of encroachment upon adjoining or neighboring property by said bamboo.

§67-4. Replanting Prohibited.

Preexisting bamboo may not be replanted or replaced in kind once such bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.

§67-5. Notice to Remove; Removal by the Town.

- A. In the event that bamboo growing on a property invades or grows on adjoining or neighboring property that is owned or held on behalf of the Town of North Hempstead, the Town shall notify the property owner that bamboo has invaded Town property and that the property owner is responsible for the removal of such from the Town property. This notice shall be sent by certified mail, return receipt requested, and by regular mail to the latest address of the property owner on file with the Town, and a copy of the notice shall also be left in a conspicuous location on the property owner's property within the Town.
- B. In the event that a property owner who has been given notice subject to Section 67-5(A) of this chapter does not remove the bamboo from the Town property within 30 days from the date the Town first deposited the notice with the United States Postal Service, then the Town, at its discretion, may remove or arrange for the removal of such bamboo from the Town property. The property owner shall be liable and responsible to the Town for the Town's costs in removing the bamboo from the Town property. Such costs may be assessed against the property as a tax payable in the event that the costs remain unpaid more than 30 days after the demand of payment has been made by the Town.

§62-6. Penalties for offenses.

Any person, firm, corporation or public utility who violates any of the provisions of this chapter shall be guilty of a violation punishable by a fine of not less than \$100 and not exceeding \$500 for conviction of each violation. Each and every day that a violation of this chapter shall exist shall constitute a separate violation of this chapter.

§62-7. Severability.

If any section, provision or part thereof in this chapter shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of this chapter as a whole or any section, provision or part thereof not so adjudged invalid or unconstitutional.

Section 3.

This Local Law shall take effect immediately upon filing with the Secretary of State.