

TOWN OF FREDERICA ORDINANCE NO. 20-02

**AN ORDINANCE AMENDING CHAPTER 305 RELATING TO
PLANTING AND GROWING BAMBOO**

BE IT ORDANIED BY THE MAYOR AND COUNCIL OF THE TOWN OF
FREDERICA IN COUNCIL MET:

Section 1. That Section 305-3 of the Frederica Code of Ordinances shall be amended by adding a new subsection to read as follows:

Sec. 305-3 A Restrictions to plant or grow bamboo, removal, and compliance.

Subsection A: “It shall be unlawful to plant or grow bamboo on any lot or parcel of ground within the town unless:

1. “The root system of such bamboo plant(s) is entirely contained within an above-ground-level planter, barrel, or other vessel of such design, material, and location as to entirely prevent the spread/growth of the bamboo plant’(s) root system beyond the container in which it is planted. All bamboo plants shall be located, trimmed, and maintained so that no part of the plant, including stalks, branches, leaves, and/or roots, shall extend nearer than ten feet from any property line.”

2. “When it has been determined by the town that any bamboo plant or root is encroaching on the property of an adjacent or abutting landowner, or public way, the town shall, prior to taking any other action to enforce compliance with this section, give written notice to be delivered personally, or by certified mail, to the person(s) or legal entity(s) causing such condition to exist. The notice shall cite the violation of this section and: 1.) specify the nature and location of the violation; 2.) provide notice of the need to remove and/or correct such condition within seven days from the effective date of such notice; 3.) require that the removal and/or correction of such condition includes the removal and eradication of any bamboo plant or root from any adjoining or nearby lot(s) or public way to which it has spread from its original placing site, and the correction and repair of any property damage sustained to said adjoining or nearby lot(s) or public way, in removing such bamboo; and 4.) state that upon failure to comply with the notice

and order for removal and/or containment, the town may remove and eradicate the bamboo upon the land of any nearby or abutting property owner, public way, and/or upon the property of the person(s) or entity(s) planting or causing such bamboo to grow, and the cost of corrective action taken by the town shall be billed to the property owner whose property was the source of the encroachment, and assess a fine in accordance with § 305-14.”

Section 2. Severability. The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph shall be held unconstitutional or violate the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 3. Effective Date. The Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect and be in force thirty days from and after its approval by Council.

Section 4. Repealer: All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

ORDAINED AND ENACTED INTO THE LAW by a majority vote of the Council Members present at a regular session of Frederica Town Council, Delaware on the 17th day of June , A.D. 2020.

First Reading: June 3, 2020

Public Hearing and Second Reading: June 17, 2020

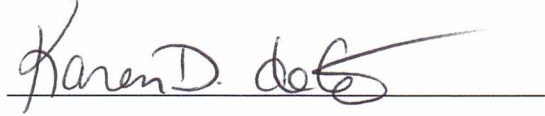
Published: 6/20/2020

William C. Glanden

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Mayor

I do hereby certify that the foregoing is a true and correct copy of the Ordinance passed by the Town Council at its meeting on June 17, 2020 at which meeting a quorum was present and voting throughout that the same is still in full force and effect.

A handwritten signature in cursive script, appearing to read "Karen D. DeG", is written over a horizontal line.

Secretary

SYNOPSIS:

This Ordinance amends Chapter 305 to establish restrictions relating to planting and growing bamboo.