

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 7<sup>th</sup> day of August, 2018 at 2:25 o'clock p.m. to amend Chapter 251, entitled "Noise, Public Nuisances and Property Maintenance" of the Riverhead Town Code.

**Be it enacted** by the Town Board of the Town of Riverhead as follows:

CHAPTER 251  
Noise, Public Nuisances and Property Maintenance

Article III: Rubbish, Refuse and Rank Vegetation

§ 251-21. Definitions.

BAMBOO

A. RUNNING BAMBOO

Hereinafter defined as any grasses with monopodial (leptomorph) rhizome systems in the subfamily Bambusoideae including, but not limited to, the following plant genera: Arundinaria, Chimonobambusa, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella, and Semiarundinaria.

B. CLUMPING BAMBOO

Hereinafter defined as any grasses with sympodial (pachymorph) rhizome systems in the subfamily Bambusoideae including, but not limited to, Bambusa, Chusquea, Dendrocalamus, Drepanostachyum, Fargesia, Himalayacalamus, Otatea, Thamnocalamus, Thyrostachys and Yushania.

BAMBOO OWNER

Any property owner or resident who has planted and/or grows bamboo, or who maintains bamboo on the property, or who permits bamboo to grow or remain on the property even if the bamboo has spread from an adjoining property. Any property owner or resident at whose property bamboo is found will be considered a bamboo owner, except any property owner or resident who complies with all of the following:

A. Did not plant or grow or cause bamboo to be planted or grown on his property.

B. Has provided satisfactory proof to the Town of Riverhead that, within a reasonable period of time after discovering the encroachment of bamboo onto the property from an adjoining or neighboring property, advised the owner of such property of an objection to the encroachment of the bamboo.

C. Has initiated steps for the removal of the bamboo from the property, including remedies at law.

§ 251-22 Unlawful acts.

D. Bamboo. It shall be unlawful for any person or business entity to plant or replant running bamboo or any bamboo species found on the New York State Department of Environmental Conservation list of Prohibited and Regulated Invasive Plants and

unlawful to cause or allow the spread of existing running or clumping bamboo on to neighboring properties, privately or publicly owned including public rights-of-way.

1. Presumption. In the event Bamboo is found to have encroached, spread, invaded or intruded upon any other property or right of way, said species shall be presumed to be classified as running or clumping bamboo. For the purposes of this Section, Bamboo found growing upon a property shall constitute presumptive evidence that the bamboo was planted and/or grown by and/or with the consent of the bamboo owner.
2. Maintenance and responsibility. Any Bamboo that has been planted or otherwise permitted to grow on any property within the Town of Riverhead prior to the effective date of this Section may remain on such property subject to compliance with this Section.
  - a. Each bamboo owner shall be required to take such measures as are reasonably expected to prevent such bamboo from invading or growing onto adjoining or neighboring properties. Such measures shall include, but not be limited to, installation of sheathing impenetrable by bamboo at a sufficient depth within the property line or lines where the running bamboo is planted or is growing to prevent the growth or encroachment upon adjoining or neighboring property by the bamboo.
  - b. Liability for the costs of removal and/or abatement. The property owner, or his agent, and/or person or business entity who occupies the land shall be liable for the direct and indirect costs of abating the nuisance and all expenses incidental thereto.
3. Exemption. Persons engaged in a recognized agricultural production operation shall be exempted from this subsection and permitted to plant, grow, and sell at wholesale or retail bamboo in accordance with accepted farming practices.

- Overstrike represents deletion(s)
- Underscore represents addition(s)

Dated: Riverhead, New York  
July 17, 2018

**BY THE ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD**

**DIANE M. WILHELM, TOWN CLERK**