



General Assembly

January Session, 2013

**Raised Bill No. 1016**

LCO No. 3519



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

**AN ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For the purpose of this  
2 section, "running bamboo" means any bamboo in the genus  
3 Phyllostachys, including Phyllostachys aureosulcata.

4 (b) No person who plants running bamboo or who allows running  
5 bamboo to be planted on his or her property shall permit such bamboo  
6 to grow beyond the boundaries of his or her property. On and after  
7 October 1, 2013, any person who violates the provisions of this  
8 subsection shall be liable for any damages caused to any neighboring  
9 property that is caused by such bamboo, including, but not limited to,  
10 the cost of removal of any running bamboo that grew beyond the  
11 boundaries of his or her property.

12 (c) No person shall plant running bamboo or allow running bamboo  
13 to be planted on his or her property at a location that is one hundred  
14 feet or less from any abutting property or public right-of-way unless

15 such planting is contained by a properly constructed and maintained  
16 barrier system or such running bamboo is planted above-ground in a  
17 container or planter such that the running bamboo does not come in  
18 contact with the surrounding soil. Any person who violates the  
19 provisions of this subsection shall be fined one hundred dollars. In the  
20 case of a continuing violation, each day of continuance shall be  
21 deemed a separate and distinct offense until such time as such bamboo  
22 is removed or contained by a properly installed and constructed  
23 barrier system. The provisions of this subsection shall not be deemed  
24 to apply to any running bamboo planted on or before October 1, 2013.

25 (d) Each retail seller or installer of running bamboo shall provide to  
26 each customer who purchases running bamboo from such seller or  
27 installer a statement that discloses that running bamboo is a fast  
28 growing plant that may spread if not properly contained and a plain  
29 language summary of the provisions contained in subsections (b) and  
30 (c) of this section. Such statement shall also provide recommendations,  
31 based on best available information, on how to properly contain  
32 running bamboo. Any retail seller or installer of running bamboo who  
33 violates the provisions of this subsection shall be fined one hundred  
34 dollars for each plant sold in violation of this section.

35 (e) Any law enforcement officer of the Department of Energy and  
36 Environmental Protection, state police officer and, within their  
37 respective jurisdiction, municipal police officer or constable may  
38 enforce the provisions of subsections (c) and (d) of this section.

39 Sec. 2. Subsection (a) of section 26-6 of the general statutes is  
40 repealed and the following is substituted in lieu thereof (*Effective*  
41 *October 1, 2013*):

42 (a) Conservation officers, special conservation officers and  
43 patrolmen appointed by the commissioner under authority of section  
44 26-5, shall enforce the provisions of title 23 and this title and chapters  
45 246, 247, 248, 255 and 268 and regulations adopted pursuant to such

46 titles and chapters and sections 15-180, 22a-250, 22a-381d, 26-192c to  
47 26-192h, inclusive, subsections (c) and (d) of section 1 of this act, 29-28,  
48 29-35, 29-38, 53-134, 53-190, 53-191, 53-194, 53-203, 53-204, 53-205, 53a-  
49 59 to 53a-64, inclusive, 53a-100 to 53a-117a, inclusive, subsection (b) of  
50 section 53a-119b, 53a-122 to 53a-125, inclusive, 53a-130, 53a-133 to 53a-  
51 136, inclusive, 53a-147 to 53a-149, inclusive, 53a-157b, 53a-165 to 53a-  
52 167c, inclusive, 53a-171, 53a-181 to 53a-183a, inclusive, 54-33d and 54-  
53 33e.

54 Sec. 3. Subsection (b) of section 51-164n of the general statutes is  
55 repealed and the following is substituted in lieu thereof (*Effective from*  
56 *passage*):

57 (b) Notwithstanding any provision of the general statutes, any  
58 person who is alleged to have committed (1) a violation under the  
59 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
60 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-  
61 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,  
62 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section  
63 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-  
64 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-  
65 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-  
66 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or  
67 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,  
68 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)  
69 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,  
70 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b  
71 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-  
72 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,  
73 14-153 or 14-163b, a first violation as specified in subsection (f) of  
74 section 14-164i, section 14-219 as specified in subsection (e) of said  
75 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-  
76 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,  
77 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)  
78 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-

79 321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of  
80 section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97,  
81 subsection (a) of section 15-115, section 16-44, 16-256, 16-256e, 16a-15 or  
82 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,  
83 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-  
84 734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or  
85 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-  
86 107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-  
87 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-  
88 425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-  
89 324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39,  
90 21-43, 21-47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19,  
91 section 21a-21, subdivision (1) of subsection (b) of section 21a-25,  
92 section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-  
93 46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section  
94 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159,  
95 subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15,  
96 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-  
97 39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-  
98 111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-  
99 342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366,  
100 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of  
101 section 22a-250, subsection (e) of section 22a-256h, section 22a-363, 22a-  
102 381d, 22a-449, 22a-461, subsection (c) or (d) of section 1 of this act, 23-  
103 37, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1) of  
104 subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of  
105 section 25-43, section 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a,  
106 26-42, 26-49, 26-54, 26-56, 26-58 or 26-59, subdivision (1) of subsection  
107 (d) of section 26-61, section 26-64, subdivision (1) of section 26-76,  
108 section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-  
109 107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of  
110 section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1)  
111 of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260,  
112 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-

113 109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section  
114 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198,  
115 section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c,  
116 section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12,  
117 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38,  
118 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54,  
119 subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76,  
120 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288,  
121 subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-  
122 450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,  
123 section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-  
124 133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e,  
125 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a  
126 violation under the provisions of chapter 268, or (3) a violation of any  
127 regulation adopted in accordance with the provisions of section 12-484,  
128 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or  
129 bylaw of any town, city or borough, except violations of building codes  
130 and the health code, for which the penalty exceeds ninety dollars but  
131 does not exceed two hundred fifty dollars, unless such town, city or  
132 borough has established a payment and hearing procedure for such  
133 violation pursuant to section 7-152c, shall follow the procedures set  
134 forth in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2013</i>	26-6(a)
Sec. 3	<i>from passage</i>	51-164n(b)

**Statement of Purpose:**

To prohibit certain actions concerning the planting of running bamboo, establish liability for failing to contain running bamboo plantings and require disclosures by persons who sell or install running bamboo.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*