



General Assembly

February Session, 2014

Raised Bill No. 72

LCO No. 691



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING LIABILITY FOR THE GROWING OF RUNNING BAMBOO.

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

1 Section 1. Section 22a-381e of the 2014 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) For the purpose of this section, "running bamboo" means any
5 bamboo in the genus *Phyllostachys*, including *Phyllostachys*
6 *aureosulcata*.

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

15 was planted, allowed to be planted or grown prior to the effective date
16 of this section.

17 (c) No person shall plant running bamboo or allow running bamboo
18 to be planted or to grow on his or her property at a location that is one
19 hundred feet or less from any abutting property or public right-of-way
20 unless such [planting] running bamboo is contained by a properly
21 constructed and maintained barrier system or such running bamboo is
22 planted or grown above ground in a container or planter such that the
23 running bamboo does not come in contact with the surrounding soil.
24 Any person who violates the provisions of this subsection shall be
25 fined one hundred dollars. In the case of a continuing violation, each
26 day of continuance shall be deemed a separate and distinct offense
27 until such time as such bamboo is removed or contained by a properly
28 installed and constructed barrier system. [The provisions of this
29 subsection shall not be deemed to apply to any running bamboo
30 planted on or before October 1, 2013.]

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

41 (e) The Department of Energy and Environmental Protection, any
42 duly authorized municipal constable, municipal tree warden, zoning
43 enforcement officer or inland wetlands and watercourses enforcement
44 officer may enforce the provisions of subsections (c) and (d) of this
45 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-381e

Statement of Purpose:

To establish liability for running bamboo that spreads beyond the boundaries of a property owner and to establish a duty to contain running bamboo that is growing in such a location that it could spread beyond the boundaries of a property owner.

[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.]