



Senate

General Assembly

File No. 367

February Session, 2014

Substitute Senate Bill No. 72

Senate, April 7, 2014

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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2 to the general statutes is repealed and the following is substituted in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

4 (c) No person shall plant running bamboo or allow running bamboo
5 to be planted on his or her property at a location that is [one hundred]
6 forty feet or less from any abutting property or public right-of-way.
7 [unless such planting is contained by a properly constructed and
8 maintained barrier system or such running bamboo is planted above
9 ground in a container or planter such that the running bamboo does
10 not come in contact with the surrounding soil.] Any person who
11 violates the provisions of this subsection shall be fined one hundred
12 dollars. In the case of a continuing violation, each day of continuance
13 shall be deemed a separate and distinct offense until such time as such
14 bamboo is removed or contained by a properly installed and

15 constructed barrier system. [The provisions of this subsection shall not
16 be deemed to apply to any running bamboo planted on or before
17 October 1, 2013.]

18 Sec. 2. Section 22a-381e of the 2014 supplement to the general
19 statutes is amended by adding subsection (f) as follows (*Effective from*
20 *passage*):

21 (NEW) (f) Allowing running bamboo to grow beyond the
22 boundaries of a parcel of property that a person owns shall be deemed
23 to be a nuisance.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-381e(c)
Sec. 2	<i>from passage</i>	22a-381e

ENV Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill replaces a current 100-foot bamboo setback with a 40-foot buffer zone and declares running bamboo a nuisance. This does not result in a fiscal impact

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 72****AN ACT CONCERNING LIABILITY FOR THE GROWING OF RUNNING BAMBOO.****SUMMARY:**

This bill prohibits people from having “running bamboo” (i.e., bamboo in the genus *Phyllostachys*, including yellow-groove bamboo) on their property within 40 feet of abutting property or a public right of way. Current law prohibits them from having it on their property within 100 feet of abutting property or a public right of way, unless it is contained by a properly constructed and maintained barrier system or planted above ground in a container.

Under the bill, the 40-foot buffer zone requirement applies regardless of when bamboo is planted. Currently, the 100-foot setback requirement applies only to bamboo planted after October 1, 2013.

The bill subjects violators of the 40-foot buffer zone requirement to a \$100 fine, and each day of a continuing violation is a separate offense. Under the bill, the Department of Energy and Environmental Protection, any duly authorized municipal constable, municipal tree warden, zoning enforcement officer, or inland wetlands and watercourses enforcement officer may enforce the 40-foot buffer zone.

The bill also declares running bamboo that grows beyond a person’s property boundaries a nuisance. A nuisance is a condition that interferes with the use or enjoyment of property, and is a type of tort (civil wrong) for which a person can sue for damages (*Black’s Law Dictionary*). Existing state law makes a person liable for damage running bamboo causes to neighboring properties, including the cost of removing any bamboo that has spread to the neighboring property (PA 13-82).

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 1 (03/21/2014)