

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 14-100—sSB 72

Environment Committee

Judiciary Committee

**AN ACT CONCERNING LIABILITY FOR THE GROWING OF
RUNNING BAMBOO**

SUMMARY: This act prohibits people from planting, or letting anyone plant, “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. Prior law prohibited such planting within 100 feet unless the bamboo was contained by a properly constructed and maintained barrier system or planted above ground in a container.

Under prior law, the 100-foot setback requirement applied only to bamboo planted after October 1, 2013. Under the act, it is unclear if the 40-foot buffer zone requirement applies regardless of when the bamboo is planted.

As under prior law, a violator is subject to a \$100 fine, and each day of a continuing violation is a separate offense. 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 law.

The act 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*). By law, a person is liable for damage running bamboo causes to neighboring properties, including the cost of removing any bamboo that has spread to the neighboring property (CGS § 22a-381e(b)).

EFFECTIVE DATE: Upon passage

OLR Tracking: JLK:KM:VR:ro