



General Assembly

Amendment

January Session, 2015

LCO No. 6297



Offered by:

REP. FRITZ, 90th Dist.

REP. MUSHINSKY, 85th Dist.

To: House Bill No. 6032

File No. 73

Cal. No. 69

"AN ACT CLARIFYING PROVISIONS OF THE GENERAL STATUTES CONCERNING THE USE OF BARRIER SYSTEMS FOR CERTAIN PLANTINGS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 22a-381e of the general statutes is repealed and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

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

8 (b) No person who plants running bamboo or who allows running
9 bamboo to be planted on his or her property shall permit such bamboo
10 to grow beyond the boundaries of his or her property. On and after
11 October 1, 2013, any person who violates the provisions of this
12 subsection shall be liable for any damages caused to any neighboring

13 property by such bamboo, including, but not limited to, the cost of
14 removal of any running bamboo that grew beyond the boundaries of
15 his or her property.

16 (c) No person shall plant running bamboo or allow running bamboo
17 to be planted or to grow on his or her property at a location that is
18 forty feet or less from any abutting property or public right-of-way.
19 Any person who violates the provisions of this subsection shall be
20 fined one hundred dollars. In the case of a continuing violation, each
21 day of continuance shall be deemed a separate and distinct offense
22 until such time as such bamboo is removed, [or contained by a
23 properly installed and constructed barrier system.]

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

34 (e) The Department of Energy and Environmental Protection, any
35 duly authorized municipal constable, municipal tree warden, zoning
36 enforcement officer or inland wetlands and watercourses enforcement
37 officer may enforce the provisions of subsections (c) and (d) of this
38 section.

39 (f) Allowing running bamboo to grow beyond the boundaries of a
40 parcel of property that a person owns shall be deemed to be a
41 nuisance.

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