

ORDINANCE NUMBER 2013-1

AN ORDINANCE OF THE TOWN OF BOZRAH, CONNECTICUT, DECLARING BAMBOO AS A NUISANCE AND REGULATING THE GROWING OF BAMBOO.

WHEREAS, the Town of Bozrah (hereinafter "Town") is a duly organized municipality under the laws of the State of Connecticut; and

WHEREAS, General Statute §7-148(c)(7)(E) provides that any municipality may define nuisances within the municipality; and

WHEREAS, if not controlled and/or contained, the growing of bamboo results in a rapid spreading and/or infestation of bamboo plants through its root system and underground rhizomes; and

WHEREAS, uncontained bamboo will infest nearby areas and can cause serious and substantial damage to plants, roads, structures and other real and personal property; and

WHEREAS, the infestation of bamboo, and the resulting damage to plants and property, is a nuisance pursuant to General Statute §7-148(c)(7)(E); and

WHEREAS, the Town wishes to regulate and control the growing of bamboo so that it does not become a nuisance; and

WHEREAS, the Town wishes to preserve and protect private and public property from the damaging spread of bamboo, protect indigenous plant materials from the invasive spread of bamboo, and maintain the general welfare of the residents of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF BOZRAH IN LAWFUL TOWN MEETING DULY ASSEMBLED THAT THE FOLLOWING ORDINANCE BE ESTABLISHED BY THE TOWN OF BOZRAH:

Section 1. Definitions.

A. Bamboo - Any running bamboo in the genus *Phyllostachys*, including *Phyllostachys aureosulcata* - yellow groove bamboo.

← Changed to
match the state law
exactly and show
scientific name. *

B. Bamboo Owner - Any property owner or resident who has planted and/or grows Bamboo, or who maintains Bamboo on the property, or who permits Bamboo to grow or remain on the property even if the Bamboo has spread from an adjoining property.

Section 2. No person or other legal entity shall plant, or cause to grow, Bamboo on any lot or parcel of land within the limits of the Town unless:

A. The root system of such Bamboo is entirely contained within an above-ground level planter, barrel, or other vessel of such design, material and location as to entirely prevent the spread and/or growth of the Bamboo's root system beyond the container in which it is planted; or

B. The Bamboo Owner has taken the necessary steps, including but not limited to the installation of sheathing comprised of metal or other material impenetrable by Bamboo at a sufficient depth within the Bamboo Owner's property lines where the Bamboo is planted or is growing, in order to prevent the growth or encroachment upon adjoining or neighboring property by the Bamboo or within areas where Bamboo is prohibited to exist as set forth in this Ordinance.

Section 3. Any Bamboo that is planted or otherwise permitted to grow on any property within the Town pursuant to Section 2 of this Ordinance, whether said Bamboo existed before or after the effective date of this Ordinance, shall not: (A) be planted, maintained, or otherwise permitted to exist within forty (40) feet of the edge of the pavement or traveled portion of any public or private road; (B) be planted, maintained, or otherwise permitted to exist within forty (40) feet of the property line of any neighboring or adjoining property; or (C) encroach or grow upon any adjoining or neighboring property or properties, including all public property and Town right-of-ways.

Section 4. Notice and Removal of Violating Bamboo

A. Each Bamboo Owner shall be responsible to ensure that any Bamboo on their property does not violate the provisions of this Ordinance. In the event that there is any Bamboo growing in violation of the provisions of this Ordinance, the Town shall notify the Bamboo Owner in writing of the existence of said violation. Notice shall be sent to the Bamboo Owner at the address that is on file with the Town Assessor's Office.

B. Any Bamboo Owner receiving Notice under Subsection A above shall remove all Bamboo that is in violation of this Ordinance within thirty (30) days of the Owner's receipt of said Notice.

C. In the event that any Bamboo Owner does not remedy and correct the violations set forth in any Notice issued to them, the Town may remove any Bamboo that is in violation of this Ordinance, take all reasonable action to eradicate its re-growth, and restore any real property to its natural condition prior to such removal and eradication. *All rhizome disposal must be by incineration only and not to be composted or allowed to escape onto surrounding properties.*

D. Any costs incurred by the Town in removing any Bamboo and/or remedying any violation of this Ordinance shall be at the expense of the originating Bamboo Owner (if it can be established) and the owner or owners of the premises on which such nuisance exists, if different from said Bamboo Owner.

Section 5. Miscellaneous Provisions

- A. Any person who violates any provision of this ordinance shall receive a citation and be fined Two Hundred Fifty (\$250.00) Dollars.
- B. Each day on which a violation occurs or continues after the time for correction of violation given in any order has elapsed shall be considered a separate violation of this ordinance.
- C. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- D. If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance that can be given effect without the invalid provisions or applications; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.
- E. This ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having substantial circulation in the Town.

** changes by Institute of Invasive Bamboo Research*