

INTRODUCED: AUGUST 1, 2023
PUBLIC HEARING: SEPTEMBER 26, 2023
ADOPTED: SEPTEMBER 26, 2023
PUBLISHED: OCTOBER 3, 2023
EFFECTIVE DATE: OCTOBER 16, 2023

#350

Article VI. Bamboo Ordinance

Sec. 13-67. Authorization and Definitions

This Ordinance is adopted pursuant to Connecticut General Statutes, Section 22a-381e. As used in this division, the following terms shall have the meanings indicated:

Bamboo Owner is any property owner or occupant who has planted and/or grows running bamboo, or who maintains running bamboo on property owned or occupied or controlled by said owner, or who permits or allows running bamboo to grow or remain on such property, even if it has spread from an adjoining property.

Running Bamboo is any bamboo plant in the genus Phyllostachys, including Phyllostachys aureosulcata.

Sec. 13-68. Purpose and Intent

The purpose of this division is to preserve and protect both public and private property from the damaging effects of certain non-native plants, to protect indigenous plant life, to prevent damage therefrom, to maintain property values and provide for the general welfare of the residents and property owners of the Town of Glastonbury.

Sec. 13-69. Growing limited

No person or legal entity shall plant or cause to grow running bamboo on any property within the Town of Glastonbury unless done so pursuant to plans for containment designed by, and signed and sealed by, a licensed arborist or forester and approved by the Town Tree Warden or other appointed Town official, which plans shall provide, in the opinion of the Town official, for an effective barrier to prevent the spread of such running bamboo to any land within 40 feet of the property boundary on which it is planted or grown.

Sec. 13-70. Planting provisions

Any running bamboo that is planted or otherwise permitted or allowed to grow on any property within the Town of Glastonbury, whether such running bamboo existed before or comes into existence after the effective date of this division, shall not:

- (1) Be planted, maintained or otherwise permitted to exist within 40 feet of the traveled portion of any public street or sidewalk or within 40 feet of the boundary line of the property on which it exists.
- (2) Be permitted or suffered to encroach or grow upon any adjoining or neighboring property, including all public property and rights of way.

Sec. 13-71. Notice of Violation; removal; penalties for offenses.

- (1) Each bamboo owner shall be responsible for ensuring that any running bamboo on property owned or occupied or controlled by said owner does not violate the provisions of this division and for ensuring that running bamboo that originated on property owned, occupied or controlled by said owner does not invade neighboring or adjoining properties. If it is determined, by a fair preponderance of the evidence, that running bamboo has infringed on property or abutting property owners, the originating bamboo owner shall be responsible for removal and remedy of said running bamboo infringement. Failure to remove and remedy shall be a violation of this division. In the event there is found running bamboo growing or existing in violation of this division, the Town or its authorized representative may notify the bamboo owner, in writing, of the existence of the violation. Notice, when given, shall specify the corrective measures to be taken, whether such remedial measures are required upon property of the bamboo owner or on properties to which running bamboo originating on the bamboo owner's property has spread. Notice shall be sent to the bamboo owner by certified mail. Such notice shall be sufficient if it is directed to the property address upon which the violation exists (if improved) and/or the address of the property owner on file with the Town of Glastonbury Assessor.
- (2) Bamboo owners to whom such notice of violation is directed shall cause to be removed from the property on which the violation occurs all such running bamboo, including underground root systems and rhizomes that are in violation of this division within such time as the Town or its representative determines is reasonable, given the extent of the violation among other factors.
- (3) In the event the bamboo owner(s) does not remedy and correct the violations set forth in the notice of violation within the allotted time, the Town of Glastonbury may remove so much of such running bamboo as is in violation of this division, take any actions it deems reasonable to prevent its regrowth and restore the property to its natural condition prior to such measures. All running bamboo removed or uprooted or otherwise separated from the ground for any reason whatsoever, including its underground roots, structures and rhizomes, shall be disposed of only by incineration and shall not be composted, deposited in any landfill or otherwise disposed of.
- (4) All costs incurred by the Town in removing running bamboo that exists in violation of this division or in remedying any violation of this division, which condition is not corrected by the bamboo owner(s) within the time allotted in the notice of violation, is chargeable to the bamboo owner(s). Such expense as is charged to the bamboo owner shall become a lien upon the property upon which the violation existed.
- (5) In addition to the foregoing remedies, continuing violations of this division beyond the time specified in the notice of violation are subject to a fine of \$100 for each day such violation continues, by way of the Town's citation process, and are subject to such other remedies as are available at law or in equity.

- (6) Allowing running bamboo to grow beyond the boundaries of a parcel of property that a person or entity owns shall be deemed to be a nuisance, except if it is proved by a fair preponderance of the evidence that the bamboo originated from an abutting property owner.

- (7) A bamboo owner who has been served with a notice of violation may request an administrative hearing to contest the notice of violation. Said request must be in writing, identify the matter contested and be received by the Town Clerk within 10 days of receipt of notice. Said hearing shall proceed in accordance with administrative hearing procedures established by the Town. All hearings shall be conducted within 30 days of receipt of the notice to contest.

Sec. 13-72. Severability; enforcement; when effective.

- (1) Severability. If any provision of this division or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications, and to that end, the provisions of this division are declared to be severable.

- (2) It is the expressed intent of this division that it may be enforced both by the Town of Glastonbury and its agents and by individual citizens and property owners of the Town whose property has been invaded by running bamboo originating on property other than on that they own or occupy by means of a civil action or otherwise as provided by law, regardless of when the running bamboo was originally planted or grown.

- (3) This division shall become effective 15 days after publication thereof as provided by law.