S T A T E O F N E W Y O R K

8909

I N A S S E M B L Y

February 28, 2014

Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the regulation of the planting and selling of running bamboo

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The environmental conservation law is amended by adding a new article 48 to read as follows:

ARTICLE 48

REGULATION OF THE PLANTING AND SELLING OF RUNNING BAMBOO

SECTION 48-0101. DEFINITION.
48-0103. PLANTING RESTRICTIONS.
48-0105. SALE AND INSTALLATION.

S 48-0101. DEFINITION.

FOR THE PURPOSE OF THIS ARTICLE, "RUNNING BAMBOO" MEANS ANY BAMBOO IN THE GENUS PHYLLOSTACHYS, INCLUDING PHYLLOSTACHYS AUREOSULCATA.

S 48-0103. PLANTING RESTRICTIONS.

1. NO PERSON WHO PLANTS RUNNING BAMBOO OR WHO ALLOWS RUNNING BAMBOO TO BE PLANTED ON HIS OR HER PROPERTY SHALL PERMIT SUCH BAMBOO TO GROW BEYOND THE BOUNDARIES OF HIS OR HER PROPERTY. ON AND AFTER OCTOBER FIRST, TWO THOUSAND FOURTEEN, ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE LIABLE FOR ANY DAMAGES CAUSED TO ANY NEIGHBORING PROPERTY BY SUCH BAMBOO, INCLUDING, BUT NOT LIMITED TO, THE COST OF REMOVAL OF ANY RUNNING BAMBOO THAT GREW BEYOND THE BOUNDARIES OF HIS OR HER PROPERTY.

2. NO PERSON SHALL PLANT RUNNING BAMBOO OR ALLOW RUNNING BAMBOO TO BE PLANTED ON HIS OR HER PROPERTY AT A LOCATION THAT IS ONE HUNDRED FEET OR LESS FROM ANY ABUTTING PROPERTY OR PUBLIC RIGHT-OF-WAY UNLESS SUCH PLANTING IS CONTAINED BY A PROPERLY CONSTRUCTED AND MAINTAINED BARRIER SYSTEM OR SUCH RUNNING BAMBOO IS PLANTED ABOVE GROUND IN A CONTAINER OR PLANTER SUCH THAT THE RUNNING BAMBOO DOES NOT COME IN CONTACT WITH THE SURROUNDING SOIL.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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3. THE PROVISIONS OF THIS SECTION SHALL NOT BE DEEMED TO APPLY TO ANY RUNNING BAMBOO PLANTED ON OR BEFORE OCTOBER FIRST, TWO THOUSAND FOURTEEN.

S 48-0105. SALE AND INSTALLATION.

EACH RETAIL SELLER OR INSTALLER OF RUNNING BAMBOO SHALL PROVIDE TO EACH CUSTOMER WHO PURCHASES RUNNING BAMBOO FROM SUCH SELLER OR INSTALLER A STATEMENT THAT DISCLOSES THAT RUNNING BAMBOO IS A FAST GROWING PLANT THAT MAY SPREAD IF NOT PROPERLY CONTAINED AND A PLAIN LANGUAGE SUMMARY OF THE PROVISIONS CONTAINED IN SECTION 48-0103 OF THIS ARTICLE. SUCH STATEMENT SHALL ALSO PROVIDE RECOMMENDATIONS, BASED ON BEST AVAILABLE INFORMATION, ON HOW TO PROPERLY CONTAIN RUNNING BAMBOO. ANY RETAIL SELLER OR INSTALLER OF RUNNING BAMBOO WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE FINED ONE HUNDRED DOLLARS FOR EACH SOLD IN VIOLATION OF THIS SECTION.

S 2. This act shall take effect immediately.