

STATE OF NEW YORK

8304

2017-2018 Regular Sessions

IN ASSEMBLY

June 6, 2017

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:

1 Section 1. The environmental conservation law is amended by adding a
2 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.

§ 48-0101. Definition.

3 For the purpose of this article, "running bamboo" means any bamboo in
4 the genus phyllostachys, including phyllostachys aureosulcata.

§ 48-0103. Planting restrictions.

5 1. No person who plants running bamboo or who allows running bamboo to
6 be planted on his or her property shall permit such bamboo to grow
7 beyond the boundaries of his or her property. On and after October
8 first, two thousand seventeen, any person who violates the provisions of
9 this section shall be liable for any damages caused to any neighboring
10 property by such bamboo, including, but not limited to, the cost of
11 removal of any running bamboo that grew beyond the boundaries of his or
12 her property.

13 2. No person shall plant running bamboo or allow running bamboo to be
14 planted on his or her property at a location that is one hundred feet or
15 less from any abutting property or public right-of-way unless such
16 planting is contained by a properly constructed and maintained barrier
17 system or such running bamboo is planted above ground in a container or
18 her property.

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

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1 planter such that the running bamboo does not come in contact with the
2 surrounding soil.

3 3. The provisions of this section shall not be deemed to apply to any
4 running bamboo planted on or before October first, two thousand seven-
5 teen.

6 § 48-0105. Sale and installation.

7 Each retail seller or installer of running bamboo shall provide to
8 each customer who purchases running bamboo from such seller or installer
9 a statement that discloses that running bamboo is a fast growing plant
10 that may spread if not properly contained and a plain language summary
11 of the provisions contained in section 48-0103 of this article. Such
12 statement shall also provide recommendations, based on best available
13 information, on how to properly contain running bamboo. Any retail sell-
14 er or installer of running bamboo who violates the provisions of this
15 section shall be fined one hundred dollars for each sold in violation of
16 this section.

17 § 2. This act shall take effect immediately.