



# **Chapter 119 – Vegetation**

(To include running bamboo)

Environmental Committee Presentation  
September 28, 2021

# Important Definitions

Running Bamboo means any bamboo that is characterized by aggressive spreading behavior, including species in the genus Phyllostachys.

Bamboo Owner means any owner who permits running bamboo to grow or remain on the owner's property, even if the bamboo has spread from an adjoining property or was planted by someone else. An owner on whose property running bamboo has spread is not a bamboo owner if that owner, on discovering the spreading bamboo, initiates and diligently pursues its removal, including through legal remedies.

Containment means not allowing bamboo to spread from the owner's property to any public right-of-way or any adjoining property not owned by the bamboo owner.

# Running Bamboo Actions

- Chapter 119 – Grass or Lawn Area will be modified to include running bamboo and renamed “Chapter 119 – Vegetation.”

# Running Bamboo Enforcement Protocol

- A complaint regarding bamboo is made to DCC and a case is opened.
- A DCC investigator responds with a site investigation and inspection.
- If bamboo has spread from one property to an adjacent property, DCC issues a Notice of Violation to the bamboo owner who allowed the spread and gives 30 days to contain or eradicate the bamboo on the bamboo owner's property.
- Civil penalties of \$50 per business day of violation will be sought if the bamboo owner fails to comply with the Notice of Violation.
- Civil penalties of \$200 per business day of violation will be sought if the bamboo owner fails to comply with a Notice of Violation for a different set of operative facts within 12 months of the first violation.
- Total penalties may not exceed \$3,000 in a 12-month period for each set of operative facts.

# Enabling Authority

- Virginia Code § 15.2-901.1 is the enabling authority permitting an ordinance that provides:
  1. No landowner shall allow running bamboo to grow without proper upkeep and appropriate containment measures, including barriers or trenching;
  2. No landowner shall allow running bamboo to spread from his property to any public right-of-way or adjoining property not owned by the landowner; and
  3. Violations are subject to civil penalties, not in excess of \$50 per business day for the first violation and \$200 per business day for any subsequent violation not arising from the same set of operative facts within 12 months. Total civil penalties in the 12-month period for each set of operative facts may not exceed \$3,000.

# Enabling Legislation Opportunities/Constraints

## Opportunities

- Gives the authority to limit the spread of running bamboo.
- Addresses residents' complaints.
- Supports the initiative to remove invasives from the community.

## Constraints

- Complicated and costly enforcement.
- Impacts to both complainant and homeowner.
- Penalty structure within the statute may not be significant enough to support the inspection and enforcement process.
- Methods of control can lead to unintended damage to trees.
- Containment vs. eradication.