



# FAIRFAX COUNTY PARK AUTHORITY



## M E M O R A N D U M

**TO:** Chairman and Members  
Park Authority Board

**VIA:** Jai Cole, Executive Director

**FROM:** Laura Grape, Division Director, Resource Management

**DATE:** April 21, 2022

### *Agenda*

**Resource Management Committee  
(Committee of the Whole)  
Wednesday, April 27, 2022 – 6:40 pm  
Boardroom – Herrity Building  
Chairman: Kiel Stone  
Vice Chair: Linwood Gorham**

1. Running Bamboo Ordinance (with presentation) – Information\*

\*Enclosures



If accommodations and/or alternative formats are needed, please call (703) 324-8563. TTY (703) 803-3354

## **INFORMATION**

### Running Bamboo Ordinance

On March 22, 2022 the Board of Supervisors passed a proposed amendment to Chapter 119 of the Code of the County of Fairfax, Virginia, (Grass or Lawn Area) to establish regulations on running bamboo.

The amended ordinance:

- (1) Defines “running bamboo” as any bamboo that is characterized by aggressive spreading behavior, including species in the genus *Phyllostachys*.
- (2) Defines “bamboo owner” as any owner, as defined in Chapter 119 of the Fairfax County Code, 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.
- (3) Prohibits a bamboo owner from allowing running bamboo to spread from the bamboo owner’s property to any public right-of-way or adjoining property not owned by the bamboo owner.
- (4) Requires a bamboo owner to contain the running bamboo from spreading to any public right-of-way or adjoining property not owned by the bamboo owner, including by use of a barrier impenetrable to running bamboo and deep enough to prevent its spread or a trench deep enough to prevent its spread.
- (5) Authorizes the Department of Code Compliance (DCC) to investigate complaints of uncontained running bamboo or grass or lawn area growth in violation of Chapter 119, issue a notice of violation requiring containment of running bamboo within 30 days, and seek civil penalties against a property owner(s) who fails to contain running bamboo after receiving the notice of violation.
- (6) Establishes civil penalties of \$50 per business day for the first violation or violations arising from the same set of operative facts and civil penalties of \$200 per business day for subsequent violations not arising from the same set of operative facts within 12 months of the first violation. Each business day constitutes a separate offense. Total penalties may not exceed \$3,000 in a 12-month period for each set of operative facts.
- (7) Provides that any owner aggrieved by a decision of the Director, DCC, regarding prohibited grass or lawn area height or running bamboo or by a notice of violation

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issued under Chapter 119 may appeal to the County Executive within 10 days of delivery of a notice of violation.

(8) Establishes that any summons for a civil penalty would be filed in General District Court and that no summons for a civil penalty regarding an appealed violation will be filed until the County Executive or his designee decides the appeal.

The Natural Resources Branch has been collecting data on bamboo occurrences on FCPA property since 2015 and estimates that ~200 acres of bamboo are present in parks. As a result of this amendment, we anticipate increased complaint volume from park neighbors where bamboo has encroached from FCPA property as well as the need for increased funding to respond to these complaints. The ordinance takes effect on January 1, 2023.

ENCLOSED DOCUMENTS:

Attachment 1: Current map of running bamboo occurrences on FCPA property (2015 – present)

STAFF:

Jai Cole, Director

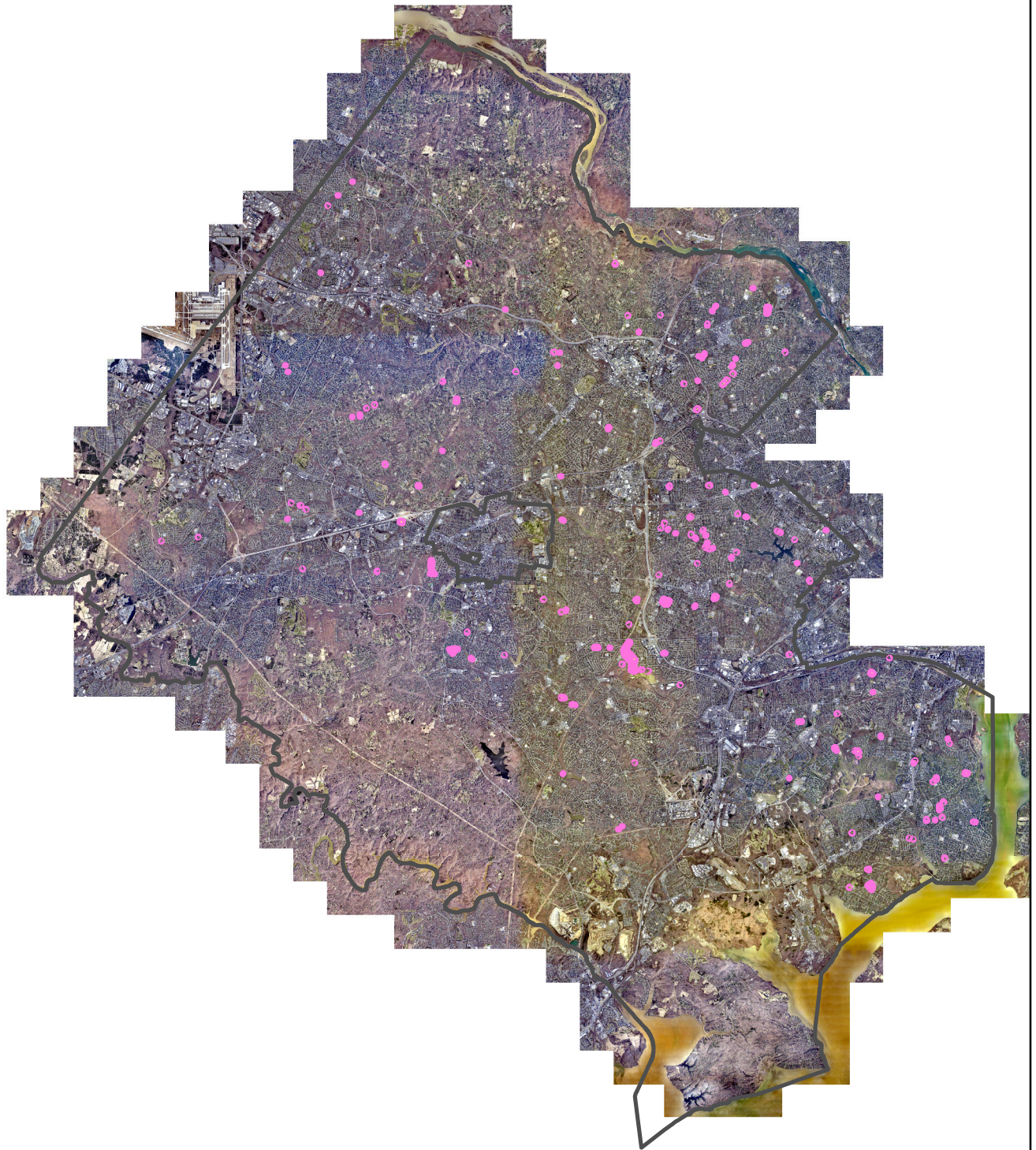
Sara Baldwin, Deputy Director

Aimee Vosper, Deputy Director

Laura Grape, Director, Resource Management Division

Judy Pedersen, Public Information Office

John Burke, Natural Resources Branch Manager



# Running Bamboo Ordinance

Update to the Fairfax County Park Authority Board

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# Overview of Legislation

- ▶ HB 2154/ SB 964 authorizing localities to add running bamboo to existing ordinances regulating grass
- ▶ Department of Code Compliance (DCC) responsible for investigating complaints of uncontained running bamboo and working with landowners



# New Ordinance Details

- ▶ 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.
- ▶ Civil Penalties
  - ▶ \$50: First violation
  - ▶ \$200: Separate violation within 12 months
  - ▶ \$3000 12-month period max

## Extent of Bamboo on FCPA Property

- ▶ 185 Bamboo Patches on FCPA property since 2015
- ▶ 204 acres of bamboo
- ▶ Typically remove 2-3 sites per year





## Case Study: Gilbert S. McCutcheon Park

- ▶ Size: 0.9 acres of bamboo in two patches
- ▶ Herbicide treatment for 2021 and 2022: \$32k
- ▶ FCPA staff time for heavy equipment and debris loading: ~\$1,350
- ▶ Dumpsters (haul and disposal): \$1750
- ▶ Total: \$35k

# Ordinance Pros/Cons

## ▶ Pros:

- ▶ Gives the authority to control running bamboo
- ▶ Addresses residents' complaints
- ▶ Supports the initiative to remove invasives from the community

## ▶ Cons:

- ▶ Complicated and costly enforcement and removal/control
- ▶ Methods of control can lead to unintended damage to trees
- ▶ Containment vs eradication

# Recommendations



Continue to support outreach by distributing running bamboo educational materials



Continue to record and track complaints



Establish a prioritization protocol for removal



Establish a “Bamboo Fund” for IMA with staff to implement