

HOUSE BILL 90

L6

3lr0734

(PRE-FILED)

By: ~~Delegate Foley~~ **Delegates Foley, Boyce, Guyton, Lehman, Love, Ruth, Stewart, and Terrasa**

Requested: November 11, 2022

Introduced and read first time: January 11, 2023

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2023

CHAPTER _____

1 AN ACT concerning

2 **Local Government – Regulatory Powers – ~~Control of Running~~ Regulation of**
3 **Invasive Bamboo**

4 FOR the purpose of authorizing the governing bodies of counties and municipalities to
5 adopt ordinances ~~relating to the upkeep and containment of running~~ to regulate
6 invasive bamboo; and generally relating to the ~~control of running~~ regulation of
7 invasive bamboo.

8 BY adding to

9 Article – Local Government

10 Section ~~13-412~~ 1-1318

11 Annotated Code of Maryland

12 (2013 Volume and 2022 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Local Government**

16 ~~13-412.~~ 1-1318.

17 (A) IN THIS SECTION, “~~RUNNING~~ INVASIVE BAMBOO” MEANS BAMBOO THAT
18 IS CHARACTERIZED BY AGGRESSIVE SPREADING BEHAVIOR, INCLUDING BAMBOO

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



SPECIES IN THE GENUS PHYLLOSTACHYS.

(B) THIS SECTION APPLIES TO ALL COUNTIES AND MUNICIPALITIES.

(C) THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY, BY ORDINANCE,
MAY ~~PROHIBIT~~ REGULATE INVASIVE BAMBOO, INCLUDING BY PROHIBITING A
PERSON FROM ALLOWING RUNNING BAMBOO:

(1) SELLING INVASIVE BAMBOO;

(2) PLANTING INVASIVE BAMBOO; AND

(3) ALLOWING INVASIVE BAMBOO TO GROW ON THE PROPERTY OF
THE PERSON WITHOUT PROPER UPKEEP AND APPROPRIATE CONTAINMENT
MEASURES, INCLUDING BARRIERS OR TRENCHES; OR.

~~(2) TO SPREAD FROM THE PROPERTY OF THE PERSON TO:~~

~~(I) THE ADJOINING PROPERTY OF ANOTHER PERSON; OR~~

~~(II) A PUBLIC RIGHT OF WAY.~~

~~(C) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE~~
~~GOVERNING BODY OF A COUNTY MAY PROVIDE FOR THE ENFORCEMENT OF AN~~
~~ORDINANCE ADOPTED UNDER THIS SECTION BY:~~

~~(I) FOR A FIRST OFFENSE, A CIVIL FINE NOT EXCEEDING \$50;~~

~~AND~~

~~(II) FOR A SECOND OR SUBSEQUENT OFFENSE OCCURRING~~
~~WITHIN A 12 MONTH PERIOD THAT DOES NOT ARISE FROM THE SAME OPERATIVE~~
~~SET OF FACTS AS THE PREVIOUS VIOLATION, A CIVIL FINE NOT EXCEEDING \$200.~~

~~(2) EACH BUSINESS DAY THAT A VIOLATION CONTINUES IS A~~
~~SEPARATE OFFENSE.~~

~~(3) THE TOTAL AMOUNT OF ALL FINES IMPOSED FOR VIOLATIONS~~
~~ARISING FROM THE SAME OPERATIVE SET OF FACTS MAY NOT EXCEED \$3,000 IN A~~
~~12 MONTH PERIOD.~~

(D) THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY MAY PROVIDE
FOR THE ENFORCEMENT OF AN ORDINANCE ADOPTED UNDER THIS SECTION BY:

1 **(1) REQUIRING ANY DAMAGES CAUSED BY INVASIVE BAMBOO TO BE**
2 **MITIGATED; AND**

3 **(2) ESTABLISHING A CIVIL FINE.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.