

HOUSE BILL 90

L6

3lr0734

(PRE-FILED)

By: **Delegate Foley**

Requested: November 11, 2022

Introduced and read first time: January 11, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Local Government – Regulatory Powers – Control of Running Bamboo**

3 FOR the purpose of authorizing the governing bodies of counties to adopt ordinances
4 relating to the upkeep and containment of running bamboo; and generally relating
5 to the control of running bamboo.

6 BY adding to

7 Article – Local Government

8 Section 13–412

9 Annotated Code of Maryland

10 (2013 Volume and 2022 Supplement)

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

13 **Article – Local Government**

14 **13–412.**

15 **(A) IN THIS SECTION, “RUNNING BAMBOO” MEANS BAMBOO THAT IS**
16 **CHARACTERIZED BY AGGRESSIVE SPREADING BEHAVIOR, INCLUDING BAMBOO**
17 **SPECIES IN THE GENUS PHYLLOSTACHYS.**

18 **(B) THE GOVERNING BODY OF A COUNTY, BY ORDINANCE, MAY PROHIBIT A**
19 **PERSON FROM ALLOWING RUNNING BAMBOO:**

20 **(1) TO GROW ON THE PROPERTY OF THE PERSON WITHOUT PROPER**
21 **UPKEEP AND APPROPRIATE CONTAINMENT MEASURES, INCLUDING BARRIERS OR**
22 **TRENCHES; OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) TO SPREAD FROM THE PROPERTY OF THE PERSON TO:**

2 **(I) THE ADJOINING PROPERTY OF ANOTHER PERSON; OR**

3 **(II) A PUBLIC RIGHT-OF-WAY.**

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

7 **(I) FOR A FIRST OFFENSE, A CIVIL FINE NOT EXCEEDING \$50;**
8 **AND**

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

12 **(2) EACH BUSINESS DAY THAT A VIOLATION CONTINUES IS A**
13 **SEPARATE OFFENSE.**

14 **(3) THE TOTAL AMOUNT OF ALL FINES IMPOSED FOR VIOLATIONS**
15 **ARISING FROM THE SAME OPERATIVE SET OF FACTS MAY NOT EXCEED \$3,000 IN A**
16 **12-MONTH PERIOD.**

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