

## Chapter 517

## (House Bill 90)

AN ACT concerning

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

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

BY adding to

Article – Local Government  
 Section ~~13-412~~ 1-1318  
 Annotated Code of Maryland  
 (2013 Volume and 2022 Supplement)

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

**Article – Local Government****~~13-412.~~ 1-1318.**

(A) IN THIS SECTION, “~~RUNNING INVASIVE BAMBOO~~” MEANS BAMBOO THAT IS CHARACTERIZED BY AGGRESSIVE SPREADING BEHAVIOR, INCLUDING BAMBOO 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) REQUIRING ANY DAMAGES CAUSED BY INVASIVE BAMBOO TO BE MITIGATED; AND

(2) ESTABLISHING A CIVIL FINE.

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

Approved by the Governor, May 8, 2023.