

BLOCK AD - WESTMORELAND NEWS - TWO WEEKS – JUNE 30 & JULY 7, 2021

**NOTICE OF PUBLIC HEARING
PROPOSED AMENDMENT TO WESTMORELAND COUNTY CODE OF ORDINANCES
PROPOSED ORDINANCE TO REGULATE RUNNING BAMBOO**

Notice is hereby given that the Westmoreland County Board of Supervisors proposes to hold a public hearing on Monday, July 12, 2021, at 6:30 p.m., in the public meeting room located at the front entrance of the George D. English, Sr. Memorial Building, 111 Polk St., Montross, Virginia, to receive public comment regarding the proposed adoption of ***An Ordinance to Regulate Running Bamboo*** as authorized by Virginia Code §15.2-901.1. Said Ordinance will be incorporated into the Westmoreland County Code of Ordinances, *Chapter 22. Environment* as Article VIII.

Copies of the proposed ordinance are available for public examination in the office of the County Administrator located in the George D. English, Sr. Memorial Building, Montross, Virginia, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, or online at www.westmoreland-county.org.

Individuals with a disability, as defined in the Americans with Disabilities Act of 1990 (ADA), desiring to attend this public hearing should contact the County Administrator's office prior to the meeting so as to ensure appropriate accommodations are provided.

**By Order of the Westmoreland County Board of Supervisors
Norm Risavi, County Administrator**

ORDINANCE

AN ORDINANCE TO REGULATE RUNNING BAMBOO

WHEREAS, *Code of Virginia* §15.2-901.1 authorizes localities to regulate running bamboo growth and maintenance on properties within the locality; and

WHEREAS, the Westmoreland County Board of Supervisors, after due notice and public hearing, has determined that it is in the best interest of the health, safety and welfare of the citizens of Westmoreland County to adopt this Ordinance; now, therefore, be it

ORDAINED by the Westmoreland County Board of Supervisors this 12th day of July 2021, that the following Article of the Westmoreland County Code shall be adopted and which Sections shall read as follows:

Chapter 22 – Environment

Article VIII – Running Bamboo

Purpose: The purpose of this Chapter is to preserve and protect private and public property, indigenous plant materials, and property values from the damaging spread of running bamboo grasses.

Intent: It is the finding of the County of Westmoreland that the planting or the growing of running bamboo within Westmoreland County has been and will continue to be destructive to the natural environment and destructive to structures and walkways on properties adjoining and neighboring those properties where running bamboo has been planted or permitted to grow; and because of these effects, the planting or growing of running bamboo threatens the value and physical integrity of both public and private property in Westmoreland County. Therefore, in order to protect and preserve said environment and property values, it is the intent of the County of Westmoreland to regulate the planting or growing of running bamboo within Westmoreland County.

Definitions.

As used in this Chapter, the following terms shall have the following meanings:

RUNNING BAMBOO means any tropical or semi-tropical grass with a monopodial (leptomorph) rhizome (root) system characterized by aggressive spreading behavior, typically producing rhizomes far away from the plant. Running bamboo includes, but is not limited to, the plant genera *Phyllostachys*. In the event running bamboo is found to have encroached, spread,

invaded, or intruded upon any other property or public right of way, said species shall be presumed to be classified as "running bamboo." This presumption shall be rebuttable. As used in this chapter, running bamboo shall not include clumping bamboo.

CLUMPING BAMBOO means any tropical or semi-tropical grass with a sympodial (pachymorph) root system that typically produces rhizomes near the base of the plant.

Duty to contain running bamboo; exception.

A. Except as provided in subsection C of this section, a landowner on whose property running bamboo grows shall not allow the running bamboo to spread from his property to any adjoining property not owned by the landowner or within ten feet of a public right of way or a public roadway.

B. A landowner on whose property running bamboo grows shall install or implement an appropriate containment measure effective at preventing such running bamboo from spreading from his property onto an adjoining property not owned by the landowner or within ten feet of a public right of way or public roadway.

C. A landowner on whose property running bamboo has spread from an adjoining property shall not be required to install or implement a containment measure to prevent the spread of this running bamboo if he:

1. Did not plant the running bamboo or cause the running bamboo to be planted or grown on his property;
2. Has provided satisfactory proof to the County of Westmoreland that, within a reasonable period of time after (i) discovering the spread of running bamboo onto his property from an adjoining property or (ii) purchasing property on which running bamboo had spread from an adjoining property, he advised the owner of the adjoining property of his objection to the spread of the running bamboo; and
3. Has initiated steps for the removal of the running bamboo from his property, including remedies at law.

Containment measures.

A. An appropriate containment measure is any measure that prevents running bamboo from spreading to adjoining property or within ten feet of public right of way or public roadway.

B. A barrier used as a containment measure shall be:

1. Impenetrable to running bamboo; and

2. Installed at a sufficient depth within the property where the running bamboo is planted or growing to prevent the growth of the running bamboo on or the encroachment of the running bamboo upon adjoining property or within ten feet of a public right of way or public roadway.

C. A trench used as a containment measure shall be a sufficient depth within the property where the running bamboo is planted or growing to prevent the growth of the running bamboo on or the encroachment of the running bamboo upon adjoining property or within ten feet of a public right of way or public roadway.

Penalties.

A. A landowner in violation of this chapter shall be subject to a civil penalty not to exceed \$50 for the first violation or violations arising from the same set of operative facts.

B. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200.

C. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

Date of adoption: July 12, 2021

Darryl E. Fisher, Chairman
Board of Supervisors
Westmoreland County