

**Running Bamboo and Other Invasive Species:** This proposal would add Division 3 to Article II, Weeds, of Chapter 66, Vegetation, of the Code of the Town of Chincoteague.

### DIVISION 3. RUNNING BAMBOO AND OTHER INVASIVE SPECIES

#### **Sec. 66-56. Nuisance declared.**

It is the finding of the Town of Chincoteague that the planting of growing of running bamboo, and certain other species, has been and will continue to be destructive to the natural environment and destructive to 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 and other invasive species threatens the value and physical integrity of both public and private property in the Town of Chincoteague. Therefore, in order to protect and preserve said environment and property values, it is the intent of the Town of Chincoteague to regulate the planting or growing of running bamboo and other invasive species with the Town of Chincoteague.

#### **Sec. 66-57. Definitions.**

Running bamboo means the plant genera Phyllostachys. Other invasive species are further defined in the list compiled by the Virginia Department of Conservation and Recreation (DCR): <https://www.dcr.virginia.gov/natural-heritage/invspdflist>

#### **Sec. 66-58. Duty to contain running bamboo and other invasive species**

A. Except as provided in subsection C of this section, a landowner on whose property running bamboo or invasive species grows shall not allow the running bamboo or invasive species 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 or invasive species grows shall install or implement an appropriate containment measure effective at preventing such running bamboo or invasive species 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 or invasive species 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 invasive species or cause the running bamboo or invasive species to be planted or grown on his property;
2. Has provided satisfactory proof to the Town of Chincoteague that, within a reasonable period of time after (i) discovering the spread of the plant onto his property from an adjoining property or (ii) purchasing property on which the plant had spread from an adjoining property, he advised the owner of the adjoining property of his objection to the spread of the running bamboo

or invasive species; and

3. Has initiated steps for the removal of the running bamboo or invasive species from his property, including remedies at law.

**Sec. 66-59. Containment measures.**

A. An appropriate containment measure is any measure that prevents the plant 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 the plant or its root system; and

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

**Sec. 66-60. Penalties.**

Any person who fails or refuses to comply with this article shall be deemed guilty of a class 4 misdemeanor.

*(Adopted 4/16/20)*