

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 496
Committee Substitute Favorable 5/6/21
Committee Substitute #2 Favorable 5/10/21

Short Title: Property Owners' Rights/Tree Ordinances.

(Public)

Sponsors:

Referred to:

April 12, 2021

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT COUNTIES AND CITIES SHALL NOT ADOPT ORDINANCES REGULATING THE REMOVAL OF TREES FROM PRIVATE PROPERTY WITHOUT THE EXPRESS AUTHORIZATION OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-205.4. Limitations on regulating trees.

Without express statutory or local act authority, no ordinance regulating the removal of trees from private property or regulating trees on land owned or operated by a public airport authority may be adopted or enforced. None of the following shall be used by a governing body as the basis for adopting or enforcing ordinances regulating the removal of trees from private property:

(1) The general police powers.

(2) Any powers authorized in this Chapter, Chapter 153A, or Chapter 160D of the General Statutes.

(3) Any other general or local law, except a general or local law expressly authorizing a governing body to adopt ordinances regulating the removal of trees from private property."

SECTION 1.(b) Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-145.9. Limitations on regulating trees.

G.S. 160A-205.4 shall apply to counties."

SECTION 1.(c) Part 2 of Article 9 of Chapter 160D of the General Statutes is amended by adding a new section to read as follows:

"§ 160D-920.1. Limitations on regulating trees.

G.S. 160A-205.4 shall apply to all development regulations under this Chapter."

SECTION 2.(a) G.S. 153A-123(h) is repealed.

SECTION 2.(b) G.S. 160A-175(h) is repealed.

SECTION 3. G.S. 160D-921 reads as rewritten:

"§ 160D-921. Forestry activities.

...

(b) A local government shall not adopt or enforce any ordinance, rule, regulation, or resolution that regulates either of the following:



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- 1 (1) Forestry activity on forestland that is taxed on the basis of its present-use value
2 as forestland under Article 12 of Chapter 105 of the General Statutes.
- 3 (2) Forestry activity that is conducted in accordance with a forest management
4 plan that is prepared or approved by a forester registered in accordance with
5 Chapter 89B of the General Statutes.
- 6 (c) This section shall not be construed to limit, expand, or otherwise alter the authority
7 of a local government to:
- 8 (1) Regulate activity associated with development. A local government may deny
9 a building permit or refuse to approve a site or subdivision plan for either a
10 period of up to:
- 11 a. Three years after the completion of a timber harvest if the harvest
12 results in the removal of all or substantially all of the trees that were
13 protected under local government regulations governing development ~~from~~of
14 the tract of land for which the permit or approval is sought. No
15 local government regulations regulating the removal of trees from
16 private property are enforceable unless expressly authorized by local
17 act of the General Assembly.
- 18 b. Five years after the completion of a timber harvest if the harvest results
19 in the removal of all or substantially all of the trees that were protected
20 under local government regulations governing development ~~from~~of
21 the tract of land for which the permit or approval is sought and the
22 harvest was a willful violation of the local government regulations. No
23 local government regulations regulating the removal of trees from
24 private property are enforceable unless expressly authorized by local
25 act of the General Assembly.
- 26 (2) Regulate trees pursuant to any local act of the General Assembly.
- 27 (3) Adopt ordinances that are necessary to comply with any federal or State law,
28 regulation, or rule.
- 29 (4) Exercise its planning or zoning authority under this Chapter.
- 30 (5) Regulate and protect streets."

31 **SECTION 4.** Any local acts authorizing ordinances regulating the removal of trees
32 from private property before the date this act becomes law, and any ordinances adopted under
33 the authority of those local acts, shall remain in effect after this act becomes law.

34 **SECTION 5.** Any ordinances regulating the removal of trees from private property
35 that were adopted before the date this act becomes law without the express authorization of the
36 General Assembly shall not be enforced after the date this act becomes law.

37 **SECTION 6.** This act becomes effective June 30, 2022.