

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

D

HOUSE BILL 496
PROPOSED COMMITTEE SUBSTITUTE H496-CSBV-17 [v.3]
05/05/2021 04:15:33 PM

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. Article 6 of Chapter 153A of the General Statutes is amended by
adding a new section to read as follows:

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

No county may adopt ordinances regulating the removal of trees from private property within the county's jurisdiction without the express authorization of the General Assembly. Neither the general police powers authorized in this Article nor any other powers authorized in this Chapter or in any other general or local law, except a general or local law expressly authorizing a county to adopt ordinances regulating the removal of trees from private property, shall be used by a county's governing body as the basis for adopting ordinances regulating the removal of trees from private property."

SECTION 2. Article 8 of Chapter 160A of the General Statutes is amended by
adding a new section to read as follows:

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

No city may adopt ordinances regulating the removal of trees from private property within the city's corporate limits or extraterritorial jurisdiction without the express authorization of the General Assembly. Neither the general police powers authorized in this Article nor any other powers authorized in this Chapter or in any other general or local law, except a general or local law expressly authorizing a city to adopt ordinances regulating the removal of trees from private property, shall be used by a city's governing body as the basis for adopting ordinances regulating the removal of trees from private property."

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

"§ 160D-921. Forestry activities.

...

(c) This section shall not be construed to limit, expand, or otherwise alter the authority of a local government to:

(1) Regulate activity associated with development. A local government may deny a building permit or refuse to approve a site or subdivision plan for either a period of up to:

a. Three years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were



protected under local government regulations ~~governing~~ authorized by local act of the General Assembly, which govern development ~~from~~ of the tract of land for which the permit or approval is sought.

- b. Five years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under local government regulations ~~governing~~ authorized by local act of the General Assembly, which govern development ~~from~~ of the tract of land for which the permit or approval is sought and the harvest was a willful violation of the local government regulations authorized by local act of the General Assembly.

(2) Regulate trees pursuant to any local act of the General Assembly.

(3) Adopt ordinances that are necessary to comply with any federal or State law, regulation, or rule.

(4) Exercise its planning or zoning authority under this Chapter.

(5) Regulate and protect streets."

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

SECTION 5. Any ordinances regulating the removal of trees from private property that were adopted before the date this act becomes law without the express authorization of the General Assembly are hereby repealed.

SECTION 6. This act is effective when it becomes law.