

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 637

By: Senator Hester

For An Act To Be Entitled

AN ACT TO PROHIBIT CITIES AND COUNTIES FROM DENYING PRIVATE PROPERTY OWNERS THE RIGHT TO CUT DOWN OR TRIM TREES, BUSHES, OR SHRUBS; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT CITIES AND COUNTIES FROM DENYING PRIVATE PROPERTY OWNERS THE RIGHT TO CUT DOWN OR TRIM TREES, BUSHES, OR SHRUBS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 14, Chapter 1, is amended to add an additional subchapter to read as follows:

Subchapter 4 - Landowner Tree Maintenance Protection Act

14-1-401. Title.

This subchapter shall be known and may be cited as the "Landowner Tree Maintenance Protection Act".

14-1-402. Findings and legislative intent.

(a) The General Assembly finds that the right to own, use, and enjoy private property:

(1) Is protected by the Arkansas Constitution and the United States Constitution;

(2) Is a hallmark of Arkansas and American society, deeply



embedded in the fabric of both urban and rural societies; and

(3) Should be protected from undue interference by state and local government.

(b) It is the intent of the General Assembly by this act to preserve and protect the property rights of citizens by ensuring that state, county, and local government does not prohibit a landowner from cutting down, trimming, or removing the landowner's trees, bushes, or shrubs.

14-1-403. Definitions.

As used in this subchapter:

(1) "Landowner" means:

(A) An individual who owns real property; and

(B) The authorized agents of an individual who owns real property; and

(2) "Tree Maintenance" means cutting down, trimming, or removing a tree, bush, or shrub.

14-1-404. County and municipal ordinances restricting tree maintenance prohibited – Exceptions.

(a) A county, city, or town shall not restrict by ordinance or otherwise the right of a landowner to perform tree maintenance on the landowner's property.

(b) Subsection (a) of this section does not permit a landowner to perform tree maintenance on the landowner's property if the tree maintenance on the landowner's property would violate:

(1) A real property covenant or deed restriction;

(2) A bill of assurance; or

(3) A requirement or restriction imposed by a homeowner's association, a property owner's association, or a similar organization whether imposed by a duly recorded master deed and bylaws or otherwise.

14-1-405. Conflicting ordinances repealed.

An ordinance of a county, city, or town that conflicts with this subchapter is repealed to the extent of the conflict.