

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015

# A Bill

SENATE BILL 637

4  
5 By: Senator Hester

## For An Act To Be Entitled

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

## Subtitle

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

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

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

### Subchapter 4 - Landowner Tree Maintenance Protection Act

#### 14-1-401. Title.

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

#### 14-1-402. Findings and legislative intent.

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

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

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



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

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

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

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9 14-1-403. Definitions.

10 As used in this subchapter:

11 (1) "Landowner" means:

12 (A) An individual who owns real property; and

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

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

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18 14-1-404. County and municipal ordinances restricting tree maintenance  
19 prohibited – Exceptions.

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

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

26 (1) A real property covenant or deed restriction;

27 (2) A bill of assurance; or

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

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32 14-1-405. Conflicting ordinances repealed.

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

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