

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

SENATE BILL 286

5 By: Senator Hester  
6 By: Representative Lundstrum  
7

## For An Act To Be Entitled

9 AN ACT TO PROHIBIT CITIES AND COUNTIES FROM DENYING  
10 OR HINDERING PRIVATE PROPERTY OWNERS THE RIGHT TO  
11 REMOVE OR TRIM TREES, BUSHES, OR SHRUBS; AND FOR  
12 OTHER PURPOSES.  
13

## Subtitle

14  
15 TO PROHIBIT CITIES AND COUNTIES FROM  
16 DENYING OR HINDERING PRIVATE PROPERTY  
17 OWNERS THE RIGHT TO REMOVE OR TRIM TREES,  
18 BUSHES, OR SHRUBS.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code Title 14, Chapter 1, is amended to add an  
25 additional subchapter to read as follows:  
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### Subchapter 5 -- Landowner Tree Maintenance Protection Act

#### 14-1-501. Title.

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29 This subchapter shall be known and may be cited as the "Landowner Tree  
30 Maintenance Protection Act".  
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#### 14-1-502. Findings and legislative intent.

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

36 (1) Is protected by the Arkansas Constitution and the United



1 States Constitution;

2 (2) Is a hallmark of Arkansas and American society that is  
3 deeply embedded in the fabric of both urban and rural societies; and

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

6 (b) It is the intent of the General Assembly by this subchapter to  
7 preserve and protect the property rights of citizens by ensuring that county  
8 and local governments do not prohibit or hinder a landowner from trimming or  
9 removing the landowner's trees, bushes, or shrubs.

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11 14-1-503. Definitions.

12 As used in this subchapter:

13 (1) "Landowner" means:

14 (A) An individual or entity that owns real property; and

15 (B) The authorized agents of an individual or entity that  
16 owns real property; and

17 (2) "Tree maintenance" means trimming or removing a tree, bush,  
18 or shrub.

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20 14-1-504. County and municipal ordinances restricting tree maintenance  
21 prohibited – Exceptions.

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

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

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

29 (2) A bill of assurance; or

30 (3) A requirement or restriction imposed by a homeowners'  
31 association, a property owners' association, or a similar organization  
32 whether imposed by a duly recorded master deed and bylaws or otherwise.

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34 14-1-505. Conflicting ordinances repealed.

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