

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 631

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

16 TO PROHIBIT CITIES AND COUNTIES FROM
17 DENYING OR HINDERING PRIVATE PROPERTY
18 OWNERS THE RIGHT TO REMOVE OR TRIM TREES,
19 BUSHES, OR SHRUBS.
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:
26

Subchapter 5 – Landowner Tree Maintenance Protection Act

14-1-501. Title.

29 This subchapter shall be known and may be cited as the "Landowner Tree
30 Maintenance Protection Act".
31

14-1-502. Findings and legislative intent.

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

10
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.

19
20 14-1-504. County and municipal ordinances restricting tree maintenance
21 prohibited – Exceptions.

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

33
34 14-1-505. Conflicting ordinances repealed.

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36 with this subchapter is repealed to the extent of the conflict.