

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 556  
SENATE BILL 238

AN ACT AS TO THE CITIES OF ASHEVILLE AND RALEIGH CONCERNING  
TREE REGULATION AND TO ALLOW THEM TO EXERCISE EMINENT  
DOMAIN POWERS FOR OPEN SPACE.

The General Assembly of North Carolina enacts:

Section 1. To preserve, protect, and enhance one of the most valuable natural resources of the community, a city may:

- (1) Enact and enforce ordinances to regulate the planting, maintenance, removal, replacement, grading, and preservation on public and private property of the following trees and other plants:
  - a. Trees which are listed as the champion or co- champion of its species, either on the "National Big Tree List" as compiled by the American Forestry Association or the "Champion Big Trees of North Carolina" as compiled by the North Carolina Division of Forestry Resources;
  - b. Trees which are designated an historic property; or
  - c. Species or higher taxon of plants or group or colony of such plants either listed as protected plants by the North Carolina Plant Conservation Board or specifically ordained by the city council as endangered, threatened, or of special concern.No removal of the above-mentioned trees or plants shall be delayed beyond the maximum period of delay authorized for destruction of a designated historic property.
- (2) Enact and enforce ordinances to regulate the planting, maintenance, removal, replacement, grading, and preservation on public and private property of trees and other plants within the following areas:
  - a. floodways and slopes greater than forty-five percent (45%) of adjacent floodways;
  - b. reservoir watershed protection areas;
  - c. resource management zoning districts, provided that no ordinance shall totally prohibit the removal of trees within these districts. However, the ordinance may provide that any trees removed in resource management zoning districts must be replaced by similar trees planted on the same tract or parcel of land.

- (3) Enact and enforce nuisance abatement ordinances to treat or remove diseased or unsafe trees and plants on public and private property.

Before adopting or amending any ordinance authorized by subdivisions (1) and (2) of this Section, the city council shall hold a public hearing on it. A notice of the public hearing shall be given so as to conform with G.S. 160A-364, as it may be amended from time to time.

Sec. 2. G.S. 40A-3(b)(3) is amended by inserting after the word "playgrounds" the following language: ", open spaces or open areas as listed in G.S. 160A-407".

Sec. 3. This act applies only to the Cities of Asheville and Raleigh.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1985.