

By: Hall, et al.

S.B. No. 14

A BILL TO BE ENTITLED

AN ACT

relating to a property owner's right to remove a tree or vegetation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 240.909(b), Local Government Code, is amended to read as follows:

(b) Notwithstanding Section 250.009, the ~~[The]~~ commissioners court of a county subject to this section may prohibit or restrict the clear-cutting of live oak trees in the unincorporated area of the county.

SECTION 2. The heading to Chapter 250, Local Government Code, is amended to read as follows:

CHAPTER 250. MISCELLANEOUS LOCAL GOVERNMENT REGULATORY AUTHORITY
~~[OF MUNICIPALITIES AND COUNTIES]~~

SECTION 3. Chapter 250, Local Government Code, is amended by adding Section 250.009 to read as follows:

Sec. 250.009. REMOVAL OF TREE OR VEGETATION. (a) Except as provided by Subsection (b) and Section 240.909, a municipality, county, or other political subdivision may not enact or enforce any ordinance, rule, or other regulation that restricts the ability of a property owner of residential real property to remove a tree or vegetation on the owner's property, including a regulation that requires the owner to file an affidavit or notice before removing the tree or vegetation.

(b) This section does not prevent the adoption or

1 enforcement by a municipality, county, or other political
2 subdivision of:

3 (1) a provision in a dedicatory instrument, as defined
4 by Section 202.001, Property Code, or restriction, as defined by
5 Section 212.152 of this code, that restricts the ability of a
6 property owner to remove a tree or vegetation on the owner's
7 property, including a standard, bylaw, rule, or regulation
8 enforcing a provision of a dedicatory instrument or restriction
9 that requires the owner to obtain approval for the removal or file
10 an affidavit, application, or notice before the removal;

11 (2) an ordinance, rule, or other regulation designed
12 to mitigate tree-borne diseases as recommended by the Texas A&M
13 Forest Service;

14 (3) an ordinance, rule, or other regulation related
15 to:

16 (A) high grass; or

17 (B) weed removal for the purpose of fire
18 prevention; or

19 (4) an ordinance, rule, or regulation applicable to a
20 person who owns a tract of land and who has divided or proposes to
21 divide the tract into 25 or more parts to lay out a subdivision of
22 the tract for the purpose of developing the land for sale as
23 residential property.

24 SECTION 4. This Act takes effect December 1, 2017.