

<b>Topic:</b>	Tree Preservation & Protection; State Land Use Law
<b>Resource Type:</b>	Regulations
<b>State:</b>	North Carolina
<b>Jurisdiction Type:</b>	State
<b>Municipality:</b>	N/A
<b>Year (adopted, written, etc.):</b>	2004
<b>Community Type - applicable to:</b>	Urban; Suburban; Rural
<b>Title:</b>	State of North Carolina Tree Preservation Ordinance
<b>Document Last Updated in Database:</b>	May 7, 2017

### ***Abstract***

North Carolina does not have specific enabling legislation allowing cities and counties to regulate tree preservation. Nevertheless, a number of local governments have passed ordinances dealing with tree preservation, including the Cities of Charlotte and Greensboro. The City of Greensboro cited its general power to pass ordinances under § 160-174 as authority for creating its Advisory Commission on Trees, which manages its Tree Preservation Ordinance. GREENSBORO, NC CODE §§ 30-9-13 et. seq., §§ 30-5-4.

### ***Resource***

§ 160A-174. General ordinance-making power

(a) A city may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances.

(b) A city ordinance shall be consistent with the Constitution and laws of North Carolina and of the United States. An ordinance is not consistent with State or federal law when:

(1) The ordinance infringes a liberty guaranteed to the people by the State or federal Constitution;

(2) The ordinance makes unlawful an act, omission or condition which is expressly made lawful by State or federal law;

(3) The ordinance makes lawful an act, omission, or condition which is expressly made unlawful by State or federal law;

(4) The ordinance purports to regulate a subject that cities are expressly forbidden to regulate by State or federal law;

(5) The ordinance purports to regulate a field for which a State or federal statute clearly shows a legislative intent to provide a complete and integrated regulatory scheme to the exclusion of local regulation;

(6) The elements of an offense defined by a city ordinance are identical to the elements of an offense defined by State or federal law.

The fact that a State or federal law, standing alone, makes a given act, omission, or condition unlawful shall not preclude city ordinances requiring a higher standard of conduct or condition.