**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑1‑135 SO AS TO PROHIBIT A POLITICAL SUBDIVISION FROM ADOPTING OR ENFORCING A REGULATION, RESOLUTION, OR ORDINANCE THAT WOULD PROHIBIT OR RESTRICT THE REMOVAL OF TREES OR OTHER VEGETATION ON PRIVATE PROPERTY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 1, Title 6 of the 1976 Code is amended by adding:

“Section 6‑1‑135. (A) For the purposes of this section:

(1) ‘Enforce’ means to prosecute, sue, issue a citation, or fine a person for a violation of a regulation, resolution, or ordinance.

(2) ‘Heritage tree’ means a tree designated by the political subdivision to be of notable historical significance, value, or interest because of its age, size, or cultural significance.

(3) ‘Political subdivision’ includes, but is not limited to, a municipality, county, school district, special purpose district, or public service district.

(B) A political subdivision may not adopt or enforce a regulation, resolution, or ordinance that:

(1) prohibits, requires approval for, or otherwise restricts the trimming, felling, or removal of any tree or other vegetation other than a heritage tree located on private property with an agricultural, commercial, or industrial zoning classification; or

(2) requires mitigation including, but not limited to, the planting of trees or other vegetation or payment of a fee or fine for the trimming, felling, or removal of a tree or other vegetation other than a heritage tree on private property with an agricultural, commercial, or industrial zoning classification.

(C) This section may not be construed to:

(1) prohibit a political subdivision from adopting, maintaining, or enforcing a regulation, resolution, or ordinance that:

(a) requires private property to be maintained in a healthy, neat, and orderly appearance free from noxious weeds, invasive vegetation, excessive lawn grass, refuse and debris;

(b) provides property owners the voluntary option to preserve or maintain trees or vegetation as part of a development in exchange for a reduction of other restrictions imposed by the political subdivision;

(c) restricts or allows trimming or removal of trees or vegetation within a public right of way;

(d) allows for trimming or removal of trees or other vegetation within easements or locations that would enhance clear vision of traffic or enhance other traffic safety considerations;

(2) exempt property owners from continued compliance with tree or vegetation requirements contained in site plans; or

(3) conflict with any state or federal floodplain, stormwater, sediment, or erosion control laws or programs.”

SECTION 2. This act takes effect upon approval by the Governor.

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