

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 603
HOUSE BILL 455

AN ACT TO PROHIBIT THE UNAUTHORIZED CUTTING, DIGGING, REMOVAL
OR TRANSPORTATION OF CERTAIN ORNAMENTAL PLANTS AND TREES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 14 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 14-128, to be designated as G. S. 14-128.1, and to read as follows:

"G. S. 14-128.1. Unauthorized Cutting, Digging, Removal or Transportation of Certain Ornamental Plants and Trees. (a) As used in this Section, the words 'ornamental plants or trees' shall mean any venus fly trap (*Dionaea Muscipula*), trailing arbutus, American holly, white pine, red cedar, balsam, hemlock or other coniferous trees, flowering dogwood, mountain laurel, rhododendron, ground pine, Christmas greens, Judas tree, leucothea, azalea, or any other ornamental plant or ornamental tree, or any part thereof.

"(b) No person shall cut, dig up, break off or otherwise sever from the lands of another within this State any ornamental plants or trees without first procuring and having in his possession a bill of sale or written permit executed by the owner or the duly authorized agent of the owner of the land from which such ornamental plants or trees are being cut, dug up, broken off or otherwise severed.

"(c) No person shall transport on the streets, highways or public roads of the State more than two ornamental plants or trees taken from the lands of another in this State without having in his possession a bill of sale for the purchase thereof, if purchased, or written permit, if acquired pursuant to such permit: Provided, however, this paragraph shall not apply to common carriers.

"(d) Such bill of sale or written permit described above shall be carried by the person having possession of said ornamental plants or trees and be exhibited to any duly authorized law enforcement officer at his request; provided that it shall not be necessary for the owner or duly authorized agent of the owner of the land from which said ornamental plants or trees were taken to carry a bill of sale or written permit.

"(e) This Section shall not apply to the owner or duly authorized agent of the owner of the land from which said ornamental plants or trees were taken: Provided, further, no person charged with violating this Section shall be convicted if he produces at the trial the bill of sale or permit described in this Section with respect to the transaction in question regardless of whether such bill of sale or written permit was secured before or subsequent to the time of the alleged violation of this Section.

"(f) Any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned in the discretion of the court; provided that the terms of this Act shall apply only to the following counties: Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Craven, Dare, Davidson, Forsyth, Franklin, Gaston, Graham, Guilford, Haywood, Henderson, Hoke, Jackson, Lenoir, Macon, Madison, McDowell, Mecklenburg, Mitchell, Pitt, Polk, Randolph, Stokes, Swain, Transylvania, Wake, Watauga, Wayne, Wilkes and Yancey."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1963.