

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

D

SENATE DRS15150-LD-65A* (03/10)

Short Title: No Local Regulation of Forestry/Agriculture. (Public)

Sponsors: Senators Hoyle, and Apodaca.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT COUNTIES AND MUNICIPALITIES FROM
REGULATING CERTAIN FORESTRY AND AGRICULTURAL ACTIVITIES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 23 of Chapter 153A of the General Statutes is amended
by adding a new section:

"§ 153A-451. Restriction of certain forestry and agricultural activities prohibited.

(a) A county shall not adopt or continue in effect any ordinance, rule, regulation, or resolution regulating forestry or agricultural activities on forestland or farmland. This section applies to requiring notices, permits, or imposing a fee on forestry and agricultural activities.

(b) Nothing in this section prohibits a county from exercising its planning and zoning authority under Article 18 of Chapter 153A of the General Statutes.

(c) This section does not apply to development activities.

(d) The following definitions apply to this section:

(1) Agricultural activity. – Any activity associated with the growing, managing, cultivation, harvesting, and related transportation of agricultural products.

(2) Agriculture. – Defined in G.S. 106-581.1.

(3) Development activity. – Any activity, including timber harvesting, associated with the conversion of forestland or farmland to nonforest or nonagricultural use.

(4) Farmland. – Any land devoted to the growing and production of agricultural products.

(5) Forestland. – Any land devoted to the growing of trees for the production of timber, wood, and other forest products.

1 (6) Forestry. – The professional practice embracing the science, business,
2 and the art of creating, conserving, and managing forests and
3 forestland for the sustained use and enjoyment of their resources,
4 materials, or other forest products.

5 (7) Forestry activity. – Any activity associated with the growing,
6 managing, harvesting, and related transportation, reforestation, or
7 protection of trees and timber provided that such activities comply
8 with existing State rules and regulations pertaining to forestry."

9 **SECTION 2.** Article 21 of Chapter 160A of the General Statutes is amended
10 by adding a new section:

11 **"§ 160A-499. Restriction of certain forestry and agricultural activities prohibited.**

12 (a) A municipality shall not adopt or continue in effect any ordinance, rule,
13 regulation, or resolution regulating forestry or agricultural activities on forestland or
14 farmland. This section applies to requiring notices, permits, or imposing a fee on
15 forestry and agricultural activities.

16 (b) Nothing in this section prohibits a municipality from exercising its planning
17 and zoning authority under Article 19 of Chapter 160A of the General Statutes.

18 (c) This section does not apply to development activities.

19 (d) The definitions in G.S. 153A-451 apply to this section, except 'agriculture' is
20 defined in G.S. 106-581.1."

21 **SECTION 3.** This act is effective when it becomes law.