

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 681*

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

Sponsors: Senators Hoyle and Apodaca.

Referred to: Agriculture/Environment/Natural Resources.

March 21, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT COUNTIES AND MUNICIPALITIES FROM
3 REGULATING CERTAIN FORESTRY AND AGRICULTURAL ACTIVITIES.

4 The General Assembly of North Carolina enacts:

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

7 "**§ 153A-451. Restriction of certain forestry and agricultural activities prohibited.**

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

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

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

15 (d) The following definitions apply to this section:

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

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

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

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

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

27 (6) Forestry. – The professional practice embracing the science, business,
28 and the art of creating, conserving, and managing forests and

1 forestland for the sustained use and enjoyment of their resources,
2 materials, or other forest products.

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

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

9 **"§ 160A-499. Restriction of certain forestry and agricultural activities prohibited.**

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

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

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

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

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