

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

FILED SENATE
May 14, 2014
S.B. 734
PRINCIPAL CLERK

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SENATE DRS35513-SBz-30A (05/13)

Short Title: Authority to Adopt Certain Ordinances.

(Public)

Sponsors: Senators Wade, B. Jackson, and Brock (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE AUTHORITY OF LOCAL GOVERNMENTS TO ADOPT
3 CERTAIN AGRICULTURAL AND ENVIRONMENTAL ORDINANCES, AS
4 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 10.2 of S.L. 2013-413 is repealed.

7 **SECTION 2.** No later than November 1, 2014, and November 1, 2015, the
8 Department of Agriculture and Consumer Services shall report to the Environmental Review
9 Commission on any local government ordinances that impinge on or interfere with any area
10 subject to regulation by the Department.

11 **SECTION 3.** No later than November 1, 2014, and November 1, 2015, the
12 Department of Environment and Natural Resources shall report to the Environmental Review
13 Commission on any local government ordinances that impinge on or interfere with any area
14 subject to regulation by the Department.

15 **SECTION 4.** Article 56 of Chapter 106 of the General Statutes is amended by
16 adding a new section to read:

17 "**§ 106-678. Authority of Board of Agriculture to regulate fertilizers.**

18 No county, city, or other political subdivision of the State shall adopt or continue in effect
19 any ordinance, rule, regulation, or resolution regulating the use, sale, distribution, storage,
20 transportation, disposal, formulation, labeling, registration, manufacture, or application of
21 fertilizer in any area subject to regulation by the Board pursuant to this Article. Nothing in this
22 section shall prohibit a county, city, or other political subdivision of the State from exercising
23 its planning and zoning authority under Article 19 of Chapter 160A of the General Statutes or
24 Article 18 of Chapter 153A of the General Statutes or from exercising its fire prevention or
25 inspection authority. Nothing in this section shall limit the authority of the Department of
26 Environment and Natural Resources to enforce water quality standards."

27 **SECTION 5.** This act is effective when it becomes law.



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