

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 734

Short Title: Authority to Adopt Certain Ordinances. (Public)

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

Referred to: Agriculture/Environment/Natural Resources.

May 15, 2014

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF LOCAL GOVERNMENTS TO ADOPT
CERTAIN AGRICULTURAL AND ENVIRONMENTAL ORDINANCES, AS
RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

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 Section 10.2 of S.L. 2013-413 is repealed.

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

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

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

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

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

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



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