

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 724*

Short Title: Orange/Chapel Hill Local Act.

(Local)

Sponsors: Senators Kinnaird and Lee.

Referred to: State and Local Government.

April 1, 1999

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE AUTHORITY OF ORANGE COUNTY TO REQUIRE
2 BY ORDINANCE CERTAIN NOTICE OF PESTICIDE APPLICATION, TO
3 AUTHORIZE ORANGE COUNTY TO REGULATE BY ORDINANCE THE
4 EMISSION OF POLLUTANTS OR CONTAMINANTS, AND TO AUTHORIZE
5 THE TOWN OF CHAPEL HILL TO REGULATE THE TIMING, NUMBER, AND
6 SIZE OF PRIVATE DEVELOPMENT PROJECTS UNDER CONSTRUCTION
7 WITHIN A SPECIFIED WATERSHED.

8
9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 143-465(d) reads as rewritten:

11 "(d) ~~No~~ Subject to G.S. 153A-143, no county, city, or other political subdivision of
12 the State shall adopt or continue in effect any ordinance, rule, regulation, or resolution
13 regulating the use, sale, distribution, storage, transportation, disposal, formulation,
14 labeling, registration, manufacture, or application of pesticides in any area subject to
15 regulation by the Board pursuant to this Article. Nothing in this section shall prohibit a
16 county, city, or other political subdivision of the State from exercising its planning and
17 zoning authority under Article 19 of Chapter 160A of the General Statutes or Article 18
18 of Chapter 153A of the General Statutes, or from exercising its fire prevention or
19 inspection authority."

1 Section 2. Article 6 of Chapter 153A of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 153A-143. Notice of pesticide application.**

4 A county may by ordinance require that:

- 5 (1) Notice of a proposed application of a pesticide be given to landowners
6 adjoining the property to be treated or in the immediate vicinity of that
7 property.
8 (2) Notice of an application of a pesticide be conspicuously posted at the
9 time and place of the application."

10 Section 3. G.S. 153A-445(a) reads as rewritten:

11 "(a) A county may take action under the following provisions of Chapter 160A:

- 12 (1) Chapter 160A, Article 20, Part 1. – Joint Exercise of Powers.
13 (2) Chapter 160A, Article 20, Part 2. – Regional Councils of Governments.
14 (3) G.S. 160A-487. – Financial support for rescue squads.
15 (4) G.S. 160A-488. – Art galleries and museums.
16 (5) G.S. 160A-492. – Human relations programs.
17 (6) G.S. 160A-497. – Senior citizens programs.
18 (7) G.S. 160A-489. – Auditoriums, coliseums, and convention and civic
19 centers.
20 (8) G.S. 160A-498. – Railroad corridor preservation.
21 (9) G.S. 160A-185. – Emission of pollutants or contaminates."

22 Section 4. G.S. 113A-60(a) reads as rewritten:

23 "(a) Any local government may submit to the Commission for its approval an
24 erosion and sediment control program for its jurisdiction, and to this end local
25 governments are authorized to adopt ordinances and regulations necessary to establish
26 and enforce erosion and sediment control programs. Local governments are authorized to
27 create or designate agencies or subdivisions of local government to administer and
28 enforce the programs. An ordinance adopted by a local government shall at least meet
29 and may exceed the minimum requirements of this Article and the rules adopted pursuant
30 to this ~~Article~~ Article and may regulate the timing, number, and size in acres of private
31 development projects that may be permitted and under construction within a specified
32 watershed. Two or more units of local government are authorized to establish a joint
33 program and to enter into any agreements that are necessary for the proper administration
34 and enforcement of the program. The resolutions establishing any joint program must be
35 duly recorded in the minutes of the governing body of each unit of local government
36 participating in the program, and a certified copy of each resolution must be filed with the
37 Commission."

38 Section 5. Sections 1 through 3 of this act apply to Orange County only.

39 Section 6. Section 4 of this act applies to the Town of Chapel Hill only.

40 Section 7. This act is effective when it becomes law.