

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 168
PROPOSED COMMITTEE SUBSTITUTE H168-PCS11103-RW-9

Short Title: Farms Exempt From City Annexation/ETJ/Zoning.

(Public)

Sponsors:

Referred to:

February 24, 2011

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE DEFINITION OF "BONA FIDE FARM PURPOSES," TO PROHIBIT THE INVOLUNTARY MUNICIPAL ANNEXATION OF PROPERTY USED FOR BONA FIDE FARM PURPOSES, TO EXEMPT PROPERTY USED FOR BONA FIDE FARM PURPOSES FROM THE EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION OF MUNICIPALITIES, AND TO EXEMPT PROPERTY USED FOR BONA FIDE FARMING PURPOSES FROM MUNICIPAL ZONING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-340(b)(2) reads as rewritten:

"(b) (2) Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of ~~agricultural products~~ agriculture as defined in ~~G.S. 106-581.1~~ G.S. 106-581.1 ~~having a domestic or foreign market.~~ For purposes of this subdivision, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a 'Goodness Grows in North Carolina' product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose."

SECTION 2. G.S. 160A-36 is amended by adding a new subsection to read:

"(f) No land being used for 'bona fide farm purposes,' as defined in G.S. 153A-340, on the date of the resolution of intent to consider annexation, shall be annexed without the written consent of the owner or owners of the property."

SECTION 3. G.S. 160A-48 is amended by adding a new subsection to read:

"(g) No land being used for 'bona fide farm purposes,' as defined in G.S. 153A-340, on the date of the resolution of intent to consider annexation, shall be annexed without the written consent of the owner or owners of the property."

SECTION 4. G.S. 160A-360 is amended by adding a new subsection to read:

"(k) Property used for 'bona fide farm purposes,' as defined in G.S. 153A-340, is exempt from a municipality's extraterritorial jurisdiction under this Article."

SECTION 5. Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-393.1. Part not applicable to property used for bona fide farm purposes."



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1 The provisions of this Part are not applicable to property used for 'bona fide farm purposes,'
2 as defined in G.S. 153A-340."

3 **SECTION 6.** This act is effective when it becomes law.