

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1172

Short Title: Clarify Regulation of Forestry. (Public)

Sponsors: Representatives Gibson, Brubaker, McComas, L. Allen (Primary Sponsors); Frye, Gillespie, and LaRoque.

Referred to: Environment and Natural Resources.

April 11, 2005

A BILL TO BE ENTITLED
AN ACT TO CLARIFY THE ROLE OF COUNTIES AND MUNICIPALITIES IN
REGULATING CERTAIN FORESTRY ACTIVITIES.

The General Assembly of North Carolina enacts:

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

"§ 153A-451. Restriction of certain forestry activities prohibited.

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

(b) Nothing in this section prohibits a county from exercising its planning and zoning authority under Article 18 of Chapter 153A of the General Statutes. Nothing in this section prohibits a county from exercising its authority to adopt tree ordinances if it previously received that authority by an act of the General Assembly.

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

(d) The following definitions apply to this section:

(1) Development activity. – Any activity, including timber harvesting, associated with the conversion of forestland to nonforest use.

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

(3) Forestry. – The professional practice embracing the science, business, and the art of creating, conserving, and managing forests and forestland for the sustained use and enjoyment of their resources, materials, or other forest products.

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

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

3 **"§ 160A-499. Restriction of certain forestry activities prohibited.**

4 (a) A municipality shall not adopt or continue in effect any ordinance, rule,
5 regulation, or resolution regulating forestry activities on forestland. This section applies
6 to requiring notices, permits, or imposing a fee on forestry activities.

7 (b) Nothing in this section prohibits a municipality from exercising its planning
8 and zoning authority under Article 19 of Chapter 160A of the General Statutes.
9 Nothing in this section prohibits a municipality from exercising its authority to adopt
10 tree ordinances if it previously received that authority by an act of the General
11 Assembly.

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

13 (d) The definitions in G.S. 153A-451 apply to this section."

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