

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 623

Short Title: Riparian Buffer Rule Exemption. (Public)

Sponsors: Senators Preston; and Brown.

Referred to: Agriculture/Environment/Natural Resources.

April 19, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE AN EXEMPTION TO THE RIPARIAN BUFFER REQUIREMENTS
3 FOR CERTAIN PRIVATE PROPERTIES IN THE NEUSE RIVER AND TAR-PAMLICO
4 RIVER BASINS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Part 1 of Article 21 of Chapter 143 of the General Statutes is
7 amended by adding a new section to read:

8 "**§ 143-214.18. Exemption to riparian buffer requirements for certain private properties**
9 **in the Neuse River and Tar-Pamlico River Basins.**

10 (a) Absent a requirement of federal law or an imminent threat to public health or safety,
11 the temporary rules adopted July 22, 1997, January 22, 1998, April 22, 1998, and June 22,
12 1999, and the permanent rule adopted and effective August 1, 2000, as 15A NCAC 02B .0233,
13 regarding the protection and maintenance of existing riparian buffers in the Neuse River and
14 Tar-Pamlico River Basins shall not apply to any tract of land that meets all of the following
15 criteria:

16 (1) The property is private property.

17 (2) Prior to August 1, 2000, the property was private property and was platted
18 and recorded in the register of deeds in the county where the property is
19 located.

20 (3) With the exception of 15A NCAC 02B .0233, the use of the property
21 complies with the rules and other laws regulating and applicable to that
22 property prior to August 1, 2000.

23 (b) If a property described in subsection (a) of this section is converted to a use that
24 does not comply with subdivisions (1) and (3) of subsection (a) of this section, then 15A
25 NCAC 02B .0233 shall apply. "

26 SECTION 2. This act is effective when it becomes law.

