

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 195

Short Title: ETJ/Clarify Definition of Bona Fide Farm. (Public)

Sponsors: Representatives McCormick, Hill, Dixon, and Brubaker (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

March 1, 2011

A BILL TO BE ENTITLED

AN ACT TO EXEMPT FARMS FROM THE EXTRATERRITORIAL JURISDICTION OF MUNICIPALITIES, TO CLARIFY THE DEFINITION OF "BONA FIDE FARM," AND TO PROHIBIT THE ANNEXATION OF FARMS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 160A-360 is amended by adding a new subsection to read:

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

SECTION 1.(b) 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. Article 4A of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-58.29. No annexation of farms.

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. This act is effective when it becomes law.

