

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1139

Short Title: Regulate Irrigation Systems/Cities. (Public)

Sponsors: Representatives K. Alexander; Bryant, Hall, Harrison, Tarleton, Tolson, Wilkins, and Wray.

Referred to: Commerce, Small Business, and Entrepreneurship, if favorable, Water Resources and Infrastructure.

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CITIES WITH A POPULATION IN EXCESS OF NINETY THOUSAND TO REGULATE OR PROHIBIT NEW IRRIGATION SYSTEMS FOR RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENTS USED FOR LAWNS AND LANDSCAPING THAT ARE CONNECTED TO THE PUBLIC POTABLE WATER SUPPLY AND TO REGULATE CISTERNS AND RAIN BARRELS USED FOR IRRIGATION PURPOSES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-202. Regulation of irrigation systems; regulation of cisterns and rain barrels used for irrigation.

(a) A city may by ordinance regulate or prohibit, in new subdivisions and other new residential and new nonresidential developments within its corporate limits and extraterritorial planning jurisdiction, underground irrigation systems that are connected to the local public potable water supply system. For the purposes of this section, an underground irrigation system includes any piping system installed below ground level for the purpose of providing water distribution for lawns, shrubbery, and other landscaping and vegetation through spray, drip, filtration, or other similar method of discharge. As used in this act, "development" has the same meaning as in G.S. 160A-400.21(3).

(b) No city ordinance may prohibit or have the effect of prohibiting the installation and maintenance of cisterns and rain barrel collection systems used to collect water for irrigation purposes on any property within its corporate limits and extraterritorial planning jurisdiction. The city may regulate the installation and maintenance of those cisterns and rain barrel collection systems for the purpose of protecting the public health and safety and for the purpose of preventing them from becoming a public nuisance.

(c) This section applies to cities having a population in excess of 90,000, according to the last federal decennial census."

SECTION 2. G.S. 160A-202(a) and (c), as enacted by this act, are effective when they become law and apply to developments for which an application for a development permit has been submitted on or after that date. As used in this section, "development" has the same meaning as in G.S. 160A-400.21(3), and "development permit" has the same meaning as in G.S. 160A-400.21(4). G.S. 160A-202(b), as enacted by this act, becomes effective October 1, 2009.

