

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE DRS85156-LD-45B (03/08)

Short Title: Standards for Some Nursery Stock Purchases.

(Public)

Sponsors: Senator Daniel.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT EVERY COMMUNITY APPEARANCE COMMISSION, CITY, AND COUNTY FROM REQUIRING THAT NURSERY STOCK THAT IS PURCHASED WITHIN THE JURISDICTION OF THE COMMISSION, CITY, OR COUNTY RESPECTIVELY MEET ANY STANDARD FOR NURSERY STOCK THAT IS STRICTER THAN THE AMERICAN STANDARD FOR NURSERY STOCK ADOPTED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION, UNLESS THE STRICTER STANDARD IS NECESSARY TO PROTECT PUBLIC HEALTH OR SAFETY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Part 7 of Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read:

**"§ 160A-455.1. Restriction concerning standards in excess of national standards applicable to nursery stock.**

No commission may make any plans or carry out any program under this Part to enhance the visual quality or aesthetic appearance of the municipality or county within its jurisdiction that will require that any nursery stock that is purchased to be planted within its jurisdiction satisfy any standard that exceeds the American Standard for Nursery Stock adopted by the American Nursery and Landscape Association, unless the stricter standard is necessary to protect public health or safety."

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

**"§ 160A-499.3. Standards for nursery stock.**

No city may require that any nursery stock that is purchased to be planted within its jurisdiction satisfy any standard for nursery stock that exceeds the American Standard for Nursery Stock adopted by the American Nursery and Landscape Association, unless the stricter standard is necessary to protect public health or safety."

**SECTION 3.** Article 23 of Chapter 153A of the General Statutes is amended by adding a new section to read:

**"§ 153A-456. Standards for nursery stock.**

No county may require that any nursery stock that is purchased to be planted within its jurisdiction satisfy any standard for nursery stock that exceeds the American Standard for Nursery Stock adopted by the American Nursery and Landscape Association, unless the stricter standard is necessary to protect public health or safety."



1                   **SECTION 4.** This act is effective when it becomes law and applies to any contracts  
2 for the purchase of nursery stock that are entered into on or after that date.