

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

D

SENATE DRS75067-LR-33 (02/10)

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

Sponsors: Senator Jackson.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXEMPT FARMS FROM THE EXTRATERRITORIAL JURISDICTION OF  
3 MUNICIPALITIES, TO CLARIFY THE DEFINITION OF "BONA FIDE FARM," AND  
4 TO PROHIBIT THE INVOLUNTARY ANNEXATION OF FARMS.

5 The General Assembly of North Carolina enacts:

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

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

9 **SECTION 1.(b)** G.S. 153A-340(b)(2) reads as rewritten:

10 "(b) (2) Except as provided in G.S. 106-743.4 for farms that are subject to a  
11 conservation agreement under G.S. 106-743.2, bona fide farm purposes  
12 include the production and activities relating or incidental to the production  
13 of crops, fruits, vegetables, ornamental and flowering plants, dairy,  
14 livestock, poultry, and all other forms of ~~agricultural products~~ agriculture as  
15 defined in ~~G.S. 106-581.1~~ having a domestic or foreign market.  
16 G.S. 106-581.1. For purposes of this subdivision, the production of a  
17 nonfarm product that the Department of Agriculture and Consumer Services  
18 recognizes as a 'Goodness Grows in North Carolina' ~~product~~ product, a 'Got  
19 To Be NC' product, or both, that is produced on a farm subject to a  
20 conservation agreement under G.S. 106-743.2 is a bona fide farm purpose."

21 **SECTION 2.** Article 4A of Chapter 160A of the General Statutes is amended by  
22 adding a new section to read:

23 "**§ 160A-58.29. No involuntary annexation of farms.**

24 No land being used for bona fide farm purposes, as defined in G.S. 153A-340 on the date of  
25 the resolution of intent to consider annexation, shall be annexed without the written consent of  
26 the owner or owners of the property."

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

