

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 256

Short Title: Herbicide Application by Public Utility. (Public)

Sponsors: Representative Baker.

Referred to: Public Utilities.

March 6, 2003

1 A BILL TO BE ENTITLED
2 AN ACT PROHIBITING PUBLIC UTILITIES FROM APPLYING HERBICIDES
3 WITHIN FIVE HUNDRED FEET OF CERTAIN PLACES WITHOUT
4 PERMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 15 of Chapter 62 of the General Statutes is amended by
7 adding a new section to read:

8 "**§ 62-323.1. Herbicide application by public utility.**

9 (a) As used in this section, "herbicide" has the same meaning as in G.S. 143-460.

10 (b) It shall be unlawful for a public utility to apply herbicide within 500 feet of
11 any of the following locations before obtaining written permission from the person
12 responsible for the premises.

13 (1) Child care center, as defined in G.S. 110-86, that is licensed under
14 Article 7 of Chapter 110 of the General Statutes.

15 (2) Church.

16 (3) Historic property acquired by the State pursuant to G.S. 121-9 or listed
17 in the North Carolina Register of Historic Places pursuant to G.S.
18 121-4.1.

19 (4) Hospital.

20 (5) National park.

21 (6) Outdoor recreational facility.

22 (7) Property boundary.

23 (8) Residence.

24 (9) School.

25 (10) State park, as defined in G.S. 113-44.9.

26 (11) Well supplying water to a public water system, as defined in G.S.
27 130A-313.

28 (12) Well that supplies water for human consumption.

1 (c) Any public utility that violates the provisions of this section shall be subject
2 to the penalties under G.S. 62-310."

3 **SECTION 2.** This act is effective when it becomes law, and applies to
4 offenses committed on or after that date.