

GENERAL ASSEMBLY OF NORTH CAROLINA

1995 SESSION

RATIFIED BILL

CHAPTER 420

SENATE BILL 1080

AN ACT TO PLACE CERTAIN RESTRICTIONS ON THE SITING OF SWINE HOUSES AND LAGOONS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 106 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 67.

"Swine Farms.

§ 106-800. Title.

This Article shall be known as the 'Swine Farm Siting Act'.

§ 106-801. Purpose.

The General Assembly finds that the siting of swine houses and lagoons for larger farms can assist in the development of pork production to contribute to the economic development of the State while minimizing any interference with the use and enjoyment of adjoining property.

§ 106-802. Definitions.

As used in this Article, unless the context clearly requires otherwise:

(1) 'Lagoon' means a confined body of water to hold animal byproducts including bodily waste from animals or a mixture of waste with feed, bedding, litter or other agricultural materials without discharge to surface waters of the State except in the event of a storm more severe than the 25-year, 24-hour storm.

(2) 'New swine farm' means any swine farm whose operations were sited on or after October 1, 1995. Renovation and reconstruction of existing farms does not constitute a 'new swine farm'.

(3) 'Occupied residence' means a dwelling actually inhabited by a person on a continuous basis as exemplified by a person living in his home.

(4) 'Siting' or 'site evaluation' means an investigation to determine if a site meets all federal and State standards as evidenced by the Waste Management Facility Site Evaluation Report on file with the Natural Resources Conservation Service or a comparable report certified by a professional engineer or a comparable report certified by a technical specialist approved by the North Carolina Soil and Water Conservation Commission and either of which report provides the

basis for certification by the Division of Environmental Management pursuant to the rules appearing in the North Carolina Administrative Code governing waste not discharged to surface waters.

_____ (5) 'Swine farm' means a tract of land devoted to raising 250 or more animals of the porcine species.

_____ (6) 'Swine house' means a building that shelters porcine animals on a continuous basis.

"§ 106-803. Requirements for siting swine houses and lagoons.

_____ (a) A swine house or a lagoon that is a component of a swine farm shall be located at least 1,500 feet from any occupied residence; at least 2,500 feet from any school, hospital, or church; and at least 100 feet from any property boundary. The outer perimeter of the land area onto which waste is applied from a lagoon that is a component of a swine farm shall be at least 50 feet from any residential property boundary and from any perennial stream or river, other than an irrigation ditch or canal.

_____ (b) A swine house or a lagoon that is a component of a swine farm may be sited closer to a residence, school, hospital, church, or a property boundary than is allowed under subsection (a) of this section if written permission is given by the owner of the property and recorded with the Register of Deeds."

Sec. 2. This act becomes effective October 1, 1995, and applies to any new swine farm for which a site evaluation is conducted on or after that date.

In the General Assembly read three times and ratified this the 11th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives