

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1260

Short Title: Sediment Control Set Back Line.

(Public)

Sponsors: Representatives Colton, Payne, N. Crawford, Greenwood, Nesbitt, B. Ethridge, Holt, Diamont, Jones, and Buchanan.

Referred to: Basic Resources.

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT NO LAND-DISTURBING ACTIVITY MAY BE PERMITTED WITHIN FIFTY FEET OF STREAM, LAKE, RIVER, OR ESTUARY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113A-57 reads as rewritten:

"§ 113A-57. Mandatory standards for land-disturbing activity.

No land-disturbing activity subject to this Article shall be undertaken except in accordance with the following mandatory requirements:

(1) No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearer the land-disturbing activity, provided, that this subdivision (1) shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.

(2) The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion-control devices or structures. In any event, slopes left exposed will, within 30 working days of completion of any phase of grading, be

- 1 planted or otherwise provided with ground cover, devices, or structures
2 sufficient to restrain erosion.
- 3 (3) Whenever land-disturbing activity is undertaken on a tract comprising
4 more than one acre, if more than one contiguous acre is uncovered, the
5 person conducting the land-disturbing activity shall install such
6 sedimentation and erosion control devices and practices as are
7 sufficient to retain the sediment generated by the land-disturbing
8 activity within the boundaries of the tract during construction upon and
9 development of said tract, and shall plant or otherwise provide a
10 permanent ground cover sufficient to restrain erosion after completion
11 of construction or development within a time period to be specified by
12 rule of the Commission.
- 13 (4) No person shall initiate any land-disturbing activity if more than one
14 contiguous acre is to be uncovered unless, 30 or more days prior to
15 initiating the activity, an erosion and sedimentation control plan for
16 such activity is filed with the agency having jurisdiction.
- 17 (5) No land-disturbing activity may be permitted within 50 feet
18 of a stream, river, lake, or estuary."
- 19 Sec. 2. This act is effective upon ratification and shall apply to any erosion
20 control plan submitted after the date of ratification.