

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 845

Short Title: Agricultural Operation in Violation.

(Public)

Sponsors: Representatives Watson; Cummings, Buchanan, Fitch, and Hayes.

Referred to: Agriculture, if favorable, Judiciary I.

April 12, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT AN AGRICULTURAL OPERATION THAT IS
2 OPERATED IN CONTINUED VIOLATION OF APPLICABLE
3 ENVIRONMENTAL STATE STATUTES OR RULES ADOPTED PURSUANT TO
4 THOSE STATUTES CONSTITUTES A NUISANCE AND TO PROVIDE THAT
5 THE OWNER AND OPERATOR OF SUCH AN AGRICULTURAL OPERATION
6 AND THE OWNER OF ANY LIVESTOCK OR POULTRY RAISED OR
7 PRODUCED AT SUCH OPERATION MAY BE JOINTLY AND SEVERALLY
8 LIABLE FOR RESULTING DAMAGES.
9

10 The General Assembly of North Carolina enacts:

11 Section 1. G.S. 106-701 is amended by adding two new subsections to read:

12 "(f) Within the meaning of this section, an agricultural operation is a nuisance that
13 results from the negligent or improper operation of the agricultural operation when the
14 agricultural operation is knowingly operated in violation of any applicable State
15 environmental laws or any rules adopted pursuant to those laws and no action to correct
16 the violation has been taken within 30 days after the final agency decision or court order
17 has been served on the violator.

18 (g) The owner and the operator of an agricultural operation that is a nuisance
19 under subsection (f) of this section and the owner of any livestock or poultry that is raised
20 or produced pursuant to a contract with the owner or operator of such operation are

1 jointly and severally liable for civil damages not to exceed two hundred fifty thousand
2 dollars (\$250,000) in the aggregate, to any person harmed as a result of the violation.
3 Ultimate liability between the parties may be determined by common-law principles."

4 Sec. 2. This act becomes effective October 1, 1995, and applies to any
5 environmental violations that occur on or after that date.