

071000840

SENATE BILL NO. 1061**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on January 29, 2007)

(Patron Prior to Substitute—Senator Watkins)

A *BILL to amend the Code of Virginia by adding sections numbered 3.1-106.4:1 and 15.2-924.1, relating to the regulation of fertilizer.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 3.1-106.4:1 and 15.2-924.1 as follows:

§ 3.1-106.4:1. Local government regulation of fertilizer.

No locality shall regulate the registration, packaging, labeling, sale, or distribution of fertilizers. The provisions of this section shall not preempt the adoption, amendment, or enforcement of the Statewide Fire Prevention Code pursuant to § 27-97 and the Uniform Statewide Building Code pursuant to § 36-98.

§ 15.2-924.1. Regulation of nonpoint source pollution; fertilizer.

A. No locality shall regulate the use, application, or storage of fertilizers, as defined in the Virginia Fertilizer Act (§ 3.1-106.1 et seq.), except by ordinances consistent with the requirements of the Chesapeake Bay Preservation Act (§ 10.1-2100 et seq.), the Erosion and Sediment Control Law (§ 10.1-560 et seq.), the Stormwater Management Act (§ 10.1-603.1 et seq.) or other nonpoint source regulations promulgated by the Department of Conservation and Recreation or the Soil and Water Conservation Board.

B. The provisions of this section shall not preempt the adoption, amendment, or enforcement of the Statewide Fire Prevention Code pursuant to § 27-97 and the Uniform Statewide Building Code pursuant to § 36-98.

C. Any person aggrieved by any development condition prohibiting or restricting the use, application, or storage of fertilizers imposed as a condition of approval of a land use application submitted shall have the right to contest any such development condition by filing an action pursuant to § 15.2-2285 or 15.2-2314, as the case may be, with the circuit court having jurisdiction of the land affected by the imposed development condition.