

# VIRGINIA ACTS OF ASSEMBLY -- 2007 SESSION

## CHAPTER 444

*An Act to amend and reenact § 3.1-22.28 of the Code of Virginia, relating to right to farm act.*

[H 1823]

Approved March 19, 2007

**Be it enacted by the General Assembly of Virginia:**

**1. That § 3.1-22.28 of the Code of Virginia is amended and reenacted as follows:**

§ 3.1-22.28. Right to farm; restrictive ordinances.

In order to limit the circumstances under which agricultural operations may be deemed to be a nuisance, especially when nonagricultural land uses are initiated near existing agricultural operations, no county, *city*, or *town* shall adopt any ordinance that requires that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. For the purpose of this section, "production agriculture and silviculture" means the bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge. However, counties, *cities*, and *towns* may adopt setback requirements, minimum area requirements, and other requirements that apply to land on which agriculture and silviculture activity is occurring within the locality that is zoned as an agricultural district or classification. No county, city or town shall enact zoning ordinances which would unreasonably restrict or regulate farm structures or farming and forestry practices in an agricultural district or classification unless such restrictions bear a relationship to the health, safety and general welfare of its citizens. This section shall become effective on April 1, 1995, and from and after that date all land zoned to an agricultural district or classification shall be in conformity with this section.