

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-2288.3 of the Code of Virginia, relating to licensed farm wineries.*

3 [H 2071]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 15.2-2288.3 of the Code of Virginia is amended and reenacted as follows:**

7 § 15.2-2288.3. Licensed farm wineries; local regulation of certain activities.

8 A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia wine
9 industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the
10 citizens of the Commonwealth, and to permit the reasonable expectation of uses in specific zoning
11 categories. Local restriction upon such activities and events of farm wineries licensed in accordance with
12 Title 4.1 to market and sell their products shall be reasonable and shall take into account the economic
13 impact on the farm winery of such restriction, *the agricultural nature of such activities and events*, and
14 whether such activities and events are usual and customary for farm wineries throughout the
15 Commonwealth. Usual and customary activities and events at farm wineries shall be permitted without
16 local regulation unless there is a substantial impact on the health, safety, or welfare of the public. No
17 local ordinance regulating noise, other than outdoor amplified music, arising from activities and events
18 at farm wineries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor
19 amplified music at a farm winery, the locality shall consider the effect on adjacent property owners and
20 nearby residents.

21 B, C. [Expired.]

22 D. No locality may treat private personal gatherings held by the owner of a licensed farm winery
23 who resides at the farm winery or on property adjacent thereto that is owned or controlled by such
24 owner at which gatherings wine is not sold or marketed and for which no consideration is received by
25 the farm winery or its agents differently from private personal gatherings by other citizens.

26 E. No locality shall regulate any of the following activities of a farm winery licensed in accordance
27 with subdivision 5 of § 4.1-207:

28 1. The production and harvesting of fruit and other agricultural products and the manufacturing of
29 wine;

30 2. The on-premises sale, tasting, or consumption of wine during regular business hours within the
31 normal course of business of the licensed farm winery;

32 3. The direct sale and shipment of wine by common carrier to consumers in accordance with Title
33 4.1 and regulations of the Alcoholic Beverage Control Board;

34 4. The sale and shipment of wine to the Alcoholic Beverage Control Board, licensed wholesalers, and
35 out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage Control
36 Board, and federal law;

37 5. The storage, warehousing, and wholesaling of wine in accordance with Title 4.1, regulations of the
38 Alcoholic Beverage Control Board, and federal law; or

39 6. The sale of wine-related items that are incidental to the sale of wine.