

2010 SESSION

INTRODUCED

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SENATE BILL NO. 348

Offered January 13, 2010

Prefiled January 12, 2010

A *BILL to amend the Code of Virginia by adding a section numbered 15.2-2288.3:01, relating to the local regulation of farm businesses.*

Patron—Hanger

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2288.3:01 as follows:

§ 15.2-2288.3:01. Local regulation of farm businesses and related activities.

A. As used in this section, the term or phrase:

"Agricultural production" means the production for commercial purposes of agricultural products.

"Equine operations" means (i) equine training or teaching activities, or (ii) boarding equines.

"Farm business" means any location in the Commonwealth at which agricultural production (but not including wine production) or equine operations regularly occur.

B. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia farming industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth, and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and events at farm businesses to market and sell their products or services shall be reasonable and shall take into account the economic impact on the farm business of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for farm businesses throughout the Commonwealth. Usual and customary activities and events held at farm businesses shall be permitted without local regulation unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events held at farm businesses shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at a farm business, the locality shall consider the effect on adjacent property owners and nearby residents.

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