

2013 SESSION

HOUSE SUBSTITUTE

13104491D

HOUSE BILL NO. 1430

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on January 30, 2013)

(Patron Prior to Substitute—Delegate Lingamfelter)

A BILL to amend and reenact § 3.2-300 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3 of Title 3.2 a section numbered 3.2-302.1, relating to the Right to Farm Act.

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-300 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3 of Title 3.2 a section numbered 3.2-302.1 as follows:

§ 3.2-300. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Agricultural operation" means any operation devoted to the bona fide production of crops, or animals, or fowl, including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; herbs, nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity and their byproducts. "Agricultural operation" includes the commerce of farm-to-business and farm-to-consumer sales. For purposes of this chapter, the commerce and sale of certain items at, from, or by an agricultural or silvicultural operation, including food, beverages, furniture, or other items that are related to or consistent with such agricultural or silvicultural operation, shall be deemed part of the agricultural operation.

"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.

§ 3.2-302.1. Rebuttable presumption of right to farm.

The engagement in agricultural operations on property zoned agricultural in a locality where such zoning exists, or on unzoned property in a locality where no zoning ordinance has been adopted, shall create a rebuttable presumption that an operation is in compliance with local zoning ordinances.

2. That the provisions of this act shall not become effective unless reenacted by the 2014 Session of the General Assembly.

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HB1430H1