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**HOUSE BILL NO. 71**

Offered January 8, 2014

Prefiled December 6, 2013

A *BILL to amend the Code of Virginia by adding a section numbered 15.2-2288.5, relating to local regulation of activities at agricultural operations.*

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Patron—Pogge

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Referred to Committee on Agriculture, Chesapeake and Natural Resources

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 15.2-2288.5 as follows:****§ 15.2-2288.5. Agricultural operations; local regulation of certain activities.**

A. No locality shall prohibit the carrying out of a usual and customary agritourism activity, as defined in § 3.2-6400, at an agricultural operation, as defined in § 3.2-300, unless the activity causes a substantial impact on the health, safety, or general welfare of the public. Any local restriction placed on such an activity shall be reasonable and shall take into account the economic impact of the restriction on the agricultural operation, the agricultural nature of the agritourism activity, and the status of the activity as usual and customary in Virginia.

B. No local ordinance shall restrict any of the following activities at an agricultural operation unless the restriction bears a relationship to the health, safety, or general welfare of the public:

1. Agritourism activities as defined in § 3.2-6400;
2. The sale of agricultural or silvicultural products;
3. The sale of agricultural or silvicultural-related items incidental to the agricultural operation;
4. The preparation, processing, or sale of food products in compliance with state laws and regulations; or
5. Other activities or events that are usual and customary at Virginia agricultural operations.

C. No locality shall require a special exception, administrative permit, or special use permit for any activity listed in subsection B on property that is zoned agricultural.

D. Except regarding the sound generated by outdoor amplified music, no local ordinance regulating the sound generated by any activity listed in subsection B shall be more restrictive than the general noise ordinance of the locality. In permitting outdoor amplified music at an agricultural operation, the locality shall consider the effect on adjoining property owners and nearby residents.

E. Nothing in this section shall be construed to affect the provisions of Chapter 3 (§ 3.2-300 et seq.) of Title 3.2.

INTRODUCED

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