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HOUSE BILL NO. 268**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

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

(Patron Prior to Substitute—Delegate Orrock)

House Amendments in [] — January 27, 2014

A *BILL to amend the Code of Virginia by adding a section numbered 15.2-2288.6, relating to local regulation of activities at agricultural operations.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2288.6 as follows:

§ 15.2-2288.6. Agricultural operations; local regulation of certain activities.

A. *No locality shall regulate the carrying out of any of the following activities at an agricultural operation, as defined in § 3.2-300, unless there is a substantial impact on 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, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation;*

3. *The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and 5 of § 3.2-5130 or related state laws and regulations; or*

4. *Other activities or events that are usual and customary at Virginia agricultural operations.*

Any local restriction placed on an activity listed in this subsection shall be reasonable and shall take into account the economic impact of the restriction on the agricultural operation and the agricultural nature of the activity.

B. *No locality shall require a special exception, administrative permit not required by state law, or special use permit for any activity listed in subsection A on property that is zoned as an agricultural district or classification unless there is a substantial impact on the health, safety, or general welfare of the public.*

C. *Except regarding the sound generated by outdoor amplified music, no local ordinance regulating the sound generated by any activity listed in subsection A 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.*

D. *Nothing in this section shall be construed to affect the provisions of Chapter 3 (§ 3.2-300 et seq.) of Title 3.2 or [as authorized under § 15.2-2288.3 authorized to any entity licensed in accordance with Chapter 2 (§ 4.1-200 et seq.) of Title 4.1,] or to restrict the authority of any locality under Title 58.1.*

2. That the Virginia Department of Agriculture and Consumer Services shall continue the On-Farm Activities Working Group.

ENGROSSED

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