

LD4816456

HOUSE BILL NO. 1859

Offered January 19, 1995

A *BILL to amend and reenact § 3.1-22.29 of the Code of Virginia, relating to laws applicable to agricultural operations.*

Patrons—Spruill, Christian, Crittenden, Cunningham, Jones, D.C., Jones, J.C., Melvin, Moore and Robinson; Senators: Lucas and Maxwell

Referred to Committee on Agriculture

Be it enacted by the General Assembly of Virginia:**1. That § 3.1-22.29 of the Code of Virginia is amended and reenacted as follows:**

§ 3.1-22.29. When agricultural operations do not constitute nuisance.

A. No agricultural operation or any of its appurtenances shall be or become a nuisance, private or public, if such operations are conducted in accordance with existing best management practices and comply with existing laws and regulations of the Commonwealth, *and local options*. The provisions of this section shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation or its appurtenances, *or where, because of close proximity to residential uses and increased intensity of use, such operation or appurtenances is shown to have an adverse effect on the health, safety and general welfare of citizens in the area.*

B. For the purposes of this chapter, "agricultural operation" shall mean any operation devoted to the bona fide production of crops, or animals, or fowl, including but not limited to the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery and floral products; and the production and harvest of products from silviculture activity.

C. The provisions of subsection A shall not affect or defeat the right of any person, firm, or corporation to recover damages for any injuries or damages sustained by them on account of any pollution of, or change in condition of, the waters of any stream or on the account of any overflow of lands of any such person, firm, or corporation.

D. Any and all ordinances of any unit of local government now in effect or hereafter adopted that would make the operation of any such agricultural operation or its appurtenances a nuisance or providing for abatement thereof as a nuisance in the circumstance set forth in this section are and shall be null and void; however, the provisions of this section shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation or any of its appurtenances, *or where, because of close proximity to residential uses and increased intensity of use, such operation or appurtenances is shown to have an adverse effect on the health, safety and general welfare of citizens in the area.*

INTRODUCED

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