

2017 -- H 6172 SUBSTITUTE A

LC002544/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO AGRICULTURE AND FORESTRY -- RIGHT TO FARM

Introduced By: Representative Gregory J. Costantino

Date Introduced: April 28, 2017

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 2-23-4 of the General Laws in Chapter 2-23 entitled "Right to
2 Farm" is hereby amended to read as follows:

3 **2-23-4. "Agricultural operations" defined.**

4 (a) As used in this chapter, ~~"agricultural operations"~~ "primary agricultural operations"
5 includes any commercial enterprise that has as its primary purpose horticulture, viticulture,
6 viniculture, floriculture, forestry, stabling of horses, dairy farming, or aquaculture, or the raising
7 of livestock, ~~including for the production of fiber,~~ furbearing animals, poultry, or bees, and, other
8 than slaughtering of livestock, the processing and sale of products derived from such operations;
9 and all such other operations, uses, and activities as the director, in consultation with the chief of
10 division of agriculture, may determine to be agriculture, or an agricultural activity, use or
11 operation. ~~The mixed use of farms and farmlands for other forms of enterprise including, but not~~
12 ~~limited to, the display of antique vehicles and equipment, retail sales, tours, classes, petting,~~
13 ~~feeding and viewing of animals, hay rides, crop mazes, festivals and other special events are~~
14 ~~hereby recognized as a valuable and viable means of contributing to the preservation of~~
15 ~~agriculture.~~

16 (b) "Secondary agricultural operations" means the use of farms and farmlands for other
17 forms of enterprise including, but not limited to, the display of antique vehicles and equipment,
18 tours, classes, petting, feeding and viewing of animals, hay rides, crop mazes, festivals, weddings,
19 and other special events, including retail sales incidental to such secondary agricultural

1 operations. Secondary agricultural operations are hereby recognized as a valuable and viable
2 means of contributing to the preservation of agriculture and shall be supported under this chapter.

3 ~~(b)(c)~~ Nothing herein shall be deemed to restrict, limit, or prohibit ~~nonagricultural~~
4 secondary agricultural operations from being undertaken on a farm or farmlands except as
5 otherwise restricted, regulated, limited, or prohibited by law; or regulation, ~~or ordinance~~ ;
6 provided, however, that any such law or regulation shall not interfere with any primary
7 agricultural operations ~~or to affect the rights of persons to engage in other lawful nonagricultural~~
8 ~~enterprises on farms; provided, however, that the protections and rights established by this~~
9 ~~chapter shall not apply to such nonagricultural activities, uses or operations.~~

10 (d) A municipality may, by ordinance, restrict, regulate, or limit, but not prohibit,
11 secondary agricultural operations on farms or farmland, provided that any restriction, regulation,
12 or limitation on secondary agricultural operations in any such ordinance shall not be unduly
13 burdensome and shall be based on a determination that such activity is inimical to the public
14 safety in the absence of such restriction, regulation, or limitation. A municipal ordinance adopted
15 pursuant to this section may require the owner or operator of a farm or farmland to apply for a
16 municipal license for specific secondary agricultural activities that are identified in the municipal
17 ordinance. Such ordinance must provide for a hearing before the municipal licensing board within
18 twenty (20) days of the filing of the application and a decision to be rendered within ten (10) days
19 of the hearing, may provide for public notice and a public hearing on such application, but may
20 not provide that an appeal from, or petition for review of, a decision of the municipal licensing
21 board shall automatically stay the issuance of the license. Such ordinance may also distinguish,
22 for regulatory purposes, farms and farmlands of fifteen (15) contiguous acres or more from farms
23 and farmlands of less than fifteen (15) acres, and may limit the number of festivals, weddings,
24 and other special events on farms and farmlands of less than fifteen (15) acres to zero (0) events
25 per year and on farms and farmlands that are fifteen (15) contiguous acres or more to up to ten
26 (10) events per year; provided, however, that this provision does to prohibit a municipality from
27 allowing more such events in any such ordinance.

28 SECTION 2. This act shall take effect upon passage.

=====
LC002544/SUB A/2
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO AGRICULTURE AND FORESTRY -- RIGHT TO FARM

1 This act would define secondary agricultural operations and would provide that
2 municipalities may limit and regulate secondary agricultural use if it is determined that the use is
3 harmful to public safety, but may not prohibit such agricultural operations.

4 This act would take effect upon passage.

=====
LC002544/SUB A/2
=====