
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2093 Session of
2019

INTRODUCED BY POLINCHOCK, BERNSTINE, CALTAGIRONE, DUNBAR, ECKER,
GILLEN, HERSHEY, KEEFER, MALAGARI, OBERLANDER, OWLETT, QUINN,
STAATS, YOUNGBLOOD AND ZIMMERMAN, DECEMBER 2, 2019

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, DECEMBER 2, 2019

AN ACT

1 Restricting local government from certain regulation of
2 agritourism.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Restriction
7 on Local Regulation of Agritourism Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Agritourism activity." A farm-related tourism or farm-
13 related entertainment activity that takes place on agricultural
14 land and allows members of the general public, whether or not
15 for a fee, to tour, explore, observe, learn about, participate
16 in or be entertained by an aspect of agricultural production,
17 harvesting, husbandry, rural lifestyle or a limited seasonal

1 event that occurs on the farm and that offers the sale at retail
2 of food for consumption by customers on the agricultural land.
3 The term does not include an overnight accommodation, concert or
4 the sale at retail of food as the only service offered.

5 "Agritourism activity provider." A person who owns,
6 operates, provides or sponsors an agritourism activity or an
7 employee of the person who engages in or provides agritourism
8 activities, whether or not for a fee.

9 "Farm." Land that is composed of tracts, lots or parcels
10 totaling not less than 10 acres devoted to agricultural
11 production or totaling less than 10 acres devoted to
12 agricultural production if the land produces an average yearly
13 gross income of at least \$2,500 from agricultural production.

14 "Limited seasonal event." An event that occurs on
15 agricultural land to coincide with the celebration of a season
16 of the year or holiday and that highlights a seasonal or holiday
17 appropriate farm activity or phenomenon of wildlife or nature
18 that occurs on a farm or the open space around a farm.

19 "Local government." A municipality, zoning hearing board or
20 other board of a municipality.

21 "Participant." An individual, other than an employee of an
22 agritourism activity provider, who engages in an agritourism
23 activity.

24 "Sale at retail of food." The act of offering for sale of
25 food for human consumption, regardless of whether the food is
26 fresh, processed, precooked or frozen or whether or not the food
27 is intended to complement the tasting or sampling of beverages,
28 and that may be consumed without the use of tableware and while
29 standing or walking.

30 Section 3. Restriction on local regulation.

1 Notwithstanding any other provision of law to the contrary,
2 no local government may prohibit the use of land for:

3 (1) agricultural purposes or the construction of
4 buildings or structures incident to the use for agricultural
5 purposes of the land on which the buildings or structures are
6 located, including buildings or structures used primarily for
7 vinting or selling wine and that are located on land used for
8 viticulture; or

9 (2) agritourism activities.

10 Section 4. Exception.

11 The restriction on local government action under section 3
12 shall not extend to the following:

13 (1) The size of a structure used primarily for
14 agritourism.

15 (2) The size of parking areas required for agritourism.
16 This paragraph does not include requirements relating to
17 drainage, parking area base, parking area paving or any other
18 improvement.

19 (3) Setback building lines for structures used primarily
20 for agritourism.

21 (4) Egress and ingress on land used for agritourism,
22 where necessary to protect public health and safety.

23 Section 5. Effective date.

24 This act shall take effect in 60 days.