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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 216 Session of  
2021

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INTRODUCED BY POLINCHOCK, CAUSER, COOK, JAMES, MILLARD, ROWE,  
SAYLOR, STAATS AND ZIMMERMAN, JANUARY 22, 2021

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 22, 2021

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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 "Agricultural land." Land which is used for a normal  
13 agricultural operation.

14 "Agritourism activity."

15 (1) A farm-related tourism or farm-related entertainment  
16 activity that takes place on agricultural land and allows  
17 members of the general public, whether or not for a fee, to  
18 tour, explore, observe, learn about, participate in or be

1 entertained by an aspect of agricultural production,  
2 harvesting, husbandry or rural lifestyle that occurs on the  
3 farm.

4 (2) The term shall not include overnight accommodations,  
5 weddings, concerts or provisions for food and beverage  
6 services.

7 "Limited license." A limited winery license or limited  
8 distillery license issued under the act of April 12, 1951  
9 (P.L.90, No.21), known as the Liquor Code.

10 "Limited seasonal event." An event that occurs on  
11 agricultural land to coincide with the celebration of a season  
12 of the year or holiday and that highlights a seasonal or holiday  
13 appropriate farm activity or phenomenon of wildlife or nature.

14 "Local government." A municipality, zoning hearing board or  
15 other board of a municipality.

16 "Municipality." A county, city, borough, incorporated town  
17 or township.

18 "Normal agricultural operation." As defined in the act of  
19 June 10, 1982 (P.L.454, No.133), referred to as the Right-to-  
20 Farm Law.

21 "Retail food facility." As defined in 3 Pa.C.S. § 5702  
22 (relating to definitions).

23 Section 3. Restriction on local regulation.

24 Notwithstanding any other provision of law to the contrary, a  
25 local government may not prohibit the use of agricultural land  
26 for:

27 (1) agricultural purposes or for the construction of  
28 buildings or structures incident to the use of the land for  
29 agricultural purposes;

30 (2) an agritourism activity;

- 1 (3) a limited seasonal event;
- 2 (4) an activity that requires a limited license;
- 3 (5) a retail food facility;
- 4 (6) a wedding; or
- 5 (7) musical entertainment that accompanies an activity
- 6 under paragraphs (1), (2), (3), (4), (5) or (6) and which is
- 7 in compliance with applicable noise and nuisance ordinances.

8 Section 4. Exception.

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

- 11 (1) The size of a structure used primarily for an
- 12 activity under section 3.
- 13 (2) The size of a parking area required for an activity
- 14 under section 3. This paragraph does not include requirements
- 15 relating to drainage, parking area base, parking area paving
- 16 or any other improvement.
- 17 (3) A property line setback for a structure used
- 18 primarily for an activity under section 3.
- 19 (4) Where necessary to protect public health and safety,
- 20 egress and ingress on land used for an activity under section
- 21 3.

22 Section 5. Effective date.

23 This act shall take effect in 60 days.