

2017 -- H 6172

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LC002544
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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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 retail sales, tours, classes, petting, feeding and viewing of animals, hay rides, crop mazes,
19 festivals, weddings, and other special events. Secondary agricultural operations are hereby

1 recognized as a valuable and viable means of contributing to the preservation of agriculture and
2 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.~~ A municipality may,
10 by ordinance, restrict, regulate, or limit, but not prohibit, secondary agricultural operations on
11 farms or farmland, provided that any restriction, regulation, or limitation on secondary
12 agricultural operations in any such ordinance shall not be unduly burdensome and shall be based
13 on a determination by the local police chief and fire chief or the local equivalent that such activity
14 is inimical to the public safety.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would define secondary agricultural operations and would provide that
- 2 municipalities may limit and regulate secondary agricultural use but not prohibit such operations.
- 3 This act would take effect upon passage.

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