

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 986 Session of
1989

INTRODUCED BY HOLL, MAY 31, 1989

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, MAY 31, 1989

AN ACT

1 Amending the act of June 10, 1982 (P.L.454, No.133), entitled
2 "An act protecting agricultural operations from nuisance
3 suits and ordinances under certain circumstances,"
4 authorizing direct commercial sales of agricultural
5 commodities.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 3 of the act of June 10, 1982 (P.L.454,
9 No.133), entitled "An act protecting agricultural operations
10 from nuisance suits and ordinances under certain circumstances,"
11 is amended to read:

12 Section 3. Limitation on local ordinances.

13 (a) Every municipality shall encourage the continuity,
14 development and viability of agricultural operations within its
15 jurisdiction. Every municipality that defines or prohibits a
16 public nuisance shall exclude from the definition of such
17 nuisance any agricultural operation conducted in accordance with
18 normal agricultural operations so long as the agricultural
19 operation does not have a direct adverse effect on the public

1 health and safety.

2 (b) Direct commercial sales of agricultural commodities upon
3 property owned and operated by a landowner who produces not less
4 than 50% of the commodities sold shall be authorized,
5 notwithstanding municipal ordinance, public nuisance or zoning
6 prohibitions.

7 Section 2. This act shall take effect in 60 days.