

## 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

1 tour, explore, observe, learn about, participate in or be  
2 entertained by an aspect of agricultural production,  
3 harvesting, husbandry or rural lifestyle that occurs on the  
4 farm.

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

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

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

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

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

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

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

24 Section 3. Restriction on local regulation.

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

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

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

9 Section 4. Exception.

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

- 12 (1) The size of a structure used primarily for an  
13 activity under section 3.
- 14 (2) The size of a parking area required for an activity  
15 under section 3. This paragraph does not include requirements  
16 relating to drainage, parking area base, parking area paving  
17 or any other improvement.
- 18 (3) A property line setback for a structure used  
19 primarily for an activity under section 3.
- 20 (4) Where necessary to protect public health and safety,  
21 egress and ingress on land used for an activity under section  
22 3.

23 Section 5. Effective date.

24 This act shall take effect in 60 days.