

2015 Regular Session

HOUSE BILL NO. 761

BY REPRESENTATIVE WOODRUFF

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DISTRICTS/SPECIAL: Establishes an urban agriculture incentive zone

1 AN ACT

2 To amend and reenact R.S. 47:2302(A) and to enact Chapter 31 of Title 3 of the Louisiana
3 Revised Statutes of 1950, to be comprised of R.S. 3:4751 through 4754, relative to
4 urban agriculture incentive zones; to provide relative to implementation; to establish
5 contract requirements; to authorize the promulgation of rules and regulations; to
6 provide for prohibitions; to provide for definitions; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 31 of Title 3 of the Louisiana Revised Statutes of 1950, comprised
10 of R.S. 3:4751 through 4754, is hereby enacted to read as follows:

11 CHAPTER 31. URBAN AGRICULTURE INCENTIVE ZONE

12 §4751. Definitions

13 As used in this Chapter, the following words, terms and phrases shall have
14 the meaning ascribed to them in this Section, unless the context clearly indicates
15 otherwise:

16 (1) "Agricultural use" means farming in all of its branches including, but not
17 limited to the cultivation and the tillage of the soil; the production, cultivation,
18 growing, and harvesting of any products from agricultural, horticulture, aquaponic,
19 hydroponic and/or aquaculture practices; the raising of livestock, bees, fur-bearing
20 animals, dairy-producing animals, and poultry; agricultural education; agricultural

1 tourism; and/or any practices performed by a farmer or on a farm as an incident to
2 or in conjunction with farming operations. This also is inclusive of administrative
3 and/or office space to run any of the above practices or operations. For purposes of
4 this Chapter, the term "agricultural use" does not include timber production.

5 (2) "Political subdivision" means any unit of local government including a
6 municipality, parish or special district, authorized by law to perform governmental
7 functions.

8 (3) "Urban" means an area within the boundaries of an urbanized area, as
9 that term is used by the United States Census Bureau, that includes at least forty-five
10 thousand people.

11 (4) "Urban Agriculture Incentive Zone" means an area within a political
12 subdivision that is comprised of individual properties designated as urban agriculture
13 preserves by the political subdivision for farming purposes.

14 §4752. Implementation; ordinances

15 A political subdivision may, after public hearing, establish by ordinance an
16 urban agriculture incentive zone within its boundaries for the purpose of entering
17 into enforceable contracts with landowners, on a voluntary basis, for the use of
18 vacant, unimproved, or blighted lands for agricultural use as defined in R.S.
19 3:4751(1).

20 §4753. Rules and regulations

21 A. Following the adoption of the ordinance pursuant to R.S. 3:4752, a
22 political subdivision that has established an urban agriculture incentive zone within
23 its boundaries may adopt rules and regulations consistent with zoning and other
24 relevant ordinances or local laws for the implementation and administration of the
25 urban agriculture incentive zone and of contracts related to that urban agriculture
26 incentive zone.

27 B. The political subdivision may impose a fee upon contracting landowners
28 for the reasonable costs of implementing and administering contracts.

1 C. The political subdivision shall impose a fee equal to the cumulative value
2 of the tax benefit received during the duration for the contract upon landowners for
3 cancellation of any contract prior to the expiration of the contract, unless the political
4 subdivision makes a determination that the cancellation was caused by extenuating
5 circumstances despite the good faith effort by the landowner.

6 §4754. Contract requirements

7 A. Following the adoption of the ordinance as provided for in R.S. 3:4752,
8 a political subdivision may enter into a contract with a landowner to enforceably
9 restrict the use of the land subject to the contract to uses consistent with urban
10 agriculture. Any contract entered into pursuant to this Chapter shall include, but is
11 not limited to all of the following provisions:

12 (1) An initial term of not less than three years.

13 (2) A restriction on property that is at least three thousand square feet, and
14 not more than three acres.

15 (3) A requirement that the entire property subject to the contract shall be
16 dedicated toward commercial or noncommercial agricultural use.

17 (4) A prohibition against any dwelling on the property while under contract.

18 (5) A notification that if a landowner cancels a contract, the political
19 subdivision is required to impose a cancellation fee, pursuant to R.S. 3:4753(2).

20 B. A contract entered into pursuant to this Chapter shall not prohibit the use
21 of structures that support agricultural activity, including, but not limited to toolsheds,
22 greenhouses, produce stands, and instructional space.

23 C. A contract entered into pursuant to this Chapter that includes a prohibition
24 on the use of pesticide or fertilizers, that require a license for application, on
25 properties under contract shall permit those pesticides or fertilizers allowed by the
26 United States Department of Agriculture National Organic Program.

27 D. A political subdivision shall not enter into a new contract or renew an
28 existing contract pursuant to this Chapter after January 1, 2021. Any contract

1 entered into pursuant to this Chapter on or before January 1, 2021 shall be valid and
2 enforceable for the duration of the contract.

3 E. A political subdivision shall not establish an urban agriculture incentive
4 zone within any portion of any other political subdivision's economic development
5 district unless the legislative body of the political subdivision consents to the
6 establishment of the Urban Agriculture Incentive Zone.

7 * * *

8 Section 2. R.S. 47:2302(A) is hereby amended and reenacted to read as follows:
9 §2302. Definitions

10 A. Bona fide agricultural land is land devoted to the production for sale, in
11 reasonable commercial quantities, of plants and animals, or their products, useful to
12 man, and agricultural land under a contract with a state or federal agency restricting
13 its use for agricultural production; or land under contract for agricultural use
14 pursuant to an ordinance authorizing urban agricultural incentive zones as defined
15 in R.S. 3:4751 through 4754.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 761 Engrossed 2015 Regular Session Woodruff

Abstract: Establishes urban agriculture incentive zones. Provides a procedure for the enactment of urban agriculture incentive zones. Provides rules, regulations and fees for urban agriculture incentive zones. Provides contract provisions related to urban agriculture incentive zones. Provides prohibitions for urban agriculture incentive zones. Provides definitions for "urban", "urban agriculture incentive zone" and "agricultural use". Modifies definition of "bona fide agricultural land".

Proposed law establishes urban agriculture incentive zones in urban areas with a population of at least 45,000 people.

Proposed law creates procedures for political subdivisions to establish urban agriculture incentive zones.

Proposed law establishes rules and regulations that political subdivisions must follow when imposing fees for the implementation and administration of urban agriculture incentive zones.

Proposed law provides contract requirements that political subdivisions must adhere to when contracting with landowners affected by the urban agricultural incentive zones that include the following:

- (1) An initial term of not less than three years.
- (2) A restriction that property is at least 3,000 square feet and not more than three acres.
- (3) A requirement that the entire property subject to the contract is dedicated toward commercial or noncommercial agricultural use.
- (4) A prohibition against any dwelling on the property while under contract.
- (5) A notification that if a landowner cancels a contract, the political subdivision is required to impose a cancellation fee.

Proposed law provides guidelines that require political subdivisions to abstain from taking action in reference to urban agricultural incentive zones.

Proposed law defines "urban", "urban agricultural incentive zone", and "agricultural use" in reference to urban agriculture incentive zones.

Proposed law modifies the present law definition of "bona fide agricultural land" to include property included in urban agriculture incentive zones.

(Amends R.S. 47:2302(A); Adds R.S. 3:4751-4754)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Agriculture, Forestry, Aquaculture, and Rural Development to the original bill:

1. Make technical changes.
2. Change the size of the property subject to restriction by contract for agriculture incentive zones from at least a 0.10 of an acre to 3,000 square feet.
3. Decrease the initial contract term from five years to three years.