AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

CHAPTER 31. URBAN AGRICULTURE INCENTIVE ZONE

§4751. Definitions

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

(1) "Agricultural use" means farming in all of its branches, including but not limited to the cultivation and the tillage of the soil; the production, cultivation, growing, and harvesting of any products from agricultural, horticulture, aquaponic, hydroponic, or aquaculture practices; the raising of livestock, bees, fur-bearing animals, dairy-producing animals, and poultry; agricultural education; agricultural tourism; or any practices performed by a farmer or on a farm as an incident to or in conjunction with farming operations. This also is inclusive of administrative or
office space used to run any of the above practices or operations. For purposes of
this Chapter, the term "agricultural use" does not include timber production.

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

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

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

§4752. Implementation; ordinances

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

§4753. Rules and regulations

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

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

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

§4754. Contract requirements

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

1. An initial term of not less than three years.

2. A restriction on property that is at least three thousand square feet and not more than three acres.

3. A requirement that the entire property subject to the contract shall be 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, pursuant to R.S. 3:4753(C).

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

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

D. A political subdivision shall not enter into a new contract or renew an existing contract pursuant to this Chapter after January 1, 2021. Any contract entered into pursuant to this Chapter on or before January 1, 2021, shall be valid and enforceable for the duration of the contract.

E. A political subdivision shall not establish an urban agriculture incentive zone within any portion of any other political subdivision's economic development
Section 2. R.S. 47:2302(A) is hereby amended and reenacted to read as follows:

§2302. Definitions

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

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.