

ACT No. 429

2015 Regular Session

HOUSE BILL NO. 761

BY REPRESENTATIVE WOODRUFF AND SENATORS BROOME AND THOMPSON

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, or aquaculture practices; the raising of livestock, bees, fur-bearing
20 animals, dairy-producing animals, and poultry; agricultural education; agricultural
21 tourism; or any practices performed by a farmer or on a farm as an incident to or in
22 conjunction with farming operations. This also is inclusive of administrative or

1 office space used to run any of the above practices or operations. For purposes of
 2 this Chapter, the term "agricultural use" does not include timber production.

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

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

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

12 §4752. Implementation; ordinances

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

18 §4753. Rules and regulations

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

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

27 C. The political subdivision shall impose a fee equal to the cumulative value
 28 of the tax benefit received during the duration for the contract upon landowners for
 29 cancellation of any contract prior to the expiration of the contract, unless the political

1 subdivision makes a determination that the cancellation was caused by extenuating
2 circumstances despite the good faith effort by the landowner.

3 §4754. Contract requirements

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

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

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

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

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

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

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

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

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

28 E. A political subdivision shall not establish an urban agriculture incentive
29 zone within any portion of any other political subdivision's economic development

1 district unless the governing authority of the political subdivision consents to the
2 establishment of the Urban Agriculture Incentive Zone.

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

4 §2302. Definitions

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____