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States' Right-To-Farm Statutes

State of Rhode Island

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STATE OF RHODE ISLAND

R.I. Gen. Laws §§ 2-23-1 to 2-23-7

Current through chapter 392 of the January 2009 session.

§ 2-23-1. Short title

This chapter shall be known as "The Rhode Island Right to Farm Act".

§ 2-23-2. Legislative findings

The general assembly finds:

- (1) That agricultural operations are valuable to the state's economy and the general welfare of the state's people;
- (2) That agricultural operations are adversely affected by the random encroachment of urban land uses throughout rural areas of the state;
- (3) That, as one result of this random encroachment, conflicts have arisen between traditional agricultural land uses and urban land uses; and
- (4) That conflicts between agricultural and urban land uses threaten to force the abandonment of agricultural operations and the conversion of agricultural resources to non-agricultural land uses, whereby these resources are permanently lost to the economy and the human and physical environments of the state.

§ 2-23-3. Declaration of policy

The general assembly declares that it is the policy of the state to promote an environment in which agricultural operations are safeguarded against nuisance actions arising out of conflicts between agricultural operations and urban land uses.

§ 2-23-4. "Agricultural operations" defined

(a) As used in this chapter, "agricultural operations" includes any commercial enterprise which has as its primary purpose horticulture, viticulture, viniculture, floriculture, forestry, stabling of horses, dairy farming, or aquaculture, or the raising of livestock, including for the production of fiber, furbearing animals, poultry, or bees, and all such other operations, uses, and activities as the director, in consultation with the chief of division of agriculture, may determine to be agriculture, or an agricultural activity, use or operation. The mixed-use of farms and farmlands for other forms of enterprise is hereby recognized as a valuable and viable means of contributing to the preservation of agriculture.

(b) Nothing herein shall be deemed to restrict, limit or prohibit nonagricultural operations from being undertaken on a farm except as otherwise restricted, regulated, limited or prohibited by law, regulation or ordinance or to affect the rights of persons to engage in other lawful nonagricultural enterprises on farms, provided, however, that the protections and rights established by this chapter shall not apply to such nonagricultural activities, uses or operations.

§ 2-23-5. Nuisance actions against agricultural operations

(a) No agricultural operation, as defined in this chapter is found to be a public or private nuisance, due to alleged objectionable:

- (1) Odor from livestock, manure, fertilizer, or feed, occasioned by generally accepted farming procedures;
- (2) Noise from livestock or farm equipment used in normal, generally accepted farming procedures;
- (3) Dust created during plowing or cultivation operations;
- (4) Use of pesticides, rodenticides, insecticides, herbicides, or fungicides.

This provision pertains only to nuisance actions under chapter 1 of title 10.

(b) In addition, no city or town ordinance adopted under § 23-19.2-1 shall be enforced against any agricultural operation as defined in this chapter. In addition, no rule or regulation of the department of transportation shall be enforced against any agricultural operation to prevent it from placing a seasonal directional sign or display on the state's right-of-way, on the condition that that sign or display conforms with the local zoning ordinance, and that sign or display is promptly removed by the agricultural operation upon the conclusion of the season for which said sign or display was placed.

§ 2-23-6. Negligence actions--Pesticide use not affected

The provisions of this chapter do not apply to agricultural operations conducted in a malicious or negligent manner, or to agricultural operations conducted in violation of federal or state law controlling the use of pesticides, rodenticides, insecticides, herbicides, or fungicides.

§ 2-23-7. Severability

If any provision of this chapter, or determination made under this chapter, or application of this chapter to any person, agency, or circumstances is held invalid by a court of competent jurisdiction, the remainder of this chapter and its application to any person, agency, or circumstances shall not be affected by the invalidity. The invalidity of any section or sections of this chapter shall not affect the remainder of this chapter.