
ENGROSSED SUBSTITUTE SENATE BILL 5097

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Barr, Hansen, Anderson, Gaspard, Newhouse, Conner, Bailey, Matson, Patterson, Amondson, Sellar, Bauer and L. Smith).

Read first time February 11, 1991.

1 AN ACT Relating to agricultural nuisances; and amending RCW
2 7.48.305 and 7.48.310.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 7.48.305 and 1979 c 122 s 2 are each amended to read
5 as follows:

6 Notwithstanding any other provision of this chapter, agricultural
7 activities conducted on farmland, if consistent with good agricultural
8 practices and established prior to surrounding nonagricultural
9 activities, are presumed to be reasonable and ~~((do))~~ shall not be found
10 to constitute a nuisance unless the activity has a substantial adverse
11 effect on the public health and safety.

12 If that agricultural activity is undertaken in conformity with
13 federal, state, and local laws and regulations, it is presumed to be
14 good agricultural practice and not adversely affecting the public

1 health and safety, and as such shall not be restricted to time of day,
2 or day or days of the week.

3 **Sec. 2.** RCW 7.48.310 and 1979 c 122 s 3 are each amended to read
4 as follows:

5 As used in RCW 7.48.305:

6 (1) "Agricultural activity" means a condition or activity which
7 occurs on a farm in connection with the commercial production of farm
8 products and includes, but is not limited to, ((the growing or raising
9 of horticultural and viticultural crops, berries, poultry, livestock,
10 grain, mint, hay, and dairy products)) marketed produce at roadside
11 stands or farm markets; noise; odors; dust; fumes; operation of
12 machinery and irrigation pumps; movement, including, but not limited
13 to, use of current county road ditches, streams, rivers, canals, and
14 drains, and use of water for agricultural activities; ground and aerial
15 application of seed, fertilizers, conditioners, and plant protection
16 products; employment and use of labor; roadway movement of equipment
17 and livestock; protection from damage by wildlife; prevention of
18 trespass; construction and maintenance of buildings, fences, roads,
19 bridges, ponds, drains, waterways, and similar features and maintenance
20 of streambanks and watercourses; and conversion from one agricultural
21 activity to another.

22 (2) "Farm" means the land, buildings, freshwater ponds, freshwater
23 culturing and growing facilities, and machinery used in the commercial
24 production of farm products.

25 (3) "Farmland" means land or freshwater ponds devoted primarily to
26 the production, for commercial purposes, of livestock, freshwater
27 aquacultural, or other agricultural commodities.

28 (4) "Farm product" means those plants and animals useful to humans
29 and includes, but is not limited to, forages and sod crops, dairy and

1 dairy products, poultry and poultry products, livestock, including
2 breeding, grazing, and recreational equine use, fruits, vegetables,
3 flowers, seeds, grasses, trees, freshwater fish and fish products,
4 apiaries, equine and other similar products, or any other product which
5 incorporates the use of food, feed, fiber, or fur.