

**SENATE BILL 5097**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senators Barr, Hansen, Anderson, Gaspard, Newhouse, Conner, Bailey, Matson, Patterson, Amondson, Sellar, Bauer and L. Smith.

Read first time January 21, 1991. Referred to Committee on Agriculture & Water Resources.

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 ~~((dø))~~ 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 seeding and spraying; the application of chemical fertilizers,  
16 conditioners, insecticides, pesticides, and herbicides and associated  
17 drift of such materials; employment and use of labor; roadway movement  
18 of equipment and livestock; protection from damage by wildlife;  
19 prevention of trespass; construction and maintenance of buildings,  
20 fences, roads, bridges, ponds, drains, waterways, and similar features  
21 and maintenance of streambanks and watercourses; and conversion from  
22 one agricultural activity to another.

23 (2) "Farm" means the land, buildings, and machinery used in the  
24 commercial production of farm products.

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

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

- 1 breeding and grazing, fruits, vegetables, flowers, seeds, grasses,
- 2 trees, fish, apiaries, equine and other similar products, or any other
- 3 product which incorporates the use of food, feed, fiber, or fur.