



**Protection of Agricultural Operations from Nuisance Suits and Ordinances
P.L. 454, No.133 (1982)***

- The Commonwealth declares that it is its policy to conserve, protect, and encourage development and improvement of its agricultural land for food production and other agricultural products.
- This law defines “Normal agriculture operation” as “The customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production AND preparation for market or poultry, livestock and their products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities.
- The farm has to be (1) not less than ten contiguous acres in area; OR (2) less than ten contiguous acres in area but has anticipated yearly gross of at least \$10,000
- Municipalities shall encourage the continuity, development and viability of agricultural operations.
- If there is a municipal definition of public nuisance, agricultural operations are to be excluded unless there is a direct adverse effect on public health and safety.
- This limits a municipality from including farming practices such as manure application, (which is regulated by the Nutrient Management Act), in their definition of nuisance. No municipal nuisance actions can be brought against lawfully operating farms unless a direct adverse effect is shown.
- Farms must have been in lawful operation for one year or more before the date of the nuisance action to get this protection.
- Farms must have existed substantially unchanged OR if they have expanded and substantially altered, it must operate for a year in that manner or have an approved nutrient management plan for that expansion to get this protection.
- Farms can have direct sales of agricultural commodities on their property as long as no less than 50% of the products were produced on that farm. (There are exceptions in circumstances of crop failure). These direct sales are allowed despite zoning.
- This law does not protect against a right to bring an action for water damages.

* Summarized and Prepared by the Penn State Dickinson Agricultural Law Resource and Reference Center.