

State Definitions of Agritourism

Maryland – Ag-Tourism is not defined in statute but for the purposes of the Ag-Tourism Highway Signing Program, an ag-tourism facility “is an agricultural destination located on a working farm that (a) is open to customers and tourists for at least six (6) months of the year for on-site sale of local agricultural products and (b) has established an educational tour that can be provided by a knowledgeable guide upon request, public events, such as festivals, fairs or workshops or both educational tours and events.

In addition, under MALPF’s allowable uses policy Vineyards, orchards, farm winery, retail sales facility, tasting room, ag tourism, picnicking, tours, promotional and charitable events. Generally, to receive approval the easement owner must have ownership interest and any accessory sales areas may not exceed 600 square feet. A tasting area/room must be part of the production and/or retail structure and must be consistent in scale to on-site production. All wine/grape products sampled (tasted) must be processed on-site. No more than two major events allowed per year. The use must be acceptable to county zoning.

Delaware – Title 9, 306. Agritourism Activities on Farms

- a) “Agritourism activity” means any activity that allows members of the general public to view or enjoy rural activities, including: farming, ranching, wineries, historical, cultural or harvest your own activities; guided or self-guided tours; bed and breakfast accommodations; or temporary outdoor recreation activities. “Agritourism activity” includes but is not limited to: planting, cultivation, irrigation or harvesting of crops; acceptable practices of animal husbandry; barn parties or farm festivals; livestock activities, not to include rodeos; hunting; fishing; swimming, boating, canoeing or kayaking; temporary camping; picknicking; hiking; diving; water skiing or tubing; paintball; and nonmotorized freestyle, mountain or off-road bicycling. An activity is an agritourism activity whether or not the participant paid to participate in the activity.
- b) Agritourism activities may be allowed statewide on farms of 10 or more acres subject to the provisions of this title adopted for each county; provided however, that except for the “related uses” specified in 909 of Title 3, no agritourism activities shall be permitted on farmlands which are subject to the Agricultural Lands Preservation and Forestland Preservation programs established in Chapter 9 of Title 3.

North Carolina (under Agritourism Liability Protections

99E-30 Definitions Agritourism activity – Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity. “Agritourism activity” includes an activity involving any animal exhibition at an agricultural fair licensed by the Commission of Agriculture pursuant to G.S. 106-520.3

New Hampshire

21:34a Farm, Agriculture, Farming

The words “agriculture” and “farming” mean all operations of a farm including:

II(a)(11) The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, viticultural, forestry or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas operation, trees grown for short rotation tree fiber, compost, or any other plant that can be legally grown and harvested extensively for profit or subsistence.

III. A farm roadside stand shall remain an agricultural operation and not be considered commercial, provided that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner,

VI The term “agritourism” means attracting visitors to a working farm for the purpose of eating a meal, making overnight stays, enjoyment of the farm environment, education on farm operations, or active involvement in the activity of the farm which is ancillary to the farm operation.

New York In the N.Y. Agric. & Mkts 301.15 Definitions

15. “Agricultural Tourism” means activities conducted by a farmer on-farm for the enjoyment or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the farm and enhance the public’s understanding and awareness of farming and farm life.

Legislative Comments (2006)

Legislative intent: Farming in this state is essential to the economic, social and environmental well-being of all New Yorkers. New York State has led in establishing policies and programs to promote a strong agricultural economy through the diversification of farm businesses and products in order to generate farm income, and keep farms economically viable.

Agricultural tourism is being embraced by an increasing number of farm operators as a way to increase diversity and profitability while also helping to preserve agricultural land and open space. It may also serve the purpose of educating the public about the importance of agriculture and its contribution to the local economy, quality of life and nutrition, and may reduce the friction which sometimes exists between farmers and off-farm neighbors.

Therefore, the legislature hereby affirms its support for agricultural tourism and accordingly enacts the provisions of this act.

Florida

Agritourism activity means any agricultural related activity consistent with a bona fide farm or ranch or in a working forest which allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities, including farming, ranching, historical, cultural or harvest your own activities and attractions. An agricultural

activity does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport or otherwise accommodate members of the general public. An activity is an agritourism activity whether or not the participant paid to participate in the activity (liability language)

The following States have enacted laws to provide liability protection for agritourism operations.

Alabama
Arkansas
Georgia
Idaho
Indiana
Kansas
Kentucky
Mississippi
Missouri
Oklahoma
South Dakota
North Dakota
Utah
Virginia