

CHAPTER 143

AGRICULTURE

SENATE BILL 96-036

BY SENATORS R. Powers, Alexander, Wattenberg, Norton, Johnson, Matsunaka, and Tebedo;
also REPRESENTATIVES George, Hagedorn, Schwarz, Acquafresca, Chlouber, Gordon, Kaufman, Lamm, Taylor, and Young.

AN ACT

CONCERNING THE PROTECTION OF AGRICULTURAL LAND BY UNITS OF LOCAL GOVERNMENT.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 35-3.5-101, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

35-3.5-101. Legislative declaration. It is the declared policy of the state of Colorado to conserve, protect, and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. The general assembly recognizes that, when nonagricultural land uses extend into agricultural areas, agricultural operations often become the subject of nuisance suits. As a result, a number of agricultural operations are forced to cease operations, and many others are discouraged from making investments in farm improvements. It is the purpose of this article to reduce the loss to the state of Colorado of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to be a nuisance. IT IS FURTHER RECOGNIZED THAT UNITS OF LOCAL GOVERNMENT MAY ADOPT ORDINANCES OR PASS RESOLUTIONS THAT PROVIDE ADDITIONAL PROTECTION FOR AGRICULTURAL OPERATIONS CONSISTENT WITH THE INTERESTS OF THE AFFECTED AGRICULTURAL COMMUNITY, WITHOUT DIMINISHING THE RIGHTS OF ANY REAL PROPERTY INTERESTS.

SECTION 2. 35-3.5-102, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

35-3.5-102. Agricultural operation deemed not nuisance. (5) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PROHIBIT A LOCAL GOVERNMENT FROM ADOPTING AN ORDINANCE OR PASSING A RESOLUTION THAT PROVIDES ADDITIONAL PROTECTION

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

FOR AGRICULTURAL OPERATIONS; EXCEPT THAT NO SUCH ORDINANCE OR RESOLUTION SHALL PREVENT AN OWNER FROM SELLING HIS OR HER LAND OR PREVENT OR HINDER THE OWNER IN SEEKING APPROVAL TO PUT THE LAND INTO ALTERNATIVE USE.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 2, 1996