WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3235

BY DELEGATE HAMRICK

[Introduced March 16, 2021; Referred to the

Committee on Agriculture and Natural Resources

then Government Organization]

- A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 designated §19-38-1, §19-38-2, §19-38-3, and §19-38-4, relating to vegetable garden
- 3 protection; providing the protected right to cultivate vegetable gardens.

Be it enacted by the Legislature of West Virginia:

ARTICLE 38. VEGETABLE GARDEN PROTECTION ACT.

§19-38-1. Purpose.

- 1 This article's purpose is to encourage and protect the sustainable cultivation of fresh
- 2 produce at all levels of production, including on residential property for personal consumption or
- 3 <u>noncommercial sharing.</u>

§19-38-2. Vegetable garden defined.

- 1 As used in this article, the term "vegetable garden" means any plot of ground or elevated
- 2 soil bed on residential property where vegetables, herbs, fruits, flowers, pollinator plants, leafy
- 3 greens, or other edible plants are cultivated.

§19-38-3. Right to cultivate vegetable gardens.

- 1 Notwithstanding any other law, any person may cultivate vegetable gardens on their own
- 2 property, or on the private property of another with the permission of the owner, in any county,
- 3 <u>municipality, or other political subdivision of this state.</u>

§19-38-4. State and local regulation.

- 1 This article does not preclude the adoption of a regulation or local ordinance of general
- 2 nature that does not specifically regulate vegetable gardens, including, but not limited to,
- 3 regulations and ordinances relating to height, setback, water use, fertilizer use, or control of
- 4 invasive or unlawful species, provided that any such regulation or ordinance does not have the
- 5 effect of precluding vegetable gardens.

NOTE: The purpose of this bill is to establish the vegetable garden protection act.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.