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]

1   A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,

2   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   noncommercial sharing.

§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   municipality, or other political subdivision of this state.

§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.