



FARM COMMONS

Farm Visitors and Events Module:

Legal Curricula for Beginning
Sustainable Farmer Education

www.farmcommons.org

This resource is provided for educational and informational purposes only and does not constitute the rendering of legal counseling or other professional services. No attorney–client relationship is created, nor is there any offer to provide legal services by the distribution of this publication. Always consult an attorney regarding a specific situation.

TABLE OF CONTENTS

Objectives	3-3
Information Outline	
Zoning	3-4
Disabilities Accomodation	3-6
Food Events	3-7
Injuries and Insurance	3-8
Slides	3-14
Video	3-18
Activity	3-20
Discussion	3-25
Further Resources	3-30

Objectives for the Farm Visitors and Events module

Beginning farmers should know the following:

1. Agricultural and residential zoning codes may not allow farm events.
2. Farm events that are open to the public must be accessible to disabled guests as well.
3. Farm liability insurance may not be sufficient for farms hosting several events, events with an access fee, or u-pick events. A special endorsement or a commercial policy may be necessary.
4. Asking visitors to sign a liability waiver is generally not an effective risk management strategy. However, waivers may be useful for communicating with guests.

Beginning farmers should be able to do the following:

1. Investigate local zoning codes
2. Find more information on ADA compliance
3. Distinguish from among different insurance policies

Zoning and Farm Events

Farm events, such as tours, may not be allowed under the zoning code. If neighbors—even someone one mile down the road—gets upset with the increased traffic, noise, litter, parking on the roadway, or other inconveniences, they may complain to the local zoning authorities. If that happens, the zoning authorities may scrutinize whether the event is permitted under the zoning code. Even if agriculture is allowed under the zoning code, farm events may not be allowed. Farm events may be specifically excluded both from residential and agricultural zones. In part, the event may be considered commercial rather than agricultural. Farm tours may be more like a commercial event because farms have historically been places where crops are produced, not where events are held. Many areas have not updated the zoning code, so agritourism activities are still left out. The exclusion of farm events from zoning codes may be an oversight; it might also be intentional. Rural, suburban, and urban residents alike may want to exclude the increased traffic, noise, and parking problems that accompany many on-farm events. Neighbors facing these side effects of a successful event may complain to the local zoning authority (which may be the zoning commission, county board, municipal department or otherwise). The zoning authority, in turn, may decide the event violates the code and ask the farmer to stop.

In Illinois, the majority of areas are zoned. The county or municipality each has the authority to adopt zoning ordinances within their jurisdiction. Counties, specifically, are prohibited from adopting certain restrictions on “agricultural” uses. When the state passed the law prohibiting counties from restricting agricultural zoning in some ways, the state law defined “agriculture” from a production standpoint. Generally, agriculture is seen as the production of crops and livestock. When counties adopt zoning ordinances, they may choose to specifically include or exclude agritourism purposes from the definition of zoning. Thus, counties still may be able to limit agriculture events. Municipalities have more freedom to limit agricultural land uses, as compared to counties. Farmers should keep an eye on any planned annexation or change in the zoning code. Municipalities may plan to annex county areas, and this may change the zoning of a farm.

Farmers should check the zoning code of the farm before hosting on-farm events

(and even before choosing to purchase farmland). This is the case even if the farm is located in an agricultural area because, as we discussed above, “agriculture” may not include events. Determining the correct zoning authority can be difficult—start with the most local unit of government and ask who the authority is for your specific address. Then, a farmer may be able to call the authorities to ask directly if a specific event will be allowed. If a farmer prefers not to ask directly or doesn’t have a specific event in mind, farmers might consider reading the code. Many local entities have the zoning code online. First, determine the name of the zone in which the farm is located—zones are usually drawn on top of a map. The zones generally have a combination of letters and numbers. For example, agricultural zones may be called “A-1” while residential zones begin with an R. Then, the farmer needs to find the allowed or disallowed activities within that zone—this is contained in the “code.” Some codes state only the allowed activities. Others list only the disallowed activities. (It can be quite confusing.) Commonly, some activities are deemed “special use” activities and are allowed only with a special use permit.

After reading the zone’s accompanying allowed and disallowed activities, farmers should make sure to look up the definition of words like “farm” or “agriculture.” This might be located at the beginning of the code. If an agricultural zone permits agriculture, defined as “the production and marketing of crops,” for example, events where crops are not sold may not be allowed. However, if the definition of agriculture is more broadly worded or if it directly references farm events, festivals, or tours, those events may be allowed. Zoning codes vary tremendously so generalizations are difficult. For help interpreting zoning language, zoning office staff and attorneys are excellent resources.

If the code appears to prohibit farm events, all is not lost. Farmers may talk with neighbors about their concerns to see if they can be resolved ahead of time. For a more formal approach, farmers might ask about a “conditional use permit.” These are permits that allow for variation from the code. Farmers might also ask for a variance, which is a similar form of permission. If those options don’t work, farmers might think about mobilizing the community to get the code amended. Community-based farmers are in a great position to make this happen! An attorney is an excellent resource before seeking a variance or advocating for changes to the code. An attorney can provide insight into local politics and how the code has been enforced in the past.

Accommodation For Those With Disabilities

The Americans with Disabilities Act (the ADA) requires that places of public amusement make themselves accessible. The ADA is a federal law that prohibits discrimination and ensures folks with a range of abilities can participate fully in American life. This law affects farmers, too. If a farm offers events open to the public, the farm may need provide access for disabled individuals. For example, a person in a wheelchair may not be able to roll from the parking lot to the site if the ground is deeply rutted. If more accessible routes can be easily installed, the law may require it.

The ADA does not require that every individual feature be fully accessible, and it does not require that business owners completely remodel at great expense. Exactly what a farm should do to satisfy the ADA depends on when the farm began operations, the nature of the event, and the cost of retrofitting facilities. For example, installing a wide walkway with fine gravel may be rather affordable. With such uncertain requirements, the starting point is recognizing that the ADA may apply to on-farm events if they are open to the public and doing more research.

Generally, the requirements of the ADA are put into place when a business applies for a building permit to do upgrades on the event site. Then, the permit-granting agency will check the building plans to see that they meet accessibility standards. However, it is important to note (as clarified above) that the law is enforceable even against public farm events that have not done any remodels or gone through the building permit process.

At a minimum, farmers should check to see that folks in wheelchairs are not prevented from attending the event or using a restroom. Installing smooth, wide pathways accomplishes this goal. (At the same time, this is a good practice to avoid injuries to people who are not disabled, as well.) Farms should also consider renting at least one handicapped accessible restroom facility. To avoid ADA issues, the farmer might do some extra research to see what else may be required. Options include searching online for the Department of Justice's guide for small businesses, titled "ADA Guide for Small Businesses." Farmers might also call the Department

of Justice's toll-free hotline at 800-514-0301. The Small Business Administration (SBA) also helps businesses understand how to comply with the ADA, and they have offices throughout every state. (Find one near you at www.sba.gov.)

The state of Illinois has also adopted its own version of the federal ADA. The Illinois ADA applies accessibility standards to the new construction, modification, or expansion of public facilities, including public recreational events on a farm. The Illinois and federal ADA codes have been harmonized to eliminate confusion. Farmers applying for building permits relative to the construction or modification of their facilities should expect that the permit will require the site plans to accommodate persons of all abilities.

Events Involving Food

Farmers may have a legal situation on their hands if the farmer's actions make it likely that someone will become sick from cross contamination. For example, if small children are encouraged to play with animals and then eat something provided by the farmer, the event structure makes it more likely that a child will consume harmful bacteria. The child's parents may bring a lawsuit against the farmer, claiming that the farmer was negligent in serving food so close to animals. Or, the parents might claim that any reasonable farmer would have provided soap and water or sanitizing gel so that guests can wash up before eating. This isn't to say farmers are automatically liable for all contamination accidents. Farmers are expected to follow basic, common steps to protect the safety of guests. The law doesn't necessarily prohibit offering food in the vicinity of animals. But if they do, farmers should give guests the opportunity to understand and follow proper sanitation. This also applies to potlucks. Even if the farmer isn't supplying the food, it's important to enable proper sanitation practices.

Farmers might do a number of things to limit the risks of contamination. A sign may be placed near the animals instructing children and adults to wash their hands as soon as they leave the area. The farmer might rope off areas near animals and put hand sanitizer out as an additional reminder. Farmers may also increase the distance between animals (or raw compost, dirt, etc) and food to limit the chances that cross contamination will occur. Farmers should give the same

consideration to the eating areas for potlucks or other meals supplied by guests.

Preventing contamination is one part of addressing the potential for food safety incidents, but it's not the only element. Despite everyone's best efforts, contamination can still occur. This is where insurance is important. If a farmer has an insurance policy that covers farm events, the farm will be supplied with an attorney to defend against liability suits, and the policy will pay a successful judgment (up to the limit of the policy). Not all farm insurance policies cover farm events, so farmers may need to do a little investigation. (More detailed information is in the next section.) Farmers should communicate with their insurance agent about the event and get confirmation that guest injury from bacterial contamination is covered under the policy. An event endorsement or rider often provides this coverage. A commercial policy (in addition to a farm liability policy) is another frequently used option. Insurance companies may impose requirements such as posting signs; make sure to follow those.

Injuries and Insurance

Farm Event Coverage

Most farmers carry only farm liability insurance. Unfortunately for those planning on-farm events, farm liability policies generally only cover injuries that guests suffer as a result of the farm operations. If you read the definition of a “farm” in a farm liability policy, it probably says something about the production and marketing of crops. Events such as festivals or educational classes may not be part of the “farm” because classes do not relate to the production and marketing of crops. Instead, such an event might be the sale of an experience or educational opportunity. Educational events that make a profit on their own (as opposed to simply driving more sales of agricultural products) are likely commercial events that require a commercial policy. If the event is free, it's more likely to be a marketing event and thus be considered agricultural, but it all depends. The reason no solid answer is available is because insurance companies write different policies and may interpret the same policy in divergent ways. Whether coverage for an event-related injury is provided might depend on many detailed factors. The case law and the courts may also influence whether coverage applies to a specific situation.

Farmers should also be aware that if their event involves volunteers who are compensated for their efforts, additional concerns arise. Farm liability insurance will generally provide coverage for true volunteers. True volunteers do not receive anything for their labors. If a volunteer is compensated (and the business is a for-profit operation), the compensated volunteer begins to look more like an employee. Farm liability policies do not provide coverage for injured employees. Rather, a commercial policy or a workers' compensation policy is required to cover for employees.

The bottom line is that a farmer cannot assume that a farm liability policy will cover injuries related to farm events (especially if the event is a profit-generating venture unrelated to the production and marketing of crops) or for injuries to compensated volunteers.

To move forward, the first step is to determine if the farm's current policy covers the event. Talking with the insurance agent is one good option. In that case, it's a good idea to document the communication. For example, if a farmer has a phone conversation about her event with the agent, she should record the conversation in a log book. In the alternative, she can send an email to the agent thanking her or him for clarifying that the event is covered. This creates a paper trail. Then, if the agent is wrong about what a specific policy does or does not cover, the farmer may have some recourse. A second option is to try and read the insurance policy. This can be challenging. To begin, farmers often don't have a copy of the full policy language. The full policy is generally 30-40 pages long, and is different than the few sheets identifying covered structures. The insurance agent should be able to provide a copy of the full policy. Doing the reading is difficult, but by no means impossible. Make sure to check the definition of farming, as well.

If a farmer learns that the farm's current insurance policy does not cover the planned event, purchasing an additional endorsement or commercial policy might be the right next step. An event endorsement generally covers infrequent farm-related events. A commercial insurance policy is designed to cover injuries extending from the business as a whole, not just the farm operation. A commercial policy would likely cover all events no matter how frequent. Farmers can often add a commercial policy to their farm policy at an affordable

rate. Call around for quotes, and the rates might be a pleasant surprise.

U-Pick Coverage

Farmers need to be sure they have insurance coverage for u-pick activities. Many farm liability policies require a special u-pick endorsement for these situations. Without the endorsement, a farmer may not have coverage for u-pick, even though injuries to other farm visitors are covered. Letting folks out into the orchard and fields on their own increases the chances that someone will get injured so this is especially important.

Farmers should talk with their insurance agent to determine if adding a u-pick endorsement (the words endorsement and rider are often used interchangeably) to a farm policy will provide the best coverage. If the event has an admission charge instead of a per-pound or per-item charge, farmers should communicate that. Each of these things may affect how the event is classified and whether it is covered. A good relationship and clear communication with an insurance agent is key to addressing farm risks. Farmers should also communicate with agents about ways to reduce their premium. For example, farmers may get a discount for restricting access to specific areas of the farm, prohibiting certain activities, or requesting a liability waiver from customers. (Please note that a liability waiver may not be effective. See the next section. Talk with your insurance agent about whether a waiver is a useful tool for your farm.) If an agent does not communicate clearly or seem willing to negotiate, shop around for another agent. Ask neighboring farmers for a referral. When it comes to something as vital and as expensive as insurance, it is worth looking around until you find an agent you are happy with.

Reducing Risk of Injury to Visitors

Of course, no farm wants an injury to occur, even if the insurance policy will cover it. Injuries are sad, bad for the farm's reputation, and may result in a higher insurance premium. If farmers host guests, the farmer should clearly communicate with customers about safety procedures. If specific areas are off-limits, farmers should make that abundantly clear with signage and instruction. Farmers should assume that guests do not have any basic understanding of farm safety. Cautions about farm animals, farm equipment, and natural hazards from uneven ground,

rough surfaces, etc should all be given. To summarize a few other recommendations discussed in this module, farmers should keep an eye towards separating food and any contamination sources, while providing basic sanitation facilities to guests.

Offering Recreational Opportunities

Many farms offer abundant recreational opportunities because of the scenic value and natural features of a farm. Farms may have good hunting areas, beautiful hiking paths, wetland or prairie areas for birding, among other recreational amenities. When farmers offer these opportunities to the public as a whole, the landowner gets special protection from liability. Under the Illinois Recreational Use Act, the farmer will not be liable for an injury that results from an unsafe condition on the premises, even though the farmer should have made it safer or warned the individual of the danger. Although this appears to be a valuable exception from the standard law of negligence, its overall effect is limited. This exemption does not prevent a farmer from being sued. If someone is injured, they may sue regardless. In that event, the farmer needs an attorney to establish the defense provided by the recreational use act in court. Unless the farmer has spare funds for an attorney, insurance is essential. Thus, the recreational use act means more for insurance companies than it means for farmers. The insurance company will have an easier time winning the case and be less likely to have to pay a resulting judgment.

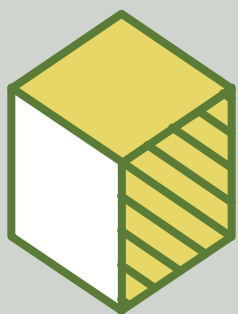
The role of waivers

Many farmers wonder if they should be using a waiver to release themselves from liability if a farm visitor is injured. The short answer is that legally effective waivers are tricky to write. The law does not look fondly on the waiver of one's rights and scrutinizes any attempt of a party causing injury to disclaim responsibility. When it comes to youth under 18 years of age, it is highly unlikely that a waiver will be effective at all. Although a parent may be able to waive a child's rights, it isn't easy. Consultation with an attorney is essential.

Even if the waiver is legally sound, the farmer will still need to establish in court that the waiver complies with the standards for a legally permissible waiver of liability. Thus, a waiver does not negate the need for an insurance policy that will provide a defense in court (and will pay on a judgment if the waiver is ineffective).

Waivers may not be worth a farmer's time to fuss with, absent special circumstances. The best way to determine if a waiver is worth time is for a farmer to talk with his or her insurance agent. As the insurance company knows the exact contours of liability for the farm's situation, the company may have a recommended waiver.

Regardless of insurance, waivers can be worthwhile as a communication mechanism. Putting a signature on a document will make guests pay special attention to the risks and rules. This can be a positive thing for preventing injuries. A waiver may also dissuade lawsuits. If communication rather than legal protection is the goal, a waiver should clearly list all rules, instructions, and prohibitions. Requesting a signature helps create more significance for the communication.



Visitors and Events Module Powerpoint Slides

These slides may be used as a template for a
presentation on farm events for beginning farmers

Zoning

- Zoning can prohibit farm events, even if zone is agricultural
 - “Agricultural uses” may not include using the farm for events
- Need to consult code before hosting events
- May need to apply for a special use permit

Disabilities Accommodation

- Generally encountered when seeking building permits for construction, remodel, or expansion
- Places of public amusement are required to provide accommodations even if no permit is sought
 - Precise nature of accommodations depends on precise facility
 - Do as much as reasonable to see that those with different abilities can experience the farm event in some way

Events and Food

- Serving food can open farmer up to potential liability
- Provide sanitation resources and don't structure event in a way that encourages cross contamination

Insurance

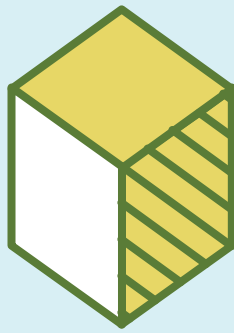
- If the farm event is occasional, an event endorsement for a farm liability policy may be sufficient
- If the farm event is frequent or an entrance fee is charged, commercial insurance may be required

Insurance

- If volunteers are compensated, a commercial policy or workers' comp may be necessary.
- If u-pick occurs, a u-pick endorsement may be necessary.

Waivers

- Not effective for minors
- Difficult to make effective for adults as well
- Most useful as a communication mechanism rather than for reducing legal risk exposure
- Focus on getting the right insurance, first



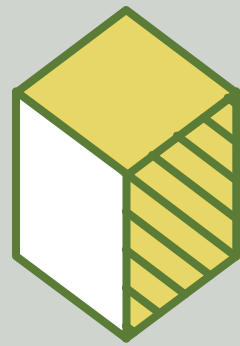
Visitors and Events Module Video

This video discusses important legal considerations before incorporating a potluck, snacks, or meal into a farm event.

Food Service During Farm Events Video:

[Follow this link](#) to a 21-minute video that discusses the legal aspects of serving food on the farm. From potlucks, to pop-up restaurants or meals, to farm festivals, this video segment discusses the legal considerations. The rest of this module emphasizes zoning, which is generally the most important concern for farmers hosting events. Food events are rising in popularity and in their significance to farm viability, so the subject may be a larger issue into the future.

The video sound quality is not high. This video is not the best for an in-class viewing. It's fine for at-home viewing. The small file size may be helpful for those with a slower internet connection.



Visitors and Events Module Activity

This homework activity will help farmers find and become acquainted with their zoning code.

Activity: Facilitator's Guide

Objective

Zoning can have a large impact on the type and size of events allowed on a farm. The zoning code might also impact a number of other things on the farm such as: location of driveways, whether employees can be housed on-site, where buildings can be placed, and even the number and relationship of the people allowed to live in the farmstead. Investigating the zoning code is a valuable skill for farmers to acquire, whether they have a farm now or hope to get one in the future.

This homework activity will help farmers find and become acquainted with their zoning code. Students who don't yet have a farm will learn how to investigate the zoning code of the location where a potential farm is located. This skill is valuable for the Farm Events module and for the Land Matters module. Any farmer looking at purchasing or leasing land should explore the zoning code in detail. The allowed uses may impact the economic viability of the farm and the price the producer is willing to pay for the property.

Because zoning is highly variable and is difficult to read, this activity cannot offer solid answers. Even if beginning farmers are able to find and read the code, it can be difficult to understand and apply to a specific event. The organization may be cryptic. The code may not be enforced in the same exact way as it is written. Zoning boards can also be quite political. In the end, farmers may have to ask questions individually or discuss questions with their neighbors rather than read the code. Still, it's a valuable exercise to go to the source. Especially if someone is trying to enforce the code contrary to the written rules, farmers should be able to defend themselves where their event is allowed.

Ways to use this activity

- Homework: Each student may need to follow a different process to complete this assignment. Some might be able to do it all online. Others may need to call or even visit the zoning office. This means that the activity is only effective as a true homework assignment.
- Alternative: If the facilitator does not use homework, or if the class is made up of those who do not or will not farm in the near future, the discussion activity for this module is more suitable. The discussion also addresses zoning, but it uses a single code as an example for a group activity.

Facilitator's Discussion Points

As this activity is purely about exploration, no discussion points are provided.

Activity Handout: Finding and Reading Zoning Codes

The zoning code of your farm (or future farm) may have a significant impact on the types of events allowed at your farm. Your zoning code will also help determine all manner of other things on your farm such as where you install driveways, whether you can house employees, where you can put buildings, and even the number and relationship of the people who can live in your home. Investigating the zoning code is a valuable skill whether you have a farm now or you hope to get one in the future.

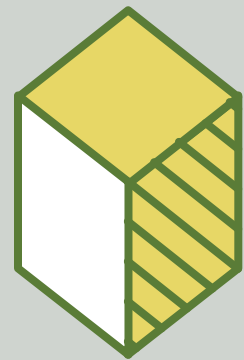
This homework activity will help you find and become acquainted with your zoning code. If you don't yet have a farm, you can investigate the code in the area where you are most likely to farm. (In some ways, you are at an advantage if you don't yet have a farm. Because it has such a big impact on your options, the zoning code can increase or reduce the value of a specific site to your potential farm venture. Use zoning information as you select and price land for your future farm.)

If you do not already know where your zoning code is located, start at Step 1. If you know that already, go right to Step 4.

1. First, you need to know who governs the zoning code for your farm location. Generally, if you are within city limits, the city handles zoning. Otherwise, the county is usually the responsible entity. You likely already know which jurisdiction you are located within. If not, look it up and move to Step 2.
 - Who is your zoning authority?
2. Look up the planning and zoning office contact information for your zoning authority. The phone book or the county/municipal authority's website will provide the appropriate information. Give them a call and ask them which zone your farm is located within. The staff person will likely ask for your PIN or permanent index number for your property. This number is located on your tax records. If you don't own your property, or don't have tax records at hand, the staff person can likely look up the PIN using your address. You may be able

to look this up online rather than calling the zoning office- some cities and counties post maps online. Be prepared to write down an acronym- zones are often defined by a letter and number: For example, R0, F, AG-1, and so on.

- What zone is your farm located within?:
3. Determine where to find the zoning ordinance. (If you are on the phone for step 2, you can ask.) The ordinance describes the permitted and prohibited activities for your zone. Generally, it's posted online but some communities only have paper versions for consultation in their office, only.
 - Where is your zoning ordinance located?
 4. Now, take a look at the zoning code. If the code is online, you'll likely go to the county website, find the page for the zoning department (sometimes called, "Planning and Zoning," or "Building and Zoning). The entire ordinance may be contained in one huge file or several smaller ones. Open the appropriate file and poke around for your code. You might try entering the code acronym into the search box, which should take you to all instances of the zone in the code.
 - Is there a table of allowed uses for your code?
 - Is there a chapter that describes allowed or prohibited uses for your code?
 5. Explore and make notes on what you find. Does it make sense? Are farmers able to have a farm stand? Host a farm event? What else seems significant?



Visitors and Events Module Discussion

The objective of this discussion is to help farmers find and become acquainted with zoning codes.

Discussion: Facilitator's Guide

Objective

The objective of this discussion is largely the same as for the activity, listed previously in this module. This module doubles up on zoning because the issue is so important.

Zoning can have a large impact on the type and size of events allowed on a farm. The zoning code might also impact a number of other things on the farm such as: location of driveways, whether employees can be housed on-site, where buildings can be placed, and even the number and relationship of the people allowed to live in the farmstead. Investigating the zoning code is a valuable skill for farmers to acquire, whether they have a farm now or hope to get one in the future.

This discussion activity will help farmers find and become acquainted with zoning codes. This discussion is especially valuable for the Farm Events module and for the Land Use Issues module. Any farmer looking at purchasing or leasing land should explore the zoning code in detail. The allowed uses may impact the economic viability of the farm and the price the producer is willing to pay for the property.

Because zoning is highly variable and is difficult to read, this activity cannot offer solid answers. Even if beginning farmers are able to find and read the code, it can be difficult to understand and apply to a specific event. The organization may be cryptic. The code may not be enforced in the same exact way as it is written. Zoning boards can also be quite political. In the end, farmers may have to ask questions individually or discuss questions with their neighbors rather than read the code. Still, it's a valuable exercise to go to the source. If someone is trying to enforce the code contrary to the written rules, farmers should be able to defend themselves where their event is allowed.

Ways to use this activity

- This discussion requires at least 20 minutes of time to conduct.
Because students must read and consider the text of the zoning

code, it isn't easily converted into a presentation.

- Zoning codes are generally very long with hundreds of pages of text and/or tables. For practicality, this discussion uses just excerpts of an established zoning code. If the facilitator wishes to give the whole picture, please find the entire code at this link: www.piattcounty.org/zoning/zoning%20ordinance.pdf
- Because this discussion achieves the same objective as the activity, facilitators may not wish to do both of them.
- This discussion is also suitable for the Land Matters module.

Facilitator's Discussion Points

Below are the recommended answers to the discussion questions.

1. Pretend you are a farmer hoping to host a dinner-on-the-farm night each Thursday over the summer months.

a. Can you predict from Article VI whether the use is permissive or if a special use permit is needed?

First: "any agricultural activity" is a permissive use within A-1. So then, we might go look at what an "agricultural activity" is within the definition section. The definition is pretty focused on production. It only mentions the growing of crops and animal production and specifically mentions the "principal activity on the land." It's possible that a farmer could argue that dinner on the farm is an agricultural activity because it's related to the growing of crops and production of livestock. If the ingredients were farm-sourced, it might be a good case.

Second: The definition of agricultural activity is pretty clearly focused on production. The zoning authorities might not agree that dinner on the farm is an agricultural activity. Instead, the farmer might have to argue that dinner on the farm is "any reasonable similar use" which is allowed on farms of 5 acres or more, if they get a special use permit. If the farmer has less than 5 acres, he or she may have to rely on the event being an agricultural activity.

b. Consider Article V's purposes for the Agricultural Zone. Does the purpose of the zone support or oppose a farmer who

wants to host a dinner-on-the-farm event in the A-1 Zone?

The farmer might argue that offering dinner on the farm promotes and protects farming. Those who travel to the farm are more invested in the success of farms. They also have a greater appreciation for the protection of farmland. The farmer could argue that dinner is not an incompatible or conflicting use relative to other agricultural operations in the zone. Dinners rarely interrupt traditional agricultural activities.

2. Pretend the farmer decides that dinner-on-the-farm will probably be “any reasonable similar use” under Article VI (A)(1)(c)(18). The farmer is now going to follow the procedures described on pages 15-16 to get a special use permit to be safe.

a. Make a list of arguments the farmer might make to the board.

The farmer must satisfy the points that begin with (1) at the very bottom of page 15. For example, the farmer needs to argue that no one’s health or morals will be offended by the dinner. Neighbors will still be able to use their property as they were, and property values will not go down. The farmer will want to argue that bringing people to the farm is actually essential to protecting rural areas.

b. What is the basic process and fee for getting the permit?

The farmer will have to apply to the board for a special use permit and pay a \$300 fee. The board will then hear the arguments of the applicant and will decide on whether to permit the event. The board may also set conditions on the permit.

c. What research, interviews, documents or other data might the farmer have to collect to get the permit?

The farmer might want to interview neighbors to see if they would find the dinner to be disrupting. He or she could also find data on how farm dinners have contributed to the economic viability of other farms. Or, he or she could collect testimonials from other rural community members on the value farm dinners have provided. The farmer will need technical data on his or her parking capacity, a map of how the event will be laid out, and to show how traffic will flow in the area. The farmer will also need to prepare an argument for why this use is within the agricultural zone purpose.

Discussion Handout: Exploring Piatt County, Illinois' Zoning Code

For this project, we will be reading some selections from the Piatt County Zoning ordinance. The full Piatt County ordinance is very long, so only a few segments have been pulled. In the packet, please find:

1. Article V: This section describes the purpose of the Agricultural Zone
2. Article VI: This section lists the permissive and special uses for the A-1 Zone. Please note that any use listed under “special uses” are only allowed with a special use permit.
3. Page 15-16: Beginning at (a), halfway down page 15 and through the beginning of Section B on page 17, the code explains how a special use permit is awarded.

Read through the pages and then consider the following questions:

1. Pretend you are a farmer hoping to host a dinner-on-the-farm night each Thursday over the summer months.
 - Can you predict from Article VI whether the use is permissive or if a special use permit is needed?
 - Consider Article V's purposes for the Agricultural Zone. Does the purpose of the zone support or oppose a farmer who wants to host a dinner-on-the-farm event in the A-1 Zone?
2. Pretend the farmer decides that dinner-on-the-farm will probably be “any reasonable similar use” under Article VI (A)(1)(c) (18). The farmer is now going to follow the procedures described on pages 15-16 to get a special use permit to be safe.
 - Make a list of arguments the farmer might make to the board.
 - What is the basic process and fee for getting the permit?
 - What research, interviews, documents or other data might the farmer have to collect to get the permit?

ARTICLE V. DISTRICTS AND BOUNDARIES

A. TITLES, INTENTS AND PURPOSES. Piatt County is hereby divided into five types of districts, which are further divided into sub districts.

1. Agricultural Districts.

a. A-1 Agricultural, A-C Conservation: Agricultural land is under urban pressure from expanding incorporated areas. This urban pressure takes the form of scattered development in wide belts around the communities of Piatt County, brings conflicting land uses into juxtaposition, creates high costs for public services and stimulates land speculation. Certain agricultural land constitutes unique and irreplaceable land resources. It is the purpose of the A-1 and A-C Districts to provide a means by which agricultural land may be protected and enhanced as an economic and environmental resource of major importance to the County. Therefore, these Districts are intended to accomplish the following objectives, in order of priority:

- (1) Promote the agricultural use of land that is most suitable for farming activities.
- (2) Protect the value of agricultural land from indiscriminate, incompatible and conflicting land uses.
- (3) Conserve and protect open space, wooded areas, streams, mineral deposits and other natural resources from incompatible land uses and provide for their timely utilization.
- (4) Provide for the location and govern the establishment and operation of land uses which are compatible with agriculture and are of such a nature that their location away from residential, commercial and industrial areas is most desirable.
- (5) Provide for the location and govern the establishment of residential uses that are accessory to and necessary for the conduct of agriculture.
- (6) Provide for the location and govern the establishment and use of limited non-farm dwellings.

b. Agricultural Nuisance Disclaimer: Properties within the A-1 and A-C Districts are located in areas where land is used for commercial agricultural production. Owners, residents and other users of property in or adjoining these districts may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Therefore, owners, occupants, and users of property within the A-1 and A-C Districts should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that the Illinois Right to Farm Law may bar them from obtaining a legal judgment against such normal agricultural operations.

2. Residential Districts

a. R-S, Residential Suburban: The R-S District is intended to provide low density single family dwelling use and to allow certain public facilities. It is intended that no uses be permitted within the R-S District that will tend to devalue property for residential

ARTICLE VI. DISTRICT USE REGULATIONS

A. DISTRICT REGULATIONS: In the following established districts, a building or premise shall be used only for the following purposes:

1. A-1, Agricultural District

a. Permissive Uses (amended September 14, 2010):

- (1) Any agricultural activity.
- (2) Single family dwelling on a tract of 1 acre or more, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations and said tract was in existence on July 9, 2002; single family dwelling on a tract of 5 acres or more, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations and said tract was in existence on July 13, 2004.
- (3) Single family dwelling, in existence on September 14, 2010, may be separated with a minimum of 2 acres and maximum of 5 acres from an existing farm parcel, maximum of one split per parcel, and must record a plat of survey.

b. Additional Permissive Uses only for tracts of 20 acres or more:

- (1) Single family dwelling, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations. It may also be a single family farm dwelling and may further include on the same tract an additional residence for an employed tenant.
- (2) Park or forest preserve.
- (3) Public school, elementary and or high.
- (4) Roadside stand for the display or sale of agricultural products raised on the premises.

c. Special Uses only on tracts of 5 acres or more:

- (1) Private school having a curriculum equivalent to a public high school and having no rooms regularly used for housing or sleeping purposes.
- (2) Extraction of coal, sand, gravel, oil or other minerals.
- (3) Airport.
- (4) Public building erected by a governmental agency.
- (5) Hospital, nursing home and educational, religious or philanthropic institution.
- (6) New cemetery on a site of not less than 20 acres or an enlargement of an existing cemetery to a total size of not less than 20 acres.
- (7) Commercially operated outdoor recreational facility, including riding stable, lake, swimming pool, tennis court, country club, and golf course (other than miniature course or driving range).
- (8) Church or temple.
- (9) Sanitary landfills.
- (10) Sewage treatment facilities.

- (11) Fertilizer processing, blending, storage and sales establishments; grain elevators and grain storage facilities; and feed/seed sales establishments, and any establishment involving the processing of grain.
- (12) Home occupation.
- (13) Shooting Range.
- (14) Bed and Breakfast.
- (15) Mobile home or manufactured home, not on a permanent foundation but otherwise as defined herein, temporarily placed on premises for housing seasonal labor and complying with all relevant health department regulations.
- (16) Residential development subject to the Subdivision Ordinance; Zoning Board of Appeals will recommend a minimum lot size as a condition of the Special Use, if approved.
- (17) Restricted Landing Area (RLA) as defined by the Illinois Department of Transportation, Division of Aeronautics.
- (18) Any reasonable similar use.

ARTICLE III. DEFINITIONS

For the purpose of this Ordinance, certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “building” shall include the word “structure” and “premises”; the word “shall” is mandatory and not directory; the words “used” or “occupied” include the words “intended”, “designed” or “arranged to be used or occupied”; the word “lot” includes the words “plot” or “parcel” the “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the masculine gender is used throughout the Ordinance for simplicity regardless of the actual gender referred to. Any word not herein defined shall be as defined in any recognized standard English dictionary.

ACCESSORY BUILDING. A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

ACCESSORY USE. A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

ADVERTISING DEVICE. Banners affixed on poles, wires or ropes and streamers, wind operated devices, flashing lights and other similar devices.

AGRICULTURAL ACTIVITY. The growing of farm crops, truck garden crops, animal and poultry husbandry, bees, fish, dairying, flower farming, and greenhouses, when such activities constitute the principal activity on the land, but not including such activity on parcels of land of less than 5 acres from which \$1,000 or less of agricultural products were sold in any one of the last 3 years.

AIRCRAFT. Means “Aircraft” as defined by the Illinois Department of Transportation, Division of Aeronautics.

AIRPORT. Means “Airport” as defined by the Illinois Department of Transportation, Division of Aeronautics.

ALLEY. A public or private thoroughfare which affords only a secondary means of access to abutting property.

ANIMAL FEEDING OPERATION. A lot or facility (other than an aquatic animal production facility) where the following conditions are met:

1. Animals have been, are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and
2. Crops, vegetation, forage growth or post harvest residues that are grown in place - are not sustained in the normal growing season over any portion of the lot or facility.

In determining whether to allow or deny variances, the Board may consider the following standards, among others:

- (1) The physical surroundings, shape, or topographical conditions of the specific property will cause a particular hardship to the owner as distinguished from a mere convenience, if the strict letter of the regulations were carried out.
- (2) The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property within the same zoning classification.
- (3) The purpose of the variance is not based exclusively upon a desire to make more money out of the property.
- (4) The alleged difficulty or hardship is caused by this ordinance and has not been created by persons presently having an interest in the property.
- (5) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- (6) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public street, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- (7) The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

a. To recommend to the County Board the granting of special use permits. To hear and decide upon applications for special use permits specifically listed in the district regulations of this ordinance. Prior to the granting of any special use permit, the Zoning Board of Appeals may recommend, and the County Board may stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use permit as are deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is recommended or granted, the Zoning Board of Appeals may recommend, and the County Board may require, such evidence and guarantees as may be deemed necessary to ensure that the conditions stipulated are being, and will continue to be, fully complied with. Before recommending the issuance of such a special use permit, the Board may prescribe such conditions as will, in the Board's judgment, insure that:

- (1) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

(2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.

(3) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

(4) Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided.

(5) Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(6) The establishment, maintenance and operation of the special use will be in conformance with the preamble to the regulations of the district in which the special use is proposed to be located.

(7) The special use shall in all other respects conform to the applicable regulations of the district in which it is located and the Board shall find that there is a public necessity for the special use.

b. Special Use Permits: In addition to complying with the procedures for obtaining a special use permit described above, a person applying for such a permit must also present satisfactory evidence to the Zoning Board of Appeals showing that the proposed use of the real estate will not have a deleterious effect on the soil, such that the land could not later be restored to agricultural use; that the proposed use will have a minimal negative impact on the use of surrounding lands; that the granting of the proposed use will not encourage the spread of uses other than proposed and will not encourage mixed uses in the same general area.

c. Unless the County Board otherwise states with respect to a particular application, special uses do not run with the land and are granted only to the applicant for the stated purpose and with the conditions imposed by the Zoning Board of Appeals and the County Board.

d. Upon a public hearing, a special use permit may be revoked by the County Board:

(1) For a violation of the codes and ordinances of Piatt County including but not limited to the zoning ordinance.

(2) For a violation of the district regulations.

(3) For a violation of or non-compliance with the conditions, limitations or requirements contained in the special use permit or in these regulations.

e. Cost of Permits for Exceptions, Variances and Special Uses. Before any action shall be taken by the Board of Appeals as provided in this section, the party or parties

requesting such action shall deposit with the County Treasurer the sum of \$50 for a yard setback variance, \$200 for all other variances, or \$300 for a special use permit, said sums intended to cover the approximate cost of these procedures and under no condition shall said sum or any part thereof be refunded for failure of the Board of Appeals to approve or grant such request.

B. ENFORCEMENT OF THE ORDINANCE.

1. Zoning Officer

a. Duties: It shall be the duty of the Zoning Officer to administer this Ordinance. The Zoning Officer shall receive applications required by this Ordinance, issue such permits as he is authorized to issue under this Ordinance, and furnish the prescribed certificates. He shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of law are complied with. He shall administer all parts of this Ordinance relating to the construction, alteration, enlargement, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, except as may be otherwise provided for. For such purposes, he shall issue such notices and orders as may be necessary.

b. Inspections: Inspections shall be made by the Zoning Officer or a duly appointed assistant.

c. Rules: For carrying into effect its provisions, the Zoning Officer may adopt rules consistent with this Ordinance.

d. Records: The Zoning Officer shall keep careful and comprehensive records of applications, of permits issued, of certificates issues, of inspections made, of reports rendered and of notices or orders issued. He shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they may be in existence. All such records shall be open to the public inspection at reasonable hours, but shall not be removed from the office of the Zoning Officer.

2. Permits

a. When Required: It shall not be lawful to construct, expand, repair or to commence the construction, expansion or repair of a building or structure without first filing with the Zoning Officer an application in writing and obtaining a formal permit.

b. When Not Required: No permit shall be required for:

(1) Routine maintenance or repair of building structures or equipment.

(2) Alterations of existing buildings costing less than \$1,000.00.

(3) Construction of a service connection to a municipality owned and operated utility.



Visitors and Events Module Further Resources

Farm Visitors and Events Module Further Resources

Host Safer, More Legally Secure On-Farm Events

Events are a wonderful way for farmers to deepen their connection with customers. After visiting the farm, customers walk away with a deeper understanding of sustainable agriculture, farm life, and the source of their food. At the same time, events make business sense; they build customer loyalty and product gets sold. To meet these goals, farmers must make sure that hosting events doesn't expose the farmer to greater legal liability. If things go wrong, on-farm events can be create tremendous legal problems. Farmers reading this guide will learn about the various ways things can go wrong and ways to prevent problems. Specifically, farmers will learn about potential problems with zoning codes, disability accommodations, food service regulations, tax permits, insurance, and injuries.

www.farmcommons.org

Understanding Insurance Policies for the Farm

Which insurance policies cover which farm risks? Do you need a Commercial General Liability policy if you plan to make jam, sell salsa, or add value to your farm products? This chart will help you straighten it all out.

www.farmcommons.org

**End of Visitors and
Events Module**