

Title 46 – Agriculture

Chapter 33

NURSERY REGISTRATION AND FEES

SECTION 46-33-90. Definitions; registration requirements.

(A) For purposes of this section:

- (1) "Nursery" means any place where nursery stock is grown for sale.
- (2) "Nursery stock" means all fruit, nut, and shade trees, all ornamental plants and trees, bush fruits, buds, grafts, scions, vines, roots, bulbs, seedlings, slips, or other portions of plants (excluding true seeds) grown or kept for propagation, sale, or distribution.
- (3) "Nurseryman" means a person who operates a nursery for the production of nursery stock.
- (4) "Registered nursery dealer" means any person other than a grower of nursery stock who buys certified nursery stock for resale with annual sales of five thousand dollars or more, and any nurseryman who operates a sales lot separately from his nursery with annual sales of five thousand dollars or more. Registered and unregistered nursery dealers are required to produce sales records to agents of the commission upon request.
- (5) "Hobbyist" and "back yard gardener" mean any person selling nursery stock who has less than five thousand dollars in gross sales per calendar year. Hobbyist and backyard gardeners are required to produce sales records to agents of the commission upon request. Hobbyist and back yard gardeners are exempt from registration.

(B) All persons engaged in sale or distribution of nursery stock must register with the commission and pay the fees required by this section. The commission is authorized to collect and retain fees from nursery inspection and registration, nursery dealer registration, plant pest inspection, and all other plant pest certification activities.

(C)(1) Nursery registration fees shall be on a graduated scale and may not exceed two hundred dollars per year. All registration certificates expire on September 30 and are renewable on or before October 1 annually. In cases where nursery stock is grown at more than one location by one nursery, the fees shall be based upon the nursery's aggregate number of acres in production of the nursery. In cases where the nursery consists of a combination of greenhouses and acreage, a single license fee must be assessed at the higher rate of the two categories.

(2) The following annual fee schedule is in effect:

Nursery registration fees:

- (i) ten acres or less \$ 75.00
- (ii) greenhouses with less than six thousand square feet \$ 75.00
- (iii) eleven to twenty-five acres \$125.00

(iv) greenhouses with six thousand to thirty thousand square \$125.00

feet

(v) more than twenty-five acres \$200.00

(vi) greenhouses with more than thirty thousand square feet \$200.00

(D) Growers who produce transplants or seedlings grown solely for the purpose of being distributed for production of agricultural commodities must register with the commission but are exempt from nursery registration fees. No ornamental bedding plants or nursery stock may be grown in conjunction with exempt agricultural transplants unless the fees required by this section are paid.

(E) Governmental and nonprofit organizations which are not in the business of commercial sale of nursery stock are exempt from the payment of fees and registration required by this section; however, governmental and nonprofit organizations which are not in the business of commercial sale of nursery stock are subject to all commission rules and regulations. The Forestry Commission is exempt from paying fees required by this section. All persons selling Christmas trees from November to January who are not otherwise required by this section to either register or pay the fees are exempt from registering and paying the fees.

SECTION 46-33-100. Stop sale, use or distribution orders; appeals.

If a person, subject to this chapter or another chapter under the cognizance of the commission, is selling, distributing, or growing plant material in violation of this chapter or other chapters, agents of the commission shall issue to the owner or custodian of the material a written stop sale, use, or distribution order. The material may not be sold, used, or distributed until the provisions of the chapter or other chapters have been brought into compliance and the material released by the director. A stop sale order may be appealed in writing to the director within fifteen days after the issuance of the order. The director shall respond in writing within ten days after receipt of the appeal.