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1	H.676
2	Introduced by Representative Deen of Westminster
3	Referred to Committee on
4	Date:
5	Subject: Construction and development; land use; National Flood Insurance
6	Program; State rules
7	Statement of purpose of bill as introduced: This bill proposes to allow the
8	Secretary of Natural Resources to regulate development within flood hazard
9	areas or river corridors that is exempt from municipal regulation or is
10	state-owned and -operated. This bill also allows municipalities to regulate
11	other land uses currently subject to limited municipal regulation to ensure
12	compliance with the National Flood Insurance Program.
13	An act relating to regulation of land uses within flood hazard areas
14	It is hereby enacted by the General Assembly of the State of Vermont:
15	Sec. 1. 10 V.S.A. § 754(a) is amended to read:
16	(a) Rulemaking authority.

(1) On or before  $\frac{\text{March }15,\,2014}{\text{November }1,\,2014}$ , the Secretary shall

adopt rules pursuant to 3 V.S.A. chapter 25 that establish requirements for the

issuance and enforcement of permits applicable to:

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intended functional use:

1	(i) uses exempt from municipal regulation that are located within a
2	flood hazard area or river corridor of a municipality that has adopted a flood
3	hazard bylaw or ordinance under 24 V.S.A. chapter 117; and
4	(ii) State-owned and -operated institutions and facilities that are
5	located within a flood hazard area or river corridor.
6	* * *
7	(f) Permit requirement. Beginning July 1, 2014 March 1, 2015, no person
8	shall commence or conduct a use exempt from municipal regulation in a flood
9	hazard area in a municipality that has adopted a flood hazard area bylaw or
10	ordinance under 24 V.S.A. chapter 117 without a permit issued under the rules
11	required under subsection (a) of this section by the Secretary or by a State
12	agency delegated permitting authority under subsection (g) of this section.
13	* * *
14	Sec. 2. 24 V.S.A. § 4413(a) is amended to read:
15	(a) The following uses may be regulated only with respect to location, size,
16	height, building bulk, yards, courts, setbacks, density of buildings, off-street
17	parking, loading facilities, traffic, noise, lighting, landscaping, and screening
18	requirements, and, except for State-owned and -operated institutions and
19	facilities, compliance with the National Flood Insurance Program, and only to

the extent that regulations do not have the effect of interfering with the

1	(1) State- or community-owned and operated institutions and facilities.
2	(2) Public and private schools and other educational institutions certified
3	by the state department of education Agency of Education.
4	(3) Churches and other places of worship, convents, and parish houses.
5	(4) Public and private hospitals.
6	(5) Regional solid waste management facilities certified under
7	10 V.S.A. chapter 159.
8	(6) Hazardous waste management facilities for which a notice of intent
9	to construct has been received under 10 V.S.A. § 6606a.
10	Sec. 3. EFFECTIVE DATE
11	This act shall take effect on passage.