

1 H.851

2 Representative Browning of Arlington moves that the bill be amended as
3 follows:

4 First: In Sec. 1, 12 V.S.A. § 5757, in subsection (a), in subdivision (9),
5 after the semicolon by inserting “or”
6 and by striking out subdivisions (10) and (11) in their entirety and inserting in
7 lieu thereof:

8 (10) noise from forestry equipment used in normal, generally accepted
9 forestry operations.

10 and by striking out 12 V.S.A. § 5758 (attorney’s fees) in its entirety

11 Second: By striking out Sec. 2 in its entirety and inserting in lieu thereof
12 the following:

13 Sec. 2. 24 V.S.A. § 4413(a) is amended to read:

14 (a)(1) The following uses may be regulated only with respect to location,
15 size, height, building bulk, yards, courts, setbacks, density of buildings,
16 off-street parking, loading facilities, traffic, noise, lighting, landscaping, and
17 screening requirements, and only to the extent that regulations do not have the
18 effect of interfering with the intended functional use:

19 (A) State- or community-owned and operated institutions and
20 facilities.

1 (B) Public and private schools and other educational institutions
2 certified by the Agency of Education.

3 (C) Churches and other places of worship, convents, and parish
4 houses.

5 (D) Public and private hospitals.

6 (E) Regional solid waste management facilities certified under
7 10 V.S.A. chapter 159.

8 (F) Hazardous waste management facilities for which a notice of
9 intent to construct has been received under 10 V.S.A. § 6606a.

10 (G) Forestry operations as defined in 12 V.S.A. § 5756.

11 (2) Except for State-owned and -operated institutions and facilities and
12 for forestry operations as defined in 12 V.S.A. § 6756, a municipality may
13 regulate each of the land uses listed in subdivision (1) of this subsection for
14 compliance with the National Flood Insurance Program and for compliance
15 with a municipal ordinance or bylaw regulating development in a flood hazard
16 area or river corridor, consistent with the requirements of subdivision 2291(25)
17 and section 4424 of this title. These regulations shall not have the effect of
18 interfering with the intended functional use.