

## Definition of Farming

### In Vermont Statutes Annotated

#### 1. 6 VSA § 251 (ag. marketing rules)

(1) "Agricultural commodity" means any agricultural commodity, including: apples, horticultural crops, fruits and vegetables, poultry, maple syrup, Christmas trees, livestock and honey either in their natural state or as processed by the producer. The term does not include milk, timber or timber products other than Christmas trees.

(2) "Producer" means any individual, partnership, corporation or other business entity engaged within this state in the business of producing an agricultural commodity or causing an agricultural commodity to be produced for any market. The term shall only apply to persons who are not exempt under a marketing rule which gives special consideration to exemptions for small producers.

#### 2. 9 VSA § 2481 (ag finance leases).

(4) "Farmer" means any person engaged in farming.

(5) "Farming" means those activities described in 10 V.S.A. § 6001(22).

#### 3. 9A VSA § 9-102 (UCC Secured Transactions).

(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:

(A) crops grown, growing, or to be grown, including:

(i) crops produced on trees, vines, and bushes; and

(ii) aquatic goods produced in aquacultural operations;

(B) livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(C) supplies used or produced in a farming operation; or

(D) products of crops or livestock in their unmanufactured states.

(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

**4. 10 VSA § 272 (Vermont Economic Development Authority).**

(2) "Family farmer" means a person who is a resident of this state and who is, or will become, engaged in farming on his or her own behalf managing and operating the farm on a full-time basis and whose net worth (including his or her dependents and spouse) does not exceed \$150,000.00.

(3) "Farming" shall mean the cultivation of land or other uses of land for the production of food, fiber, horticultural, orchard or forest crops, or the raising of livestock, poultry, equines, fish or bees. Farming also includes the storage, preparation, retail sale, and transportation of agricultural commodities accessory to the cultivation or use of such land.

**5. 10 VSA § 374b (Vermont Agricultural Credit Program)**

1) "Agricultural facility" means land and rights in land, buildings, structures, machinery and equipment which is used for, or will be used for producing, processing, preparing, packaging, storing, distributing, marketing or transporting agricultural products which have been primarily produced in this state, and working capital reasonably required to operate an agricultural facility.

(2) "Agricultural land" means real estate capable of supporting commercial farming.

(3) "Agricultural products" mean crops, livestock, forest products and other farm commodities produced as a result of farming activities.

(7) "Farmer" means an individual directly engaged in the management or operation of an agricultural facility or farm operation for whom the agricultural facility or farm operation constitutes two or more of the following:

(A) is or is expected to become a significant source of the farmer's income;

(B) the majority of the farmer's assets; and

(C) an occupation the farmer is actively engaged in, either on a seasonal or year-round basis.

(8) "Farm operation" shall mean the cultivation of land or other uses of land for the production of food, fiber, horticultural, orchard, maple syrup, Christmas trees, or forest crops; the raising, boarding, and training of equines, and the raising of livestock; or any combination of the foregoing activities. Farm operation also includes the storage, preparation, retail sale, and transportation of agricultural commodities accessory to the cultivation or use of such land.

**6. 10 VSA § 1416 (groundwater protection).**

(1) "Farming" means farming as the term is defined in subdivision 6001(22) of this title.

**7. 10 VSA § 6001 (Act 250)**

(22) "Farming" means:

(A) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or

(B) the raising, feeding, or management of livestock, poultry, fish, or bees; or

(C) the operation of greenhouses; or

(D) the production of maple syrup; or

(E) the on-site storage, preparation and sale of agricultural products principally produced on the farm; or

(F) the on-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm; or

(G) the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.

**8. 12 VSA § 4531a (Chancery proceedings; foreclosure; power of sale)**

(c) For purposes of this section:

(1) "Agricultural activity" includes the growing, raising, and production of horticultural and silvicultural crops, grapes, berries, trees, fruit, poultry, livestock, grain, hay, and dairy products.

(2) "Farmland" means land devoted primarily to commercial agricultural activities

**9. 12 VSA § 5761 (Good Samaritan Law for Donations of Food)**

(3) "Farm products" means any agricultural, dairy or horticultural product or any product designed or intended for human consumption or prepared principally from an agricultural, dairy or horticultural product.

## **10. 12 VSA § 5752. Definitions**

For the purpose of this chapter: "Agricultural activity" means, but is not limited to:

(1) the cultivation or other use of land for producing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; the raising, feeding, or management of domestic animals as defined in section 1151 of Title 6 or bees; the operation of greenhouses; the production of maple syrup; the on-site storage, preparation, and sale of agricultural products principally produced on the farm; and the on-site production of fuel or power from agricultural products or wastes principally produced on the farm;

(2) the preparation, tilling, fertilization, planting, protection, irrigation, and harvesting of crops; the composting of material principally produced by the farm or to be used at least in part on the farm; the ditching and subsurface drainage of farm fields and the construction of farm ponds; the handling of livestock wastes and byproducts; and the on-site storage and application of agricultural inputs, including but not limited to lime, fertilizer, and pesticides.

## **11. 20 VSA § 2730 (internal security and public safety; prevention and investigation of fires)**

For purposes of this subchapter and subchapter 3 of this chapter, the term "working farm or farms" means farms with fewer than the equivalent of 10 full-time employees who are not family members and who do not work more than 26 weeks a year. In addition, the term means a farm or farms:

(A) whose owner is actively engaged in farming; or

(B) if the farm or farms are owned by a partnership or a corporation, one which includes at least one partner or principal of the corporation who is actively engaged in farming;

(C) where the farm or farms are leased, the lessee is actively engaged in farming. The term "farming" means:

(i) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops;

(ii) the raising, feeding, or management of livestock, poultry, equines, fish, or bees;

(iii) the production of maple syrup;

(iv) the operation of greenhouses;

(v) the on-site storage, preparation, and sale of agricultural products principally produced on the farm. Notwithstanding this definition of farming, housing provided to

farm employees other than family members shall be treated as rental housing and shall be subject to the provisions of this chapter. In addition, any farm building which is open for public tours and for which a fee is charged for those tours shall be considered a public building;

**12. 24 VSA § 2741 (Economic development; municipal corporations; property values fixed by contract)**

(3) "Farmland" means real estate, exclusive of any housesite, which is actively and exclusively devoted to farming and is operated or leased as a farm enterprise by the owner.

**13. 32 VSA § 3752 (current use)**

(1) "Agricultural land" means any land, exclusive of any housesite, in active use to grow hay or cultivated crops, pasture livestock or to cultivate trees bearing edible fruit or produce an annual maple product, and which is 25 acres or more in size except as provided below. There shall be a presumption that the land is used for agricultural purposes if:

(A) it is owned by a farmer and is part of the overall farm unit; or

(B) it is used by a farmer as part of his or her farming operation under written lease for at least three years; or

(C) it has produced an annual gross income from the sale of farm crops in one of two, or three of the five, calendar years preceding of at least:

(i) \$2,000.00 for parcels of up to 25 acres; and

(ii) \$75.00 per acre for each acre over 25, with the total income required not to exceed \$5,000.00;

(iii) exceptions to these income requirements may be made in cases of orchard lands planted to fruit producing trees, bushes or vines which are not yet of bearing age. For the purposes of this section, the term "farm crops" also includes animal fiber, cider, wine and cheese produced on the enrolled land or on a housesite adjoining the enrolled land from agricultural products grown on the enrolled land.

(7) "Farmer" means a person:

(A) who earns at least one-half of the farmer's annual gross income from the business of farming as that term is defined in Regulation 1.175-3 issued under the Internal Revenue Code of 1986; or

(B)(i) who produces farm crops that are processed in a farm facility situated on land enrolled by the farmer in a use value appraisal program or on a housesite adjoining the enrolled land;

(ii) whose gross income from the sale of the processed farm products pursuant to subdivision (i) of this subdivision (B), when added to other gross income from the business of farming as used in subdivision (A) of this subdivision (7), equals at least one-half of the farmer's annual gross income; and

(iii) who produces on the farm a minimum of 75 percent of the farm crops processed in the farm facility;

(C) The agency of agriculture, food and markets shall assist the director in making determinations of eligibility pursuant to subdivision (B) of this subdivision (7).

(14) "Farm buildings" means all farm buildings and other farm improvements which are actively used by a farmer as part of a farming operation, are owned by a farmer or leased to a farmer under a written lease for a term of three years or more, and are situated on land that is enrolled in a use value appraisal program or on a housesite adjoining enrolled land. "Farm buildings" shall include up to \$100,000.00 of the value of a farm facility processing farm crops, a minimum of 75 percent of which are produced on the farm and shall not include any dwelling other than a dwelling in use during the preceding tax year exclusively to house one or more farm employees, as defined in section 4469 of Title 9, and their families, as a nonmonetary benefit of the farm employment. This subdivision shall not affect the application of the definition of "farming" in subdivision 6001(22) of Title 10 or the definition of "farm structure" in subdivision 4413(d)(1) of Title 24.

#### **14. 32 VSA § 3846 (farmland appraisal contracts)**

(1) "Farmland" means real estate which is actively and exclusively devoted to farming and which is at least 25 acres in area and is operated or leased as a farm enterprise by the owner.

#### **15. 32 VSA § 9602 (property transfer tax)**

(2)... For the purposes of this subdivision, a working farm shall mean a parcel of land actively used by a farmer, as that term is defined under subdivision 3752(7) of this title

**16. 32 VSA § 9603 (property transfer tax exemptions)**

(14)(A)... As used in this section, "farmland" means real estate which will be actively operated or leased as part of a farm enterprise, including dwellings and agricultural structures...

**17. 32 VSA § 10002 (tax on gains from sale of property)**

(i) As used in this section, "farmland" means land which will be actively operated or leased as part of a farm enterprise...

(k) For the purpose of this section, the terms "agricultural land" and "farmer" shall have the definitions provided under section 3752 of this title...