

1 Introduced by Committee on Agriculture

2 Date:

3 Subject: Court procedure; agriculture; nuisance suits; agricultural activities;
4 right-to-farm; mediation

5 Statement of purpose of bill as introduced: This bill proposes to provide that a
6 person shall not bring a court action based on a claim of nuisance arising from
7 an agricultural activity unless the person and the operator of the agricultural
8 activity, at least once, attempt to resolve through mediation the issue or dispute
9 that the person has concerning operation of the agricultural activity.

10 An act relating to protection from nuisance suits for agricultural activities

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 12 V.S.A. § 5754a is added to read:

13 § 5754a. REQUIRED MEDIATION PRIOR TO SUIT

14 (a) A person shall not bring a court action based on a claim of nuisance
15 arising from an agricultural activity unless the person and the operator of the
16 agricultural activity, at least once, attempt to resolve through mediation the
17 issue or dispute that the person has concerning operation of the agricultural
18 activity. The mediation shall be conducted according to the provisions of the
19 Uniform Mediation Act set forth in chapter 194 of this title.

1 (b) The parties to the mediation may agree upon the use of a mediator to
2 assist in the resolution of the agreed upon issue or dispute, and the parties shall
3 share the cost of the mediator. If the parties to the mediation are unable to
4 resolve the relevant issue or dispute through mediation, the parties may agree
5 to submit the issue or dispute to binding arbitration pursuant to chapter 192 of
6 this title and shall share the cost of the arbitration.

7 (c) A person bringing a court action based on a claim of nuisance arising
8 from an agricultural activity shall provide the court with a sworn statement of
9 an attempt to resolve the issue or dispute through mediation.

10 Sec. 2. EFFECTIVE DATE

11 This act shall take effect on July 1, 2023.