

1 H.941

2 Introduced by Committee on Agriculture, Food Resiliency, and Forestry

3 Date:

4 Subject: Municipal and county government; municipalities; municipal and  
5 regional planning and development; municipal regulation of  
6 agriculture

7 Statement of purpose of bill as introduced: This bill proposes to prohibit  
8 municipal regulation of agricultural activities that are subject to the Required  
9 Agricultural Practices Rule and the construction of farm structures, except for  
10 farming or farm structures in Tier 1A areas. For farming and farm structures in  
11 Tier 1A areas, this bill would permit limited municipal regulation. This bill  
12 also would permit limited municipal regulation of growing certain plants. This  
13 bill also would require the Secretary of Agriculture, Food and Markets to study  
14 and report on the municipal regulation of farm activity as it relates to the  
15 agricultural economy.

16 An act relating to municipal regulation of agriculture

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

18 Sec. 1. FINDINGS AND INTENT; MUNICIPAL REGULATION OF

19 AGRICULTURE





1           (A) No bylaw shall have the effect of prohibiting farming or the  
2           construction of farm structures in a Tier 1A area. However, farming in Tier  
3           1A area may be regulated only as follows:

4                   (i) A municipality shall not regulate noise, smell, lighting, and  
5           hours of operation.

6                   (ii) A municipality may regulate:

7                           (I) ingress and egress of vehicular traffic and ensuring  
8           pedestrian safety, including regulating parking, signage, pavement markings,  
9           functional enclosure of livestock adjacent to roads; and

10                           (II) siting and setback requirements for new infrastructure,  
11           including farm structures, in a manner that does not create public safety  
12           concerns, including fire safety concerns to neighboring buildings.

13           (B) Eligibility. For a farm to be eligible for the benefit of this  
14           subdivision (15), it shall be farming that meets the minimum threshold criteria  
15           in the Required Agricultural Practices Rule and is therefore required to comply  
16           with the Required Agricultural Practices Rule and the construction of farm  
17           structures. However, a parcel where farming is taking place as of July 1, 2026,  
18           that has been conserved for agricultural purposes, or farm structures built prior  
19           to July 1, 2026, shall be exempt from municipal regulation.

20           (C) As used in this section:

1           (i) “Farm structure” means a building, enclosure, or fence for  
2 housing livestock, raising horticultural or agronomic plants, or carrying out  
3 other practices associated with accepted agricultural or farming practices,  
4 including a silo, but excludes a dwelling for human habitation.

5           (ii) “Food” means articles or agricultural commodities for human  
6 or animal consumption.

7           (iii) “Poultry” has the same meaning as in 6 V.S.A. § 1459(4).

8           (16) No bylaw shall have the effect of prohibiting cultivation or other  
9 use of land for growing plants for food for personal use, donation, or sale,  
10 including orchard crops, viticultural crops, and for maple sap; or the raising,  
11 feeding, or management of poultry, excluding roosters, for personal use,  
12 donation, or sale.

13       Sec. 4. MUNICIPAL REGULATION AND FARMING STUDY; REPORT

14           (a) The Secretary of Agriculture, Food and Markets shall convene a  
15 stakeholder group to study and report on how to address municipal regulation  
16 of agriculture to better support farmers and their role in the agricultural  
17 economy. The group shall examine current and prospective municipal  
18 regulations of agriculture to identify how the regulations are currently working  
19 and whether there are shortcomings or challenges. The group also shall  
20 address how municipal regulations have affected or could affect existing farms,  
21 statewide and regional food security, farm succession, and the establishment of

1 new farming operations, including whether municipal regulations have  
2 significantly restricted or functionally prohibited or could significantly restrict  
3 or functionally prohibit farming. The group shall examine whether  
4 municipalities should be prohibited or restricted from regulating the raising,  
5 feeding, or managing of livestock, including providing a model ordinance that  
6 would permit the necessary functions in raising, feeding, or managing  
7 livestock.

8 (b) On or before December 15, 2026, the Agency of Agriculture shall  
9 submit a report to the House Committees on Agriculture, Food Resiliency, and  
10 Forestry and on Environment and the Senate Committees on Agriculture and  
11 on Natural Resources and Energy with its findings and recommendations.

12 Sec. 5. EFFECTIVE DATE

13 This act shall take effect on passage.