

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
11 in 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
14 study 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) The General Assembly finds that since the enactment of 2004 Acts and~~
2 ~~Resolves No. 115, it has been both the intent of the General Assembly and the~~
3 ~~controlling law that a municipality shall not regulate farming, including the~~
4 ~~construction of farm structures.~~

5 ~~(b) It is the intent of the General Assembly to clarify that municipalities~~
6 ~~lack authority to regulate farming or the construction of farm structures as set~~
7 ~~forth in 24 V.S.A. § 4413, with the exception of farming and the construction~~
8 ~~of farm structures within Tier 1A areas established in accordance with 10~~
9 ~~V.S.A. § 6034.~~

10 Sec. 2. 24 V.S.A. § 4413 is amended to read:

11 § 4413. LIMITATIONS ON MUNICIPAL BYLAWS

12 * * *

13 (d)(1) A bylaw under this chapter shall not regulate:

14 (A) ~~required agricultural practices, including the construction of farm~~
15 ~~structures, as those practices are defined by the Secretary of Agriculture, Food~~
16 ~~and Markets farming that meets the minimum threshold criteria in the~~
17 ~~Required Agricultural Practices Rule and is therefore required to comply with~~
18 ~~the Required Agricultural Practices Rule, except as set forth in section 4412 of~~
19 ~~this title;~~

20 (B) construction of a farm structure as authorized under the Required
21 Agricultural Practices Rule, except as set forth in section 4412 of this title,

1 ~~(C) accepted silvicultural practices, as defined by the Commissioner~~
2 of Forests, Parks and Recreation, including practices that are in compliance
3 with the Acceptable Management Practices for Maintaining Water Quality on
4 Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks
5 and Recreation, or

6 ~~(C)(D)~~ forestry operations.

7 (2) As used in this section:

8 (A) "Farm structure" means a building, enclosure, or fence for
9 housing livestock, raising horticultural or agronomic plants, or carrying out
10 other practices associated with accepted agricultural or farming practices,
11 including a silo, as "farming" is defined in 10 V.S.A. § 6001(22), but excludes
12 a dwelling for human habitation.

13 (B) "Forestry operations" has the same meaning as in 10 V.S.A.
14 § 2602.

15 * * *

16 Sec. 3. 24 V.S.A. § 4412 is amended to read:

17 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

18 Notwithstanding any existing bylaw, the following land development
19 provisions shall apply in every municipality:

20 * * *

21 ~~(15) Farming in Tier 1A areas.~~

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~~
21 ~~farms, statewide and regional food security, farm succession, and the~~

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

Sec. 1. FINDINGS AND INTENT; MUNICIPAL REGULATION OF

AGRICULTURE

(a) The General Assembly finds that since the enactment of 2004 Acts and Resolves No. 115, it has been both the intent of the General Assembly and the controlling law that a municipality shall not regulate farming, including the construction of farm structures.

(b) It is the intent of the General Assembly to clarify that municipalities lack authority to regulate farming or the construction of farm structures as set

forth in 24 V.S.A. § 4413, with the exception of farming and the construction of farm structures in accordance with 24 V.S.A. § 4412.

Sec. 2. 24 V.S.A. § 4413 is amended to read:

§ 4413. LIMITATIONS ON MUNICIPAL BYLAWS

* * *

(d)(1) A bylaw under this chapter shall not regulate:

(A) required agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets farming that meets the minimum threshold criteria in the Required Agricultural Practices Rule and is therefore required to comply with the Required Agricultural Practices Rule, except as described in section 4412(16) of this title;

(B) construction of a farm structure as defined by the Required Agricultural Practices Rule, except as described in section 4412(16) of this title;

(C) the cultivation or other use of land for growing plants for food for personal use, donation, or sale, including orchard crops, viticultural crops, and for maple sap. As used in this subdivision, "food" means articles or agricultural commodities for human or animal consumption;

(D) the cultivation of ornamental plants as defined in 6 V.S.A. § 1101;

(E) accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices that are in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation; or

(C)(F) forestry operations.

(2) As used in this section:

(A) “Farm structure” means ~~a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in 10 V.S.A. § 6001(22)~~ has the same meaning as defined in the Required Agricultural Practices Rule, but excludes a dwelling for human habitation.

(B) “Forestry operations” has the same meaning as in 10 V.S.A. § 2602.

(C) “Farming” has the same meaning as in 10 V.S.A. § 6001(22).

** * **

Sec. 3. 24 V.S.A. § 4412 is amended to read:

§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

* * *

(15) No bylaw shall have the effect of prohibiting the raising, feeding, or management of poultry, excluding roosters, for personal use, donation, or sale. As used in this section, “poultry” has the same meaning as in 6 V.S.A. § 1459(4).

(16) A bylaw may regulate the following for a farm or farm structure subject to the Required Agricultural Practices Rule on a parcel less than 0.75 acres that was not operating as of July 1, 2026 and is not on conserved land:

(A) Ingress and egress of vehicular traffic and ensuring pedestrian safety, including regulating parking, signage, pavement markings, functional enclosure of livestock adjacent to road; and

(B) Siting and setbacks requirements.

Sec. 4. MUNICIPAL REGULATION OF FARMING STUDY; REPORT

(a) The Secretary of Agriculture, Food and Markets shall convene a stakeholder group to examine options to address conflicts between landowners that involve agricultural livestock activities in densely populated villages, towns, or cities in Vermont. At a minimum, the stakeholder group shall include membership-based agricultural organizations, the Vermont League of Cities and Towns, Vermont Farm to Plate, and individuals with expertise in local or regional planning, as well as zoning administration.

(b) The stakeholder group shall consider options to address conflicts, including establishing or expanding the Required Agricultural Practices Rule to regulate livestock, particularly addressing stocking densities on parcels of less than 10 acres; utilizing ordinances to address livestock; protecting the right to grow food for personal consumption, including livestock; and creating rules like the Cannabis Control Board rule to enforce against an operation based on health, safety, or the integrity of the broader industry.

(c) On or before January 31, 2027, the Secretary shall submit a report to the House Committees on Agriculture, Food Resiliency, and Forestry and on Environment and the Senate Committees on Agriculture and on Natural Resources and Energy that summarizes findings, considerations, and any recommendations of the stakeholder group and offers a recommendation from the Secretary on solutions, including recommended statutory changes or rulemaking, that would best support municipalities when significant landowner conflicts arise regarding livestock.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2026.