

Introduced by Committee on Agriculture, Food Resiliency, and Forestry

Date:

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

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

An act relating to municipal regulation of agriculture

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

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

1 controlling law that a municipality shall not regulate farming, including the
2 construction of farm structures.

3 (b) It is the intent of the General Assembly to clarify that municipalities
4 lack authority to regulate farming or the construction of farm structures as set
5 forth in 24 V.S.A. § 4413, with the exception of farming and the construction
6 of farm structures within Tier 1A and Tier 1B areas established in accordance
7 with 10 V.S.A. §§ 6034 and 6033.

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

9 § 4413. LIMITATIONS ON MUNICIPAL BYLAWS

10 * * *

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

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

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

20 (C) accepted silvicultural practices, as defined by the Commissioner
21 of Forests, Parks and Recreation, including practices that are in compliance

1 with the Acceptable Management Practices for Maintaining Water Quality on
2 Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks
3 and Recreation; ~~or~~

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

5 (2) As used in this section:

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

11 (B) “Forestry operations” has the same meaning as in 10 V.S.A.
12 § 2602-

13 (C) “Food” means articles or agricultural commodities for human or
14 animal consumption.

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

16 * * *

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

18 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

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

21 * * *

1 (15) Farming in Tier 1A and Tier 1B.

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

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

7 (ii) A municipality may regulate:

8 (I) ingress and egress of vehicular traffic and ensuring
9 pedestrian safety, including regulating parking, signage, pavement markings,
10 functional enclosure of livestock adjacent to roads, and, if required, regulations
11 relating to trained personnel to manage vehicle movement on and immediately
12 surrounding the premises;

13 (II) siting and setback requirements for new infrastructure,
14 including farm structures, in a manner that does not create public safety
15 concerns, including fire safety concerns to neighboring buildings; and

16 (III) requiring that buildings open to the public be developed in
17 compliance with the Vermont Fire and Building Safety Code.

18 (B) Eligibility. For a farm to be eligible for the benefit of this
19 subdivision (15), it shall be farming that meets the minimum threshold criteria
20 in the Required Agricultural Practices Rule and is therefore required to comply
21 with the Required Agricultural Practices Rule and the construction of farm

1 structures. However, a parcel where farming has taken place prior to July 1,
2 2026, or that has been conserved for agricultural purposes, or farm structures
3 built prior to July 1, 2026, shall be exempt from municipal regulation.

4 (C) Less restrictive. A municipality may adopt a bylaw concerning
5 farming in a Tier 1A area or Tier 1B area that is less restrictive than the
6 requirement of this subdivision.

7 (D) As used in this section:

8 (i) “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, but excludes a dwelling for human habitation.

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

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

15 (16) No bylaw shall have the effect of prohibiting cultivation or other
16 use of land for growing plants for food for personal use, donation, or sale,
17 including orchard crops, viticultural crops, and for maple sap; or the raising,
18 feeding, or management of poultry, excluding roosters, for personal use,
19 donation, or sale. Bylaws may regulate BLANK.

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

2 (a) The Secretary of Agriculture, Food and Markets shall convene a
3 stakeholder group to study and report on how to address municipal regulation
4 of agriculture to better support farmers and their role in the agricultural
5 economy. The group shall examine current and prospective municipal
6 regulations of agriculture to identify how the regulations are currently working
7 and whether there are shortcomings or challenges. The group also shall
8 address how municipal regulations have affected or could affect existing farms,
9 statewide and regional food security, farm succession, and the establishment of
10 new farming operations, including whether municipal regulations have
11 significantly restricted or functionally prohibited or could significantly restrict
12 or functionally prohibit farming. The group shall examine whether
13 municipalities should be prohibited or restricted from regulating the raising,
14 feeding, or managing of livestock, including providing a model ordinance that
15 would permit the necessary functions in raising, feeding, or managing
16 livestock.

17 (b) On or before December 15, 2026, the Agency of Agriculture shall
18 submit a report to the House Committee on Agriculture, Food Resiliency, and
19 Forestry and the Senate Committee on Agriculture with its findings and
20 recommendations.

1 Sec. 5. EFFECTIVE DATE

2 This act shall take effect on passage.