

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

2 Date:

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

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

15 An act relating to municipal regulation of agriculture

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

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

19 (a) The General Assembly finds that since the enactment of 2004 Acts and
20 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.

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

9 § 4413. LIMITATIONS ON MUNICIPAL BYLAWS

10 (a)(1) The following uses may be regulated only with respect to location,
11 size, height, building bulk, yards, courts, setbacks, density of buildings, off-
12 street parking, loading facilities, traffic, noise, lighting, landscaping, and
13 screening requirements, and only to the extent that regulations do not have the
14 effect of interfering with the intended functional use:

15 * * *

16 (G) emergency shelters; ~~and~~

17 (H) hotels and motels converted to permanently affordable housing
18 developments;

19 (I) cultivation or other use of land for growing plants for food for
20 personal use, donation, or sale, including orchard crops, viticultural crops, and

1 for maple sap; or the raising, feeding, or management of poultry, excluding
2 roosters, for personal use, donation, or sale; and

3 (J) farming that meets the minimum threshold criteria in the Required
4 Agricultural Practices Rule and is therefore required to comply with the
5 Required Agricultural Practices Rule and the construction of farm structures,
6 provided that regulations pursuant to subdivision (a) of this section:

7 (i) only apply in a municipality’s Tier 1A and Tier 1B areas
8 established in accordance with 10 V.S.A. § 6034;

9 (ii) do not apply to farming that took place prior to July 1, 2026,
10 or to farm structures built prior to July 1, 2026;

11 (iii) do not apply to noise, smell, lighting, and hours of operation;
12 and

13 (iv) are limited to:

14 (I) ensuring safe ingress and egress of vehicular traffic and
15 ensuring pedestrian safety, including regulating parking, signage, pavement
16 markings, functional enclosure of livestock adjacent to roads, and, if required,
17 regulations relating to trained personnel to manage vehicle movement on and
18 immediately surrounding the premises;

19 (II) siting and setback requirements for newly created
20 infrastructure, including farm structures, in a manner that does not create

1 public safety concerns, including fire safety concerns to neighboring buildings;

2 or

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

5 * * *

6 (4) As used in this section:

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

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

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

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

15 * * *

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

17 (A) ~~required agricultural practices, including the construction of farm~~
18 ~~structures, as those practices are defined by the Secretary of Agriculture, Food~~
19 ~~and Markets~~ farming that meets the minimum threshold criteria in the Required
20 Agricultural Practices Rule and is therefore required to comply with the

1 Required Agricultural Practices Rule, except as set forth in subsection (a) of
2 this section;

3 (B) construction of a farm structure as authorized under the Required
4 Agricultural Practices Rule, except as set forth in subsection (a) of this section;

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

10 ~~(C)~~(D) forestry operations as defined in 10 V.S.A. § 2602.

11 ~~(2) As used in this section:~~

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

17 ~~(B) “Forestry operations” has the same meaning as in 10 V.S.A.~~
18 ~~§ 2602.~~

19 * * *

1 Sec. 3. 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. 4. EFFECTIVE DATE

2 This act shall take effect on passage.