

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. This bill also would prohibit municipal regulation  
of growing food, including growing plants for food and raising, feeding, or  
managing livestock, excluding roosters. This bill would permit municipal  
regulation of the construction of farm structures in Tier 1A areas. This bill  
also would require the Secretary of Agriculture, Food and Markets to adopt  
rules to determine whether a parcel's land base is sufficient for nutrient and  
waste management for raising, feeding, or managing livestock.

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 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) The intent of the General Assembly is to clarify that municipalities lack  
4 authority to regulate farming or the construction of farm structures as set forth  
5 in 24 V.S.A. § 4413(d), with the exception of construction of a farm structure  
6 within a Tier 1A area established in accordance with 10 V.S.A. § 6034.

7 Sec. 2. 24 V.S.A. § 4413(d) is amended to read:

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

9 (A) ~~required agricultural practices, including the construction of farm~~  
10 ~~structures, as those practices are defined by the Secretary of Agriculture, Food~~  
11 ~~and Markets; Farming that meets the minimum threshold criteria in the~~  
12 Required Agricultural Practices Rule and is therefore required to comply with  
13 the Required Agricultural Practices Rule.

14 (B) Construction of a farm structure as authorized under the Required  
15 Agricultural Practices Rule, except for construction of a farm structure within a  
16 Tier 1A area established in accordance with 10 V.S.A. § 6034. A municipality  
17 shall not regulate by bylaw the construction, repair, or improvement of farm  
18 structures built in Tier 1A areas prior July 1, 2026.

19 (C) Growing food for use by the owner's household or nonpaying  
20 guests, including the cultivation or other use of land for growing plants for  
21 food, including for maple sap and orchard crops.

1           (D) Raising, feeding, or managing livestock, excluding roosters, for  
2           use by the owner’s household or nonpaying guests provided the land base is  
3           sufficient for appropriate nutrient and waste management as determined by the  
4           Secretary of Agriculture, Food and Markets and the raising, feeding, or  
5           managing of livestock is otherwise in compliance with the Required  
6           Agricultural Practices Rule.

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

12          ~~(C)(F) forestry~~ Forestry operations.

13          (2) As used in this section:

14          (A) “Agricultural commodity” means any food in its raw or natural  
15          state, including all fruits or vegetables that are washed, colored, or otherwise  
16          treated in their unpeeled natural form.

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

(D) “Food” means articles or agricultural commodities for human or consumption.

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

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On or before July 1, 2027, the Secretary of Agriculture, Food and Markets shall adopt rules to implement Sec. 2, 24 V.S.A. § 4413(d)(1)(D), of this act to determine whether, for purposes of raising, feeding, or managing livestock, a parcel's land base is sufficient for nutrient and waste management. The Secretary shall also create a process for owners or municipalities to petition the Agency of Agriculture, Food and Markets to determine whether a parcel's land base is sufficient for nutrient and waste management for raising, feeding, or managing livestock.

This act shall take effect on passage.