

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

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 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) 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.

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 (E)(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.

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

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

4 (B)(E) “Forestry operations” has the same meaning as in 10 V.S.A.
5 § 2602.

6 (F) “Livestock” has the same meaning as in 10 V.S.A. § 6001(32).

7 * * *

8 Sec. 3. RULEMAKING

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

17 Sec. 4. EFFECTIVE DATE

18 This act shall take effect on passage.