

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 the right to grow food, including growing plants for food and raising,
feeding, or managing livestock, excluding roosters. This bill permits
municipal regulation of the construction of farm structures in Tier 1A areas.

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) For purposes of Sec. 2 of this act, 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 controlling law that a municipality shall not
regulate farming, including the construction of farm structures.

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

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

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

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

13 (B) construction of a farm structure as authorized under the Required
14 Agricultural Practices Rule, except for construction of a farm structure within a
15 Tier 1A area established in accordance with 10 V.S.A. § 6034;

16 (C) the right to grow food, which includes:

17 (i) the cultivation or other use of land for growing plants for food,
18 including for maple sap and orchard crops; and

19 (ii) raising, feeding, or managing livestock, excluding roosters, in
20 compliance with the Required Agricultural Practices Rule, provided the land

1 base is sufficient for appropriate nutrient and waste management as determined
2 by the Secretary of Agriculture, Food and Markets;

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

8 ~~(C)~~(E) forestry operations.

9 (2) As used in this section:

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

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

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

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

19 * * *

20 Sec. 3. EFFECTIVE DATE

21 This act shall take effect on July 1, 2026.