

Vermont Statutes Annotated - 1989 (Michie)

24 V.S.A. § 4495

VERMONT STATUTES ANNOTATED

TITLE TWENTY-FOUR. MUNICIPAL AND COUNTY GOVERNMENT

PART 2. MUNICIPALITIES

CHAPTER 117. MUNICIPAL AND REGIONAL PLANNING AND DEVELOPMENT

SUBCHAPTER 9. CONSTRUCTION OF ACT, SAVING CLAUSE, SEVERABILITY

§ 4495. Accepted agricultural and silvicultural practices

No plan or bylaw adopted under this chapter shall restrict accepted agricultural or silvicultural practices as defined by the commissioner of agriculture or the commissioner of forests, parks, and recreation, respectively, under 10 V.S.A. §§ 1021(f) and 1259(f).

Added 1987, No. 200 (Adj. Sess.), § 31, eff. May 19, 1988.

HISTORICAL NOTES

HISTORY

1989 Pocket Part History

Revision note. This section, which was originally enacted as § 4494 of this title, was redesignated as § 4495 to avoid conflict with existing § 4494.

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Vermont Statutes Annotated - 2003 (Michie)

24 V.S.A. § 4495

VERMONT STATUTES ANNOTATED

TITLE TWENTY-FOUR. Municipal and County Government

PART 2. MUNICIPALITIES

CHAPTER 117. Municipal and Regional Planning and Development

SUBCHAPTER 9. Construction of Act, Saving Clause, Severability

§ 4495 Accepted agricultural and silvicultural practices; exemption from municipal regulation

§ 4495 Accepted agricultural and silvicultural practices; exemption from municipal regulation

(a) For purposes of this section, “farm structure” means a building for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agricultural or farming practices, including a silo, as “farming” is defined in section 6001(22) of Title 10, but excludes a dwelling for human habitation.

(b) No plan or bylaw adopted under this chapter shall restrict accepted agricultural or farming practices, or accepted silvicultural practices, including the construction of farm structures, as such practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks, and recreation, respectively, under sections 1021(f) and 1259(f) of Title 10, and section 4810 of Title 6.

(c) A person shall notify a municipality of the intent to build a farm structure, and shall abide by setbacks approved by the secretary of agriculture, food and markets. No municipal permit for a farm structure shall be required.

— Added 1987, No. 200 (Adj. Sess.), § 31, eff. May 19, 1988; amended 1993, No. 233 (Adj. Sess.), § 92, eff. June 21, 1994; 2003, No. 42, § 2, eff. May 27, 2003.

NOTES, REFERENCES, AND ANNOTATIONS

History

Revision note— This section, which was originally enacted as section 4494 of this title, was redesignated as section 4495 to avoid conflict with existing section 4494.

Substituted “commissioner of agriculture, food and markets” for “commissioner of agriculture” for purposes of conformity with 1989, No. 256 (Adj. Sess.), § 10(a).

Amendments— 2003. Substituted “secretary of agriculture, food and markets” for “commissioner of agriculture, food and markets” in subsecs. (b) and (c).

— 1993 (Adj. Sess.). Amended section generally.

Current through 2003-2004 First Session of the 67th Legislature

2004 Vermont Laws P.A. 115 (H. 175)

VERMONT 2004 SESSION LAWS

67TH BIENNIAL SESSION (2004)

Additions and other material underlined in the original

are indicated by Text; deletions by

Text. Changes in tables are made but not highlighted.

Public Act 115

H. 175

CONSOLIDATED ENVIRONMENTAL APPEALS AND REVISIONS OF LAND USE DEVELOPMENT LAW.

AN ACT RELATING TO CONSOLIDATED ENVIRONMENTAL APPEALS AND REVISIONS OF LAND USE DEVELOPMENT LAW.

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

* * * Vermont Employees Retirement System * * *

Sec. 1. 3 V.S.A. § 455(a)(11)(D) is amended to read:

<< VT ST T. 3 § 455 >>

(D) "Group D members" shall mean justices of the supreme court, superior judges, district judges, environmental judges, and probate judges.

Sec. 2. 3 V.S.A. § 459(b)(3) is amended to read:

<< VT ST T. 3 § 459 >>

(3) Group D members who are justices of the supreme court, superior judges, environmental judges, and district judges; additional retirement allowance. Justices of the supreme court, superior judges, environmental judges, and district judges, upon retirement under this section, shall receive an additional retirement allowance according to years of service as a supreme court justice, a superior judge, an environmental judge, or a district judge or any combination thereof as follows:

* * *

* * * Agency of Natural Resources; 3 V.S.A. chapter 51 * * *

Sec. 3. 3 V.S.A. § 2802(b) is amended to read:

<< VT ST T. 3 § 2802 >>

(b) The ~~environmental~~ natural resources board ~~and the water resources board~~ are is attached to the agency for the purpose of receiving administrative support.

Sec. 4. 3 V.S.A. § 2803(b) is amended to read:

<< VT ST T. 3 § 2803 >>

(b) Notwithstanding subsection (a) of this section or any other provision of this chapter the fish and wildlife board, and the

subdivision (1)(B) of this section, where a mobile home park is a nonconformity under bylaws, its status regarding conformance or nonconformance shall apply to the parcel as a whole, and not to any individual mobile home lot within the park. An individual mobile home lot that is vacated shall not be considered a discontinuance or abandonment of a nonconformity.

(C) Nothing in this section shall be construed to restrict the authority of a municipality to abate public nuisances or to abate or remove public health risks or hazards.

<< VT ST T. 24 § 4413 >>

§ 4413. Limitations on municipal bylaws

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

- (1) State- or community-owned and operated institutions and facilities.
- (2) Public and private schools and other educational institutions certified by the state department of education.
- (3) Churches and other places of worship, convents, and parish houses.
- (4) Public and private hospitals.
- (5) Regional solid waste management facilities certified under 10 V.S.A. chapter 159.
- (6) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

(b) A bylaw under this chapter shall not regulate public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.

(c) Except as otherwise provided by this section and by 10 V.S.A. § 1976, if any bylaw is enacted with respect to any land development that is subject to regulation under state statutes, the more stringent or restrictive regulation applicable shall apply.

(d) A bylaw under this chapter shall not regulate accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under subsections 1021(f) and 1259(f) of Title 10 and section 4810 of Title 6.

(1) For purposes of this section, "farm structure" means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in subdivision 6001(22) of Title 10, but excludes a dwelling for human habitation.

(2) A person shall notify a municipality of the intent to build a farm structure and shall abide by setbacks approved by the secretary of agriculture, food and markets. No municipal permit for a farm structure shall be required.

(3) A municipality may enact a bylaw that imposes forest management practices resulting in a change in a forest management plan for land enrolled in the use value appraisal program pursuant to 32 V.S.A. chapter 124 only to the extent that those changes are silviculturally sound, as determined by the commissioner of forests, parks and recreation, and protect specific natural, conservation, aesthetic, or wildlife features in properly designated zoning districts. These changes also must be compatible with 32 V.S.A. § 3755.

(e) A bylaw enacted under this chapter shall be subject to the restrictions created under section 2295 of this title, with respect to the limits on municipal power to regulate hunting, fishing, trapping, and other activities specified under that section.

(f) This section shall apply in every municipality, notwithstanding any existing bylaw to the contrary.

<< VT ST T. 24 § 4414 >>

§ 4414. Zoning; permissible types of regulations

Any of the following types of regulations may be adopted by a municipality in its bylaws in conformance with the plan and for the purposes established in section 4302 of this title.

(1) Zoning districts. A municipality may define different and separate zoning districts, and identify within these districts which land uses are permitted as of right, and which are conditional uses requiring review and approval, including the districts set forth in this subdivision (1).

(A) Downtown, village center, and new town center districts. The definition or purpose stated for local downtown, village center, or new town center zoning districts should conform with the applicable definitions in section 2791 of this title.

2015 Vermont Laws No. 64 (H. 35)

VERMONT 2015 SESSION LAWS

2015-2016 LEGISLATIVE SESSION (2015)

Additions and other material underlined in the original
are indicated by **Text**; deletions by

~~Text~~.

Vetoed are indicated by ~~Text~~;
stricken material by ~~Text~~.

No. 64
H. 35

An act relating to improving the quality of State waters.

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

* * *Findings and Purpose* * *

Sec. 1. FINDINGS AND PURPOSE

<< Note: VT ST T. 6 § 4802 >>

(a) Findings. The General Assembly finds that:

- (1) Within the borders of Vermont there are 7,100 miles of rivers and streams and 812 lakes and ponds of at least five acres in size.**
- (2) Vermont's surface waters are vital assets that provide the citizens of the State with clean water, recreation, and economic opportunity.**
- (3) The federal Clean Water Act and the Vermont Water Quality Standards require that waters in the State shall not be degraded.**
- (4) To prevent degradation of waters and to preserve the uses, benefits, and values of the lakes, rivers, and streams of Vermont, the Vermont Water Quality Standards provide that it is the policy of the State to prevent, abate, or control all activities harmful to water.**
- (5) Despite the State and federal mandates to maintain and prevent degradation of State waters, multiple lakes, rivers, and streams in all regions of the State are impaired, at risk of impairment, or subject to water quality stressors, as indicated by the fact that:**

(A) there are 81 waters or segments of waters in the State that are impaired and require a total maximum daily load (TMDL) plan;

(B) there are 114 waters or segments of waters in the State that are impaired and that have been issued a

and Recreation, including practices which are in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation; nor shall these provisions regulate discharges from concentrated animal feeding operations that require a permit under section 1263 of this title; nor shall those provisions prohibit stormwater runoff or the discharge of nonpolluting wastes, as defined by the ~~secretary~~ **Secretary**.

Sec. 52. 24 V.S.A. § 4413(d) is amended to read:

<< VT ST T. 24 § 4413 >>

(d) A bylaw under this chapter shall not regulate ~~accepted~~ **required** agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the ~~secretary of agriculture, food and markets~~ **Secretary of Agriculture, Food and Markets** or the ~~commissioner of forests, parks and recreation~~, respectively, under 10 V.S.A. §§ 1021(f) and 1259(f) and 6 V.S.A. § 4810 ~~accepted~~ silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices which are in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation.

* * *

* * *Eligibility for Ecosystem Restoration Program Assistance* * *

Sec. 53. ECOSYSTEM RESTORATION PROGRAM; CLEAN WATER FUND; ELIGIBILITY FOR FINANCIAL ASSISTANCE

It is the policy of the State of Vermont that all municipal separate storm sewer system (MS4) communities in the State shall be eligible for grants and other financial assistance from the Agency of Natural Resources' Ecosystem Restoration Program, the Clean Water Fund, or any other State water quality financing program. A project or proposal that is the subject of an application for a grant or other assistance from the Agency of Natural Resources shall not be denied solely on the basis that the project or proposal may be construed as a regulatory requirement of the MS4 permit program.

* * *Effective Dates* * *

Sec. 54. EFFECTIVE DATES

<< Note: VT ST T. 10 §§ 1387, 1388, 1389, 1389a, 13789b >>

<< Note: VT ST T. 32 § 9602a >>

(a) This section and Secs. 37 (Clean Water Fund) and 38 (Property Transfer Tax surcharge) shall take effect on passage.

<< Note: VT ST T. 6 § 4988 >>