

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 and 6033.

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

9 § 4413. LIMITATIONS ON MUNICIPAL BYLAWS

10 \* \* \*

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

12 (A) ~~required agricultural practices, including the construction of farm~~  
13 ~~structures, as those practices are defined by the Secretary of Agriculture, Food~~  
14 ~~and Markets~~ farming that meets the minimum threshold criteria in the Required  
15 Agricultural Practices Rule and is therefore required to comply with the  
16 Required Agricultural Practices Rule, except as set forth in section 4412 of this  
17 title;

18 (B) construction of a farm structure as authorized under the Required  
19 Agricultural Practices Rule, except as set forth in section 4412 of this title;

20 (C) accepted silvicultural practices, as defined by the Commissioner  
21 of Forests, Parks and Recreation, including practices that are in compliance

1 with the Acceptable Management Practices for Maintaining Water Quality on  
2 Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks  
3 and Recreation; ~~or~~

4 ~~(C)~~(D) forestry operations.

5 (2) As used in this section:

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

11 (B) “Forestry operations” has the same meaning as in 10 V.S.A.  
12 § 2602-

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

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

16 \* \* \*

17 Sec. 3. 24 V.S.A. § 4412 is amended to read:

18 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

19 Notwithstanding any existing bylaw, the following land development  
20 provisions shall apply in every municipality:

21 \* \* \*

1           (15) Farming in Tier 1A and Tier 1B.

2           (A) No bylaw shall have the effect of prohibiting farming or the  
3           construction of farm structures in a Tier 1A area or Tier 1B area. However,  
4           farming in Tier 1A and Tier 1B may be regulated only as follows:

5                   (i) A municipality shall not regulate noise, smell, lighting, and  
6           hours of operation.

7                   (ii) A municipality may regulate:

8                           (I) ingress and egress of vehicular traffic and ensuring  
9           pedestrian safety, including regulating parking, signage, pavement markings,  
10           functional enclosure of livestock adjacent to roads, and, if required, regulations  
11           relating to trained personnel to manage vehicle movement on and immediately  
12           surrounding the premises;

13                           (II) siting and setback requirements for new infrastructure,  
14           including farm structures, in a manner that does not create public safety  
15           concerns, including fire safety concerns to neighboring buildings; and

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

18                   (B) Eligibility. For a farm to be eligible for the benefit of this  
19           subdivision (15), it shall be farming that meets the minimum threshold criteria  
20           in the Required Agricultural Practices Rule and is therefore required to comply  
21           with the Required Agricultural Practices Rule and the construction of farm

1 structures. However, a parcel where farming has taken place prior to July 1,  
2 2026, or that has been conserved for agricultural purposes, or farm structures  
3 built prior to July 1, 2026, shall be exempt from municipal regulation.

4 (C) Less restrictive. A municipality may adopt a bylaw concerning  
5 farming in a Tier 1A area or Tier 1B area that is less restrictive than the  
6 requirement of this subdivision.

7 (D) As used in this section:

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

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

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

15 (16) No bylaw shall have the effect of prohibiting cultivation or other  
16 use of land for growing plants for food for personal use, donation, or sale,  
17 including orchard crops, viticultural crops, and for maple sap; or the raising,  
18 feeding, or management of poultry, excluding roosters, for personal use,  
19 donation, or sale. Bylaws may regulate BLANK.

1       Sec. 4. 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. 5. EFFECTIVE DATE
- 2      This act shall take effect on passage.