

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: municipal zoning

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 * * *

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

15 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

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

18 * * *

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

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

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

6 (ii) A municipality may regulate:

7 (I) ingress and egress of vehicular traffic and ensuring
8 pedestrian safety, including regulating parking, signage, pavement markings,
9 functional enclosure of livestock adjacent to roads;

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

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

15 (B) Eligibility. For a farm to be eligible for the benefit of this
16 subdivision (15), it shall be farming that meets the minimum threshold criteria
17 in the Required Agricultural Practices Rule and is therefore required to comply
18 with the Required Agricultural Practices Rule and the construction of farm
19 structures. However, a parcel where farming is taking place, farming has taken
20 place prior to July 1, 2026, that has been conserved for agricultural purposes,

1 or farm structures built prior to July 1, 2026, shall be exempt from municipal
2 regulation.

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

6 (D) As used in this section:

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

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

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

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

19 Sec. 4. MUNICIPAL REGULATION AND FARMING STUDY; REPORT

20 (a) The Secretary of Agriculture, Food and Markets shall convene a
21 stakeholder group to study and report on how to address municipal regulation

1 of agriculture to better support farmers and their role in the agricultural
2 economy. The group shall examine current and prospective municipal
3 regulations of agriculture to identify how the regulations are currently working
4 and whether there are shortcomings or challenges. The group also shall
5 address how municipal regulations have affected or could affect existing farms,
6 statewide and regional food security, farm succession, and the establishment of
7 new farming operations, including whether municipal regulations have
8 significantly restricted or functionally prohibited or could significantly restrict
9 or functionally prohibit farming. The group shall examine whether
10 municipalities should be prohibited or restricted from regulating the raising,
11 feeding, or managing of livestock, including providing a model ordinance that
12 would permit the necessary functions in raising, feeding, or managing
13 livestock.

14 (b) On or before December 15, 2026, the Agency of Agriculture shall
15 submit a report to the House Committee on Agriculture, Food Resiliency, and
16 Forestry and the Senate Committee on Agriculture with its findings and
17 recommendations.

18 Sec. 5. EFFECTIVE DATE

19 This act shall take effect on passage.