

H.941

Representative Durfee of Shaftsbury moves that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS AND INTENT; MUNICIPAL REGULATION OF
AGRICULTURE

(a) The General Assembly finds that since the 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.

(b) It is the intent of the General Assembly to clarify that municipalities lack authority to regulate farming or the construction of farm structures as set forth in 24 V.S.A. § 4413, with the exception of farming and the construction of farm structures in accordance with 24 V.S.A. § 4412.

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

§ 4413. LIMITATIONS ON MUNICIPAL BYLAWS

* * *

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

(A) ~~required agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets~~ farming that meets the minimum threshold criteria in the Required

1 Agricultural Practices Rule and is therefore required to comply with the
2 Required Agricultural Practices Rule, except as described in section 4412(16)
3 of this title;

4 (B) construction of a farm structure as defined by the Required
5 Agricultural Practices Rule, except as described in section 4412(16) of this
6 title;

7 (C) the cultivation or other use of land for growing plants for food for
8 personal use, donation, or sale, including orchard crops, viticultural crops, and
9 for maple sap. As used in this subdivision, “food” means articles or
10 agricultural commodities for human or animal consumption;

11 (D) the cultivation of ornamental plants as defined in 6 V.S.A.
12 § 1101;

13 (E) accepted silvicultural practices, as defined by the Commissioner
14 of Forests, Parks and Recreation, including practices that are in compliance
15 with the Acceptable Management Practices for Maintaining Water Quality on
16 Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks
17 and Recreation; or

18 ~~(C)~~(F) forestry operations.

19 (2) As used in this section:

20 (A) “Farm structure” ~~means a building, enclosure, or fence for~~
21 ~~housing livestock, raising horticultural or agronomic plants, or carrying out~~

1 ~~other practices associated with accepted agricultural or farming practices,~~
2 ~~including a silo, as “farming” is defined in 10 V.S.A. § 6001(22)~~ has the same
3 meaning as defined in the Required Agricultural Practices Rule, but excludes a
4 dwelling for human habitation.

5 (B) “Forestry operations” has the same meaning as in 10 V.S.A.
6 § 2602.

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

8 * * *

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

10 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

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

13 * * *

14 (15) No bylaw shall have the effect of prohibiting the raising, feeding,
15 or management of poultry, excluding roosters, for personal use, donation, or
16 sale. As used in this section, “poultry” has the same meaning as in 6 V.S.A.
17 § 1459(4).

18 (16) A bylaw may regulate the following for a farm or farm structure
19 subject to the Required Agricultural Practices Rule on a parcel less than 0.75
20 acres that was not operating as of July 1, 2026 and is not on conserved land:

1 (A) Ingress and egress of vehicular traffic and ensuring pedestrian
2 safety, including regulating parking, signage, pavement markings, functional
3 enclosure of livestock adjacent to road; and

4 (B) Siting and setbacks requirements.

5 Sec. 4. MUNICIPAL REGULATION OF FARMING STUDY; REPORT

6 (a) The Secretary of Agriculture, Food and Markets shall convene a
7 stakeholder group to examine options to address conflicts between landowners
8 that involve agricultural livestock activities in densely populated villages,
9 towns, or cities in Vermont. At a minimum, the stakeholder group shall
10 include membership-based agricultural organizations, the Vermont League of
11 Cities and Towns, Vermont Farm to Plate, and individuals with expertise in
12 local or regional planning, as well as zoning administration.

13 (b) The stakeholder group shall consider options to address conflicts,
14 including establishing or expanding the Required Agricultural Practices Rule
15 to regulate livestock, particularly addressing stocking densities on parcels of
16 less than 10 acres; utilizing ordinances to address livestock; protecting the right
17 to grow food for personal consumption, including livestock; and creating rules
18 like the Cannabis Control Board rule to enforce against an operation based on
19 health, safety, or the integrity of the broader industry.

20 (c) On or before January 31, 2027, the Secretary shall submit a report to the
21 House Committees on Agriculture, Food Resiliency, and Forestry and on

1 Environment and the Senate Committees on Agriculture and on Natural
2 Resources and Energy that summarizes findings, considerations, and any
3 recommendations of the stakeholder group and offers a recommendation from
4 the Secretary on solutions, including recommended statutory changes or
5 rulemaking, that would best support municipalities when significant landowner
6 conflicts arise regarding livestock.

7 Sec. 5. EFFECTIVE DATE

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