

1 H.312

2 Introduced by Representative Browning of Arlington

3 Referred to Committee on

4 Date:

5 Subject: Electric generation facilities; municipal plans; state land use and
6 development; municipal planning and development; zoning bylaws

7 Statement of purpose of bill as introduced: This bill proposes to require that
8 in-state electric generation facilities conform with adopted municipal plans.

9 This bill also gives municipalities the authority to adopt land use bylaws to
10 regulate the siting of electric generation facilities, except for net metering
11 systems.

12 An act relating to siting of electric generation facilities

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

14 Sec. 1. 30 V.S.A. § 248 is amended to read:

15 § 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND
16 FACILITIES; CERTIFICATE OF PUBLIC GOOD

17 * * *

18 (b) Before the ~~public service board~~ Public Service Board issues a certificate
19 of public good as required under subsection (a) of this section, it shall find that
20 the purchase, investment₁, or construction:

1 Sec. 3. 24 V.S.A. § 4413 is amended to read:

2 § 4413. LIMITATIONS ON MUNICIPAL BYLAWS

3 * * *

4 (b) A bylaw under this chapter shall not regulate:

5 (1) net metering systems as defined under 30 V.S.A. § 219a; and

6 (2) public utility power-generating plants and transmission facilities

7 regulated under 30 V.S.A. § 248.

8 * * *

9 (g) Notwithstanding any provision of law to the contrary, a bylaw adopted
10 under this chapter shall not:

11 (1) ~~Regulate~~ regulate the installation, operation, and maintenance, on a
12 flat roof of an otherwise complying structure, of a solar energy device that
13 heats water or space or generates electricity. For the purpose of this
14 subdivision, “flat roof” means a roof having a slope less than or equal to five
15 degrees; or

16 (2) ~~Prohibit~~ prohibit or have the effect of prohibiting the installation of
17 solar collectors not exempted from regulation under subdivision (1) of this
18 subsection, clotheslines, or other energy devices that are based on renewable
19 resources and do not generate electricity from wind.

20 * * *

1 Sec. 4. EFFECTIVE DATE

2 This act shall take effect on July 1, 2013.