1	H.724
2	Introduced by Representatives Pearson of Burlington, Buxton of Tunbridge,
3	Edwards of Brattleboro, McCullough of Williston, Ram of
4	Burlington, Wizowaty of Burlington, Young of Glover and
5	Zagar of Barnard
6	Referred to Committee on
7	Date:
8	Subject: Energy; land use; municipal bylaws; solar
9	Statement of purpose: This bill proposes to exempt from municipal land use
10	regulation the installation of solar energy generation on a flat roof.
11 12	An act relating to exempting solar generation on flat roofs from municipal bylaws
13	It is hereby enacted by the General Assembly of the State of Vermont:
14	Sec. 1. 24 V.S.A. § 4413 is amended to read:
15	§ 4413. LIMITATIONS ON MUNICIPAL BYLAWS
16	(a) The following uses may be regulated only with respect to location, size,
17	height, building bulk, yards, courts, setbacks, density of buildings, off-street
18	parking, loading facilities, traffic, noise, lighting, landscaping, and screening
19	requirements, and only to the extent that regulations do not have the effect of
20	interfering with the intended functional use:

1	(1) State- or community-owned and operated institutions and facilities.
2	(2) Public and private schools and other educational institutions certified
3	by the state department of education.
4	(3) Churches and other places of worship, convents, and parish houses.
5	(4) Public and private hospitals.
6	(5) Regional solid waste management facilities certified under
7	10 V.S.A. chapter 159.
8	(6) Hazardous waste management facilities for which a notice of intent
9	to construct has been received under 10 V.S.A. § 6606a.
10	(b) A bylaw under this chapter shall not regulate public utility power
11	generating plants and transmission facilities regulated under 30 V.S.A. § 248.
12	* * *
13	(g) Notwithstanding any provision of law to the contrary, a bylaw adopted
14	under this chapter shall not prohibit:
15	(1) Regulate the installation, operation, and maintenance on a flat roof
16	of a device that, using solar energy only, heats water or space or generates
17	electricity. For the purpose of this subdivision, "flat roof" means a roof having
18	a slope less than or equal to five degrees.
19	(2) Prohibit or have the effect of prohibiting the installation of solar
20	
20	collectors not exempted from regulation under subdivision (1) of this

- 1 ***
- 2 Sec. 2. EFFECTIVE DATE
- 3 <u>This act shall take effect on July 1, 2012.</u>