

1 S.40

2 Introduced by Senator White

3 Referred to Committee on

4 Date:

5 Subject: Agriculture; land use; agritourism

6 Statement of purpose: This bill proposes to amend the definition of farming
7 under Act 250 to include agritourism. Similarly, the bill would require
8 agritourism to be considered an agricultural activity subject to the accepted
9 agricultural practices.

10 An act relating to agritourism

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

12 Sec. 1. 10 V.S.A. § 6001 is amended to read:

13 § 6001. DEFINITIONS

14 When used in this chapter:

15 * * *

16 (22) "Farming" means:

17 (A) the cultivation or other use of land for growing food, fiber,

18 Christmas trees, maple sap, or horticultural and orchard crops; or

19 (B) the raising, feeding, or management of livestock, poultry, fish, or

20 bees; or

1 (C) the operation of greenhouses; or

2 (D) the production of maple syrup; or

3 (E) the on-site storage, preparation and sale of agricultural products
4 principally produced on the farm; or

5 (F) the on-site storage, preparation, production, and sale of fuel or
6 power from agricultural products or wastes principally produced on the farm;
7 or

8 (G) the raising, feeding, or management of four or more equines
9 owned or boarded by the farmer, including training, showing, and providing
10 instruction and lessons in riding, training, and the management of equines; or

11 (H) agritourism activities or operations.

12 * * *

13 (31) "Agritourism" means any activity carried out on a farm enrolled in
14 the use value appraisal program under 32 V.S.A. chapter 124 that allows
15 members of the general public, for recreational, entertainment, or educational
16 purposes, to view or enjoy rural activities, including farming, ranching,
17 historical, cultural, harvest-your-own, or nature-based activities and attractions.
18 An activity is an agritourism activity whether or not the participant paid to
19 participate in the activity.

1 Sec. 2. 6 V.S.A. § 4810 is amended to read:

2 § 4810. AUTHORITY; COOPERATION; COORDINATION

3 (a) Agricultural land use practices. In accordance with 10 V.S.A. 1259(i),
4 the secretary shall adopt by rule, pursuant to chapter 25 of Title 3, and shall
5 implement and enforce agricultural land use practices in order to reduce the
6 amount of agricultural pollutants entering the waters of the state. These
7 agricultural land use practices shall be created in two categories, pursuant to
8 subdivisions (1) and (2) of this subsection.

9 (1) “Accepted Agricultural Practices” (AAPs) shall be standards to be
10 followed in conducting agricultural activities in this state. These standards
11 shall address activities which have a potential for causing pollutants to enter
12 the groundwater and waters of the state, including dairy and other livestock
13 operations plus all forms of crop and nursery operations and on-farm or
14 agricultural fairground, registered pursuant to section 3902 of Title 20,
15 livestock and poultry slaughter and processing activities. The AAPs shall
16 include, as well as promote and encourage, practices for farmers in preventing
17 pollutants from entering the groundwater and waters of the state when engaged
18 in, but not limited to, animal waste management and disposal, soil amendment
19 applications, plant fertilization, and pest and weed control. Persons engaged in
20 farming, as defined in section 6001 of Title 10, who follow these practices
21 shall be presumed to be in compliance with water quality standards. AAPs

1 shall be practical and cost effective to implement. The AAPs for groundwater
2 shall include a process under which the agency shall receive, investigate, and
3 respond to a complaint that a farm has contaminated the drinking water or
4 groundwater of a property owner. Agritourism, as that term is defined in
5 section 6001 of Title 10, shall be an agricultural activity subject to the AAPs
6 adopted under this subdivision.

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