



Regulatory Navigation Checklist

This publication provides the basics of entering into an agritourism operation. All of the land use regulations, permits, liabilities, and licenses listed below are things you should consider before implementing an agritourism enterprise. At the end, you will find additional resources for specific agritourism businesses such as weddings, summer camps, and farm dinners.

C O N T E N T S

Land Use Regulations

Zoning Regulations.....	2
Act 143.....	2

Permits

Permit specialists.....	3
Construction permit.....	3
Act 250.....	3
ADA compliance.....	3
Wastewater permit.....	4

Liability

Act 31.....	4
-------------	---

Licenses	6
-----------------------	----------

Additional resources

Summer camp licenses and resources	7
Additional farmstay resources.....	7
Additional general event resources	7



LAND USE REGULATIONS

Zoning Regulations

Before beginning any construction or development for your agritourism activity, you will have to follow [zoning regulations](#) according to your municipality, and potentially **obtain a zoning permit**, if required.

Act 143

[Act 143](#) regulates on-farm accessory businesses.

If your business features or sells the following products or any other qualifying products, it may be necessary to submit an application to your municipality for a site plan review. Qualifying products are:

- An agricultural, horticultural, viticultural, or dairy commodity, or maple syrup;
- Any livestock or cultured fish, or a product thereof;
- A product of poultry, bees, orchards, or fiber crops;
- A commodity otherwise grown or raised on a farm; and
- A product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.

Different municipalities may have different rules, although they **cannot** prohibit an accessory on-farm business.

Based on the regulations of your municipality, it may be necessary for you to **submit a site plan review**. This process begins with an **application to the municipality** in which the event or business will take place or be established. At a hearing, you may have to state your case for wanting the event or business. Within 45 days, you will be given a decision from the regulatory body.

To determine if your agritourism activity falls under Act 143, review [“Accessory On-Farm Business \(AOFB\) Guidelines for Farmers and Municipalities” from the Vermont Agency of Agriculture, Food and Markets \(VAAFM\)](#).

For help and questions contact VAAFM at 802-828-2430.

[Read the Q&A, Act 143, Accessory On-Farm Business](#) for more information about accessory on-farm business.



■ Action Items

- ✓ Read through the zoning regulations for your municipality and familiarize yourself with Act 143.
- ✓ Obtain a zoning permit, if necessary.
- ✓ Determine if your municipality requires a site plan review.
- ✓ Submit an application and site plan review to your municipality, if necessary.

PERMITS

Permit specialists

[Identify a regional permit specialist](#) and meet with them. They will **review your proposed project** and tell you of all the permits you may need.

Construction permit

If you are **developing or renovating** any buildings on the property, you'll likely need an [Act 250 permit](#) and a public building permit (or if sufficiently small, a small construction permit).

Act 250

For determining whether or not you will need to submit an [Act 250 application](#), contact a [district coordinator](#).

For projects that are subject to Act 250 review, an applicant could seek a [Criterion 9\(B\)](#) review letter from the Agency of Agriculture Food and Markets addressing any proposed impacts to primary agricultural soils or whether mitigation is recommended.

For additional help or questions about Act 250 call 802-828-2431.

ADA compliance

When offering a tour or opening your farm up to the public, you will need to comply with the [ADA \(Americans with Disabilities Act\)](#). This may mean creating accessible routes over uneven ground or installing a ramp.



■ Wastewater permit

You may also need to obtain a [wastewater permit](#) if it involves adding to your septic load in terms of bedrooms or additional space such as food service or seating on site. You may want to at least check in to make sure your current permit is up to date.

For help, contact the Agency of Natural Resources Department of Environmental Conservation Drinking Water & Groundwater Protection Division: 802-828-1535.

■ Action Items:

- ✓ Meet with a regional permit specialist.
- ✓ Contact a district coordinator to determine the need for obtaining an Act 250 permit.
- ✓ Obtain a public building permit.
- ✓ If adding additional space or septic load, look into obtaining a wastewater permit.

LIABILITY

Act 31

On July 1, 2021, Vermont Act 31 (H.89), An Act Relating to Limiting Liability for Agritourism, went into effect. Act 31 acknowledges that there are “inherent risks” in participating in agritourism activities and **shifts those risks to properly warned consumers**. To qualify for the limitation on liability, an agritourism host **must post the required warning** notice in a clearly visible location at or near the main entrance to each agritourism activity and include the same warning notice language in every written contract between the agritourism host and a participant.

According to this bill, you **must have clear signage that says:**

“WARNING: Under Vermont law, an agritourism host is not liable for the injury or death of a participant in an agritourism activity resulting from the inherent risk of the agritourism activity. Inherent risks include the risk of animals, weather, land conditions, and the potential for you as a participant to act in a negligent way that may contribute to your own injury or death. You are assuming the risk of participating in this agritourism activity.”

This signage **must be clearly visible at the entrance** of each “agritourism activity.” It must be printed in black letters that are at least one inch in height.



UVM Extension is distributing a limited supply of printed signs at no cost to farms. Contact vtagritourism@uvm.edu if you would like a sign. [Read more information about Act 31.](#)

[Read the full act or act summary.](#)

■ Action Items:

- ✓ Read through Act 31.
- ✓ Post signs at agritourism activities that meet the specifications of Act 31.
- ✓ Include the warning notice language in every written contract between an agritourism host and a participant.
- ✓ Check with your insurance agent to make sure this type of event is covered in your policy.

**Note: Act 31 does not apply to farm stays and roadside farm stands, as stated in the legislation.*





L I C E N S E S

Below are scenarios that would require a license. Use the links for applications and/or more information.

SITUATION	LICENSE NECESSARY	CONTACT	ADDITIONAL INFO
Overnight stays at your establishment	If your stay meets the definition of lodging, you will need a lodging license from the Department of Health. Read more about what is considered lodging, and what to consider if you are just doing short term listings such as VRBO and airbnb.	Vermont Department of Health at AHS.VDHFoodandLodging@vermont.gov or (802) 863-7221.	Read the licensed lodging establishment rule to help you understand the requirements. Note: If you are doing a short term stay or you are providing a rental without doing any construction you do not need a lodging license.
Serving food as part of your agritourism experience	You'll need a food establishment license. Read more to determine which license best fits your situation.	Vermont Department of Health at AHS.VDHFoodandLodging@vermont.gov or (802) 863-7221.	If food production brings in sales that are under \$10,000, you may be able to apply for an exemption . Read about these regulations . This does not apply to food service on site.
Serving Alcohol	You will need a first class license for malt and vinous beverages or a third class license for spirituous liquors .	Department of Liquor Control and Licensing Division, (802) 828-2345	If you are manufacturing alcoholic beverages, or selling it at a store, you will need a different kind of license . Learn more about licenses, requirements and applications.
Catering or serving food at an event	You will likely need a license for commercial catering or a temporary food service establishment license. Information on the application can be found here .	Vermont Department of Health at AHS.VDHFoodandLodging@vermont.gov or (802) 863-7221.	
Opening a food truck	This is considered a commercial caterer. Learn about regulations for opening a food truck or stand.	Vermont Department of Health at AHS.VDHFoodandLodging@vermont.gov or (802) 863-7221	
Opening a summer camp	<ul style="list-style-type: none"> For overnight summer camp: Licensed Children's Camps Rule. Overnight summer camp license application. 	Food and Lodging Program 802-863-7221 or 800-439-8550 foodlodging@vermont.gov	



ADDITIONAL RESOURCES

Summer camp licenses and resources

- [ACA Regulations in Vermont](#)
- [Guide on hosting a summer camp](#)

Additional farmstay resources

- [Resources for lodging establishments](#)
- [Resources for license holders](#)
- [Checklist for food establishment facility requirements](#) to help you get ready for an inspection
- [Guide on developing a farmstay](#)

Additional General Event Resources

- [Guide for hosting weddings on your farm](#)
- [Guide for hosting a farm dinner](#)
- [Resources for license holders](#)
- [Checklist for food establishment facility requirements](#) to help you get ready for an inspection

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