

GENERAL BY-LAWS

for the

TOWN OF WORTHINGTON,

MASSACHUSETTS

Effective

October 22, 1997

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SECTION I CONDUCT OF TOWN MEETINGS

1. Date of Town Meeting & Election

The Annual Town Meeting warrant will be voted on the first Saturday in May beginning in the morning and ending when all articles have been acted upon. Any Town Meeting may be adjourned to a future time and place as the Selectmen may designate. The Annual Town Election of officers shall be held on the same date.

2. Method of Voting

All votes or motions shall be taken by a show of hands or a voice vote. Nothing in this section shall be construed to prevent the taking of a vote by paper ballot. When a question is determined by a paper ballot every person voting shall have his or her name checked by the checklist of the Registrars of Voters before depositing the ballot in the receptacle provided.

3. All Articles to be Acted Upon

No motion, the effect of which would be to dissolve the Town Meeting, shall be in order until every article in the warrant has been duly considered and acted upon. This requirement shall not preclude the postponement of consideration of any article to an adjournment of the meeting to a stated time and place.

4. Limitation on Speakers

No person shall address the meeting unless recognized by the Moderator nor speak more than once on the same subject to the exclusion of any other who may desire to speak.

5. Annual Town Reports

Annual Town Reports shall be made available to the registered voters at least seven days before the date of the Annual Town Meeting. Included shall be reports of the Treasurer, Tax Collector, Finance Committee, Assessors, Accountant and the Council on Aging and the reports of such other Town Boards, Committees, Officers and Departments as may be directed by the Board of Selectmen in accordance with MGL Ch40s49, as amended.

6. Quorum

A quorum of twenty-one voters shall be required for carrying on any business at an Annual or Special Town Meeting. A lesser number may adjourn any meeting to a stated place, date and time.

7. Rules of Procedure

Town Meeting Time shall be used for the conduct of all Town Meetings.

8. Posting of Warrants

Warrants for all Town Meetings and notice for all Town business shall be posted at the Town Hall and at the Post Office.

SECTION II ELECTED TOWN BOARDS & OFFICERS

At the Annual Town Elections, the Town shall elect one or more members of the following:

- A Board of Selectmen of three members for overlapping three year terms;
- A Board of Assessors of three members for overlapping three year terms;
- A Board of Health of three members for overlapping three year terms;
- A Cemetery Commissioner for Center, Ringville, North & Historic Cemeteries and a Commission Chair for overlapping five year terms;
- A School Committee of two members for overlapping three year terms;
- A Planning Board of five members for overlapping five year terms;
- A Finance Committee of five members for overlapping three year terms;
- Two Constables, both for two year terms;
- A Town Clerk for a term of three years;
- A Moderator for a term of three years;
- A Tree Warden for a term of three years;
- A County Commissioner for a term of two years.

Time of Taking Office

The terms of office for elected officials shall commence immediately upon qualification and shall expire at the close of the Annual Town Election at which their successors are elected. Elections to fill vacancies shall be for the remainder of the unexpired term.

Town Clerk Duties

The Town Clerk shall keep and cause to be permanently preserved a copy of the Annual Town Report, shall notify all persons of their election or appointment to Town office and shall furnish the various Town officers, boards and committees with a copy of such actions of the Town as affect them immediately after any Town Meeting.

Finance Committee Duties

It shall be the duty of the Finance Committee to consider any and all Town questions of a financial nature and to make recommendations thereon to the voters of the Town. All financial articles proposed for insertion in a Town Meeting warrant shall, prior to the time said warrant is posted, be referred to the Finance Committee for consideration. Unless the Finance Committee by a majority vote decides otherwise, a public hearing shall be held before said Committee at least two weeks prior to the Town Meeting to consider and act upon all such proposed articles. The Committee shall also consider annually the estimated budget requirements of the various Town Boards and Officers which shall be prepared in such form and detail and presented at such time as may be prescribed by the Finance Committee. After due consideration of such financial articles and budget estimates the Finance Committee shall recommend to the voters whatever action relative thereto it deems advisable for the best interest of the Town. In the discharge of these duties, said Committee shall have free access to all books of records, accounts, bills and vouchers in which money has been or may be paid from the Treasury.

SECTION III APPOINTED TOWN BOARDS AND OFFICERS

The Board of Selectmen shall appoint the following:

- A Council on Aging of eight members for overlapping three year terms, as provided by MGL Ch40s8B;
- A Historical Commission of five members for overlapping three year terms, as provided by MGL Ch40s8D;
- A Conservation Commission of seven members for overlapping three year terms, as provided by MGL Ch40s8C;
- A Zoning Board of Appeals of five members and two associate members for overlapping five year terms, as provided by MGL Ch40As12;
- A Recreation Committee of up to ten members for overlapping three year terms, as provided by MGL Ch40sE;
- A Town Treasurer for a three year term;
- A Tax Collector for a three year term;
- A Town Accountant for a three year term, as provided by MGL Ch41s55;
- A Highway Superintendent for a one year term;
- A Police Chief for a one year term, as provided by MGL Ch41s97;
- A Fire Chief & Forest Fire Warden for a one year term, as provided by MGL Ch48s42;
- A Building Inspector & Alternate for one year terms;
- A Plumbing Inspector for a one year term;
- A Wiring Inspector & Assistant for one year terms;
- A Gas Inspector for a one year term;
- An Emergency Management Director for a one year term;
- An Animal Control Officer for a one year term;
- An Inspector of Animals for a one year term;
- A Custodian of Disposal for a one year term;
- A Veteran's Agent for a one year term;
- A Board of Registrars of three members for overlapping three year terms;
- An Administrative Secretary to the Selectboard for a one year term;
- A Cultural Council of five members for up to two consecutive three year overlapping terms;
- A Personnel Committee of five members for overlapping three year terms;
- A Westfield River Advisory Commission member and alternate for one year terms;
- A competent lawyer to serve as Town Counsel for a one year term;
- An Agricultural Commission of seven members for overlapping three year terms & up to three alternates.

SECTION IV RECYCLING OF SOLID WASTE

Separation of Waste Materials

In order to support a program of recycling in conjunction with ordinary waste disposal, residents of every household and owners of every business shall separate waste materials into the following categories before depositing same for disposal: 1) glass and cans, 2) plastic, 3) paper and 4) other waste. If no separation takes place, waste material shall not be accepted at the disposal area. Repeat offenders shall suffer a fine of \$100.00 for each offense.

Enforcement

This by-law shall be enforced by the Board of Selectmen and the Board of Health, who shall have the authority to create and enforce procedures and regulations consistent with the intent of this by-law.

SECTION V CONSTRUCTION OF DRIVEWAYS ON TOWN WAYS

Permit Required

No owner or occupant of land abutting a town way of Worthington or any public way which, by statute, said Town is obligated to repair and maintain, shall construct any private road or driveway thereon so as to extend into such public way without first having obtained a written permit therefor from the Board of Selectmen and approved by the Highway Superintendent. The Board of Selectmen will notify any abutter within 35 feet of a proposed driveway prior to issuance of a driveway permit. Driveways shall be set back from the side boundary line by no less than 20 feet. In cases of hardship due to geography or drainage situations, people shall apply to the Board of Selectmen for special permission. The Board of Selectmen shall issue the permit within forty (40) days or shall render a decision in writing specifying the reasons for denial and shall base that decision upon considerations of public safety. If no action is taken by the Board of Selectmen, the permit shall be deemed granted. Said construction shall conform in all respects to standards set by the Board of Selectmen and shall be performed within one year of the date of issuance of the permit. A permit may be renewed by the Board of Selectmen for one year upon written request by the applicant.

Violations, Fines

Whoever, by himself being owner or occupant, or by his agents or servants, violates this regulation, shall be punished by a fine not to exceed \$300.00 per day and be liable in tort to the Town of Worthington for all damages caused thereby, and for the cost and expense of removing any obstructing material and restoring the public way to its former condition.

SECTION VI POSTING BUILDING NUMBERS

The owner of each building assigned a number by the Street Numbering Committee, or subsequently by the Board of Selectmen designee, shall cause that number to be posted and maintained at the building location. Building numbers must be posted no more than 50 feet from the road at a height of 6 to 8 feet above the ground, on the same side of the road and at or near the location of the building or the driveway of the building, clearly visible in all seasons, with numerals at least four inches high which contrast with the background. The Board of Selectmen shall have the authority to establish or alter rules for the posting of building numbers and to designate the Building Inspector or other official to be responsible for assigning numbers to new buildings. Approval by that official of the manner of posting shall be a condition of granting an occupancy permit.

SECTION VII DOG REGULATIONS

1. No person shall allow a dog of which he is owner or keeper:

- a) To go beyond the confines of his property unless the dog is held firmly on a leash or is under the control of its owner, keeper or his agent;
- b) To bark or howl persistently and consistently or to bark or howl for longer than 20 minutes or in any other manner disturb the peace or quiet of any neighborhood;
- c) To bite or endanger the safety of any person;
- d) To worry, kill, maim or otherwise injure another's fowl, livestock or domesticated animal;
- e) To chase, kill, maim or otherwise injure deer;
- f) To chase another's vehicle on any way open to public travel;
- g) To be unlicensed after the age of four months or untagged;
- h) To run at large or unmuzzled in violation of an order of the Selectmen or the Animal Control Officer;
- i) If a female dog in season, to be held anywhere other than in a veterinary hospital or a registered kennel or, if kept at home, to be confined only indoors or in a secure kennel.
- j) To fail to have a dog's up-to-date owner identification tag attached to the dog's collar

at

all times.

2. No person shall operate a kennel for the keeping of more than 4 dogs without a permit from the Board of Selectmen.

3. Any person may complain to the Animal Control Officer of any dog involved in a violation of the first subsection. Upon receipt of such complaint, the Officer shall investigate and may order the owner or keeper of the dog to restrain and/or muzzle for not longer than 21 days said animal, as the Officer deems necessary. The Officer may file a report to the Board of Selectmen asking for permanent restraint or destruction of the dog. The Selectmen, on receipt of such report and after examination of the complaint under oath, may make such order to permanently restrain, muzzle or dispose of such dog, as they deem necessary. The owner or keeper of a dog subject to such an order may file a written request with the Animal Control Officer to vacate the order, on receipt of which the Officer shall investigate and report in writing to the Selectmen, who may vacate such order.

4. The Animal Control Officer shall impound any dog found by him to be involved in a violation of the first subsection, and upon so doing shall immediately notify the owner or keeper, if ascertainable from some device on the dog, of said impoundment and of his right to redeem the dog following payment of all fees assessed. Any dog eligible to be licensed must be licensed before it shall be released. Any dog so impounded and not redeemed after 10 days shall be disposed of as provided in MGL Ch140s151A. Each offense listed in the first subsection shall constitute a separate offense for the purpose of assessing fines. The fine schedule for prohibitions (a) through (i) is as follows: First Offense \$15, Second Offense \$30.00, Third and subsequent Offenses \$75.00. The fine schedule for prohibition (j) is as follows: First Offense \$10, Second Offense \$25. The Board of Selectmen shall have the authority to set the fine schedule and fee schedule for annual license tags and to delegate a Town official to oversee the provisions of this By-Law.

SECTION VIII LOCAL LICENSES AND PERMITS

In accordance with the provisions of MGL Ch40s57, any local licensing authority for the Town of Worthington shall be granted the authority to deny an application for certain licenses and permits, or to revoke or suspend the same once granted, for failure to pay any local tax, fee, betterment or other municipal charge.

****Town Clerk's note: Per MGL, the following can not be denied via this section: dog, sporting and marriage licenses & burning permits.**

SECTION IX UNREGISTERED VEHICLES

No person shall store, keep or allow to remain on his premises more than one unregistered motor vehicle or the body or chassis thereof without a permit from the Board of Selectmen. This By-Law shall not apply to the following: motor vehicles which are designed and used for farming purposes, a premises licensed under MGL Ch140s58, motor vehicles which are stored out of sight of abutters and public ways and motor vehicles for which a plate cancellation receipt has been issued in the current year by the Registry of Motor Vehicles. This By-Law shall be enforced by the Police Department who shall issue written notice of violation to the property owner. Upon receipt of said notice, the owner shall have 14 days within which to dispose of the specified vehicle(s) or to file a written request with the Board of Selectmen for a Permit. After such time, the owner of the premises involved shall be liable for a fine of \$25.00 per day.

SECTION X WINTER PLOWING

No person, other than an employee or agent of the Town of Worthington acting in furtherance of his or her duties as temporary expediency may require, shall pile, push, plow or blow snow or ice onto or across a Town public way or sidewalk so as to impede the flow of traffic on such way or sidewalk or pile, push, plow or blow snow or ice so as to cause snow or ice to fall upon persons or vehicles traveling on such ways. Any person found in violation of this By-Law would be warned and thereafter would be subject to a fifty dollar fine for each violation.

SECTION XI PARKING ALONG PUBLIC WAYS

There is to be no parking within 3 feet of the travel lane of a public way. Violators will be liable for the towing expenses.

SECTION XII SCENIC ROADS

1. Purpose

These regulations are established to provide oversight before removal of trees and stone walls which affect the scenic, aesthetic or historic features of certain public rights of way.

2. Definitions

In the absence of contrary meaning established through legislative or judicial action pursuant to M.G.L. Ch 40 §15C, the following terms contained in that statute shall be defined as follows:

Emergency: an unforeseen occurrence which requires immediate action to avoid or reduce significant injury or damage to persons or property.

Repair, Maintenance, Reconstruction or Paving Work: any work done within the right-of-way by any person or agency, public or private. Construction of new driveways or alteration of existing ones is included, insofar as it takes place within the right-of-way.

Road: a right-of-way used and maintained as a public way including the vehicular traveled way plus necessary appurtenances within the right-of-way such as bridge structures, drainage systems, retaining walls, traffic control devices, and sidewalks. When a dispute arises as to whether or not certain trees or stone walls or portions thereof are within or without the right of way, the trees and stone walls shall be presumed to be within the right-of-way until the contrary is shown.

Scenic Road: in accordance with M.G.L. Ch 40 §15C, a designation made by Town Meeting which protects trees and stone walls within the right of way. By Town Meeting vote in 1977, the Town of Worthington designated all roads, except numbered routes and state highways (Routes 112 and 143) as scenic roads.

Stone Wall subject to the Scenic Roads Bylaw: Any stone wall within or bounding the public right of way on a designated scenic road.

Stone Wall, Tearing Down or Destruction: the destruction or disturbance of a stone wall involving more than one cubic foot of wall material per linear foot above existing grade, excluding:

1. temporary removal and replacement at the same location with the same materials;
2. removal of up to 15 feet of stone wall for construction of a new driveway, with a driveway permit.

Tree subject to Public Shade Tree Act (M.G.L. Ch 87): any living tree within the public right of way whose trunk has a diameter of one and one-half inches measured one foot above the ground. Cutting or removal of trees subject to this Act requires a hearing held by the Tree Warden.

Tree subject to Scenic Roads Bylaw (M.G.L. Ch 40 §15C): any living tree within the public right of way on a designated scenic road whose trunk has a diameter at breast height (DBH) of four inches or more. Cutting or removal of a tree subject to the Scenic Roads Bylaw requires a hearing by the Planning Board in addition to a hearing by the Tree Warden. These hearings may be held jointly.

Tree, Cutting or Removal: the removal of one or more trees.

Tree, Hazardous: any tree with a structural defect or disease, or which impedes safe sight distance or traffic flow or otherwise poses a threat to life or property. Determination of hazard shall be made by the Tree Warden or Highway Superintendent as applicable.

3. Exemptions

The provisions of this bylaw shall not apply to the following activities:

1. Removal of hazardous trees, as defined herein;
2. Cutting trees and shrubs not subject to the Public Shade Tree Act and removal of dead, diseased or potentially hazardous tree limbs;
3. Construction of roadways and associated infrastructure for subdivisions approved in accordance with the Town Subdivision Rules and Regulations.

4. Guidelines

Within the public right of way of designated scenic roads, the following activities shall require written approval of the Planning Board in accordance with the provisions of this bylaw:

1. The tearing down, defacing or destruction of stone walls or portions thereof;
2. The cutting or removal of trees subject to the Scenic Roads Bylaw
3. Repair, maintenance, reconstruction or paving work, including the construction of new driveways or alteration of existing ones, insofar as the work affects stone walls subject to the Scenic Roads Bylaw (in excess of the single allowable 15-foot driveway cut), or trees subject to the Scenic Roads Bylaw.

In case of an emergency where a threat to public safety does not allow sufficient time to obtain approvals from the Tree Warden and the Planning Board, the Planning Board must receive written notification within thirty days of any action which, had the threat not existed, would be a violation of this bylaw.

5. Application

Any property owner or town department wishing to do work requiring Planning Board approval under this bylaw shall file a written application with the Planning Board with appropriate information as to property location, affected tree(s) or wall(s) and the purpose of the work. The applicant who requests approval shall be required to pay costs of advertising, postage and any other costs of the hearing.

COMPENSATION FOR PUBLIC TREES REMOVED FOR PRIVATE PURPOSES:

An applicant who wishes to remove a non-hazardous public shade tree is responsible for all costs relating to removal and replanting. Public shade trees shall not be removed for a private purpose without compensation to the town. The compensation for a public shade tree is to be calculated on an inch for an inch replacement basis. For example, if an 18 inch diameter tree is to be removed, the applicant is responsible for nine 2" diameter trees.

Replacement trees shall be at least two inch diameter, nursery grown stock. At the discretion of the tree warden, the applicant may either have the tree(s) replaced, or make an equivalent contribution (as determined by the tree warden) to the town tree fund, to be used exclusively for purchase or planting of replacement trees, tree maintenance, or related expenses.

No trees, except those smaller species appropriate for planting under utilities, shall be planted within 10 lateral feet of an overhead electric utility wire. Consistent with M.G.L. Ch 87, the Tree Warden and his/her deputy may plant trees on private property within 20 feet of the public right-of-way with the consent of the land owner.

6. Hearing

The Planning Board shall hold a public hearing within thirty (30) days of receipt of an application, and shall approve, conditionally approve, or deny an application within sixty (60) days of receipt. For planned maintenance of town roads, an annual tree removal plan will be presented by the Highway Superintendent at an annual hearing to take place in the week after Town Meeting. For the annual hearing, the Highway Superintendent will post areas where work is proposed in lieu of certified mailings to abutters.

Whenever feasible, Planning Board hearings to approve tree removal shall be held in conjunction with those held by the Tree Warden acting under M.G.L. Ch 87, the Public Shade Tree Act. For removal of trees subject to the Scenic Roads Bylaw approvals by both the Planning Board and the Tree Warden are required. The Planning Board decision shall contain a condition that no work shall be done until all applicable provisions of the Public Shade Tree Act, M.G.L. Ch 87, have been met.

7. Notice

The Planning Board shall, as required by statute, give notice of its public hearing by advertising twice in a newspaper of general circulation in the area. This notice shall contain a statement as to the time, date, place and purpose of the hearing with a reasonable description of the work proposed by the applicant. Copies of this notice shall also be sent to the Selectboard, the Conservation Commission, the Historical Commission, the Tree Warden, the Highway Superintendent, and mailed, certified with return receipt, to the owners of property within 300 feet of the proposed work. These costs will be borne by the applicant.

8. Criteria

The Planning Board's decision on any application for action affecting scenic roads shall be based on the following considerations:

1. environmental values;
2. scenic and aesthetic characteristics;
3. historic values;
4. public safety;
5. compensatory actions such as replacement of trees and stone walls;
6. other sound planning considerations.

9. Decision

The decision of the Planning Board shall be in writing, and state the location affected, the applicable criteria for approval or disapproval, and any conditions and/or compensation required. Copies shall be provided to the applicant, Tree Warden and the Selectboard.

10. Designations of Scenic Roads

Additions and deletions to the list of scenic roads may be submitted to the Planning Board by Town boards or by petition signed by at least 20 registered voters. Any recommendation for a change in scenic road designation must be accompanied by a written description of the characteristic(s) of the road that does or does not require the protection afforded by these regulations. A change in scenic road designation must be made by town meeting vote.

11. Enforcement

The Tree Warden or others designated by the Town may issue a citation for violation of these regulations. Such citation shall list required remedial action(s) such as rebuilding stone walls, or replacing trees by the inch-for-inch method described above, or equivalent compensation to the town. A failure to respond to properly issued citations within 30 days shall be subject to a fine of one hundred dollars (\$100.00) per violation.

12. Severability

The invalidity, unconstitutionality, or illegality of any provision of this amendment shall not have any effect upon the validity, constitutionality or legality of any other provision of this amendment.

13. Designated Scenic Roads

Adams Road	Almon Johnson Road	Bailey Road
Bashan Hill Road	Brown Hill Road	Brook Road/Fairgrounds Road
Bryant Road	Buffington Hill Road	Capen Street
Clark Hill Road	Clark Road (not Route 112)	Cold Street
Conwell Road	Corbett Road	Cudworth Road
Cummington Road (not Route 112)	Curtis Road	Dingle Road
East Windsor Road	Elderberry Lane	Fairman Road
Fisk Road	Goss Hill Road	Guard Road
Harvey Road	Indian Oven Road	Ireland Street
Kinne Brook Road	Lindsey Hill Road	Old Main Road
Old Post Road	Packard Park/Common	Parish Road
Patterson Road	Pleasant Road	Prentice Road
Radiker Road	Ridge Road	Ring Road
River Road	Sam Hill Road	Sawyer Road
Scott Road	South Worthington Road	Starkweather Road
Thayer Hill Road	Thrasher Hill Road	Trouble Street
Witt Hill Road	West Street	

XIII Right to Farm

Preamble:

The Town of Worthington finds that farming is an essential and valued activity, which provides fresh food, clean air, economic diversity, local employment, and open spaces to all of the citizens of Worthington. The purpose of this bylaw is to allow agricultural uses and related activities to function in harmony with the community, town agencies and others. This bylaw shall apply to all jurisdictional areas within Worthington.

Section 1: Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under article 97, of the Constitution, and all state statutes and regulations hereunder, including but not limited to MA General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section IA. We the citizens of Worthington restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of Massachusetts Constitution (Home Rule). This General By-Law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Worthington by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-Law shall apply to all jurisdictional areas within the Town.

The intent of this by-law is

- * To protect and promote the pursuit of agricultural enterprises and the benefits to the community provided by local agriculture by allowing agricultural uses and activities to function with minimal conflict with abutters and town agencies.
- * To inform Worthington property owners and buyers of this by-law through a notification process.
- * To provide assistance with dispute resolution if a conflict should arise between a citizen or the town and owners and operators of land used for farming or agricultural purposes.

*** Not to supercede any Zoning or General by-laws of the Town, or any State or Federal laws or regulations.**

Section 2: Definitions

The word "farm" shall include any parcel or parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto. Farming in all its branches and the cultivation and tillage of the soil, including but not limited to the following;

*Dairying and orchards

- * Production, cultivation, growing, and harvesting of any agricultural, aqua cultural, floricultural, viticulture, or horticultural commodities
- * Growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations
 - Raising of livestock, including horses
 - Keeping of horses as a commercial enterprise
 - Keeping and raising of poultry, sheep, goats, fowl, swine, cattle, ratites (such as emus, ostriches and rheas) and camefids (such as llamas, alpacas, and camels) and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals

For the purpose of this by-law "Farming" or "Agriculture" may include but not be limited to the following activities:

- * Operation and transportation of slow moving farm equipment over roads within the town.
- * Control of pests, including insects, but not limited to, weeds, predators and disease organisms of plants and animals; safe and responsible application and storage of manure and fertilizers and pesticides
- * Growing, harvesting, processing and selling of forest products
- * Conducting agriculture-related educational and farm-based recreational activities including agri-tourism that are related to marketing the agricultural output or services of the farm
- * Processing and packaging of the agricultural output of the farm
- * Operation of a farm stand to sell products of the farm
- * Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager and used expressly for the purpose of propagation, harvesting, managing, or marketing of the farm's agricultural products
- * On-farm relocation of earth and the clearing of ground for farm operations
- * Construction and maintaining farm buildings used for shelter, feed and storage* Revitalizing drainage or irrigation ditches; picking stone; constructing, repairing or maintaining fences; and clearing, rejuvenating and maintaining agricultural land

Section 3: Right to Farm Declaration

The right to farm is hereby recognized to exist within the town of Worthington. It is acknowledged by the Town that the benefits of farming such as the positive contribution of agriculture to the local economy, the availability of fresh food, fiber and forest products; and the maintenance of the rural character and agricultural heritage of Worthington far outweigh incidental nuisances such as noise, lighting, odors, dust and fumes associated with all, but not limited to, the above described agricultural activities which may occur on holidays, weekdays, and weekends, day or night. The benefits and protections of the by-law are intended to apply exclusively to the actual activities of farming. This by-law does not supersede any Zoning or General by-laws of the Town, or any State or Federal laws or regulations.

Section 4: Disclosure Notification

Within 30 days of by-law passage a disclosure statement will be posted at the Town Hall and copies will be made available for distribution. It will also be posted on the town web site.

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances."

Section 5: Dispute Resolution

Any person who seeks to complain about the operation of a farm may file a grievance with the Select Board, Zoning Board, or Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Board or Select Board shall forward a copy of the grievance to the Agricultural Commission or its agent which shall review and facilitate a proposed resolution of the grievance and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health shall, except in cases of imminent danger or public health risk, forward a copy of the grievance to the Agricultural Commission or its agent, which shall facilitate a proposed resolution of the grievance, and report its recommendation to the Board of Health within sixty (60) days.

Section 6: Severability

The provisions of the by-law are severable. If any part of this by-law is for any reason held to be unconstitutional or invalid, that provision can be severed from the by-law without affecting the remaining provisions.