

RIGHT TO FARM BYLAWS



What are the objectives of a Right to Farm Bylaw?

To protect and encourage the growth and development of farm-related businesses by protecting farmers and farm operators against nuisance lawsuits.

Why do we need a Right to Farm Bylaw?

Over the past 30 years, as productive farmland has been converted to residential development, persons not involved in farming were beginning to move into traditional agricultural areas and with them they were bringing new complaints

concerning odor, flies, dust, noise from field work, spraying of farm chemicals, slow moving farm machinery, and other necessary byproducts of farming operations. Many states, including Massachusetts, adopted Right to Farm language in the state statutes to protect active farmers from nuisance lawsuits from neighbors. Local communities in Massachusetts can also adopt a local Right to Farm bylaw to create public awareness relative to the needs of local farms and farmers.

How does a Right to Farm bylaw work?

A right-to-farm bylaw is a general bylaw that encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the community by allowing agricultural uses and related activities to function with minimal conflict with abutters and town agencies. Language is based on the all state statutes and regulations protecting agricultural activities, such as MGL Chapter 40A, Section 3; Chapter 90, Section 9; Chapter 111, Section 125A and Chapter 128 Section 1A.

Such a bylaw or ordinance restates and republishes these rights pursuant to a town's authority conferred by Article 89, or the "Home Rule Amendment" of the Massachusetts Constitution.

DID YOU KNOW...

In 1997, farm product sales in Massachusetts reached an all-time high of \$454 million. Net farm income —returns to the farm operator after paying expenses—climbed to a record high of \$143 million in 1997.

("Agriculture's Hold on the Commonwealth", University of Massachusetts Amherst, 2000))

EXAMPLES FROM THE PIONEER VALLEY

Smart Growth Technical Assistance Grant Program

Several communities in the Pioneer Valley region were funded under Rounds 1 and 2 of the Smart Growth Technical Assistance Grant Program to prepare and adopt right-to-farm bylaws/ordinances. The Towns of Middlefield and Plainfield were funded under Round 1, both of which have adopted right-to-farm bylaws at their annual town meetings. The communities of Agawam, Granville, Hampden, Montgomery, and Westhampton were funded under Round 2 of this grant program. The Towns of Montgomery and Westhampton have adopted right-to-farm bylaws at Town Meeting. The Town of Hampden will vote on this bylaw at their spring town meeting and the Town of Agawam will vote on their right-to-farm ordinance during the summer of 2007. The Town of Granville has not yet adopted their right-to-farm bylaw but will consider it at a future town meeting.

Communities that have adopted Right to Farm Bylaw

Cumington
Hadley
Hatfield
Middlefield
Montgomery
Northampton
Plainfield
Southwick
Westhampton

[MODEL RIGHT TO FARM BYLAW \(DEPT. OF AGRICULTURAL RESOURCES\)](#)