

HOUSE BILL 1229

M4

8lr2779

By: **Delegates Jacobs, Afzali, Anderton, Arentz, Carozza, Ciliberti, Fisher, Ghrist, Grammer, Long, Mautz, McKay, Otto, Vogt, and ~~Wivell~~ Wivell, Cassilly, and Clark**

Introduced and read first time: February 8, 2018
Assigned to: Environment and Transportation

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 6, 2018

CHAPTER _____

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Easements Foundation – Use of Land**
3 **– Signs, Billboards, and Outdoor Advertising Displays**

4 FOR the purpose of authorizing a landowner, without the approval of the Maryland
5 Agricultural Land Preservation Foundation, to erect and display on land subject to
6 a certain easement a certain sign, billboard, or outdoor advertising display to be
7 erected, displayed, placed, or maintained on land subject to an agricultural land
8 preservation easement notwithstanding the terms of the easement for a certain
9 purpose; authorizing the Foundation to authorize a landowner to erect and display
10 on land subject to a certain easement a certain sign or outdoor advertising display
11 for the purpose of providing certain information; providing that this Act supersedes
12 certain provisions of a certain deed or agreement; providing that this Act does not
13 supersede certain local laws or ordinances; providing for the application of this Act;
14 and generally relating to signs, billboards, and outdoor advertising displays on the
15 use of land subject to an agricultural land preservation easement.

16 BY repealing and reenacting, without amendments,
17 Article – Agriculture
18 Section ~~2-513(a) and (b)(1)~~ 2-513(b)(1)
19 Annotated Code of Maryland
20 (2016 Replacement Volume and 2017 Supplement)

21 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Agriculture
 2 Section ~~2-513(d)~~ 2-513(b)(11)
 3 Annotated Code of Maryland
 4 (2016 Replacement Volume and 2017 Supplement)

5 ~~BY repealing and reenacting, with amendments,~~
 6 ~~Article – Agriculture~~
 7 ~~Section 2-513(d) and (e)~~
 8 ~~Annotated Code of Maryland~~
 9 ~~(2016 Replacement Volume and 2017 Supplement)~~

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 11 That the Laws of Maryland read as follows:

12 **Article – Agriculture**

13 2-513.

14 ~~(a) Agricultural land preservation easements may be purchased under this~~
 15 ~~subtitle for any land in agricultural use which meets the minimum criteria established~~
 16 ~~under § 2-509 of this subtitle if the easement and county regulations governing the use of~~
 17 ~~the land include the following provisions:~~

18 ~~(1) Any farm use of land is permitted.~~

19 ~~(2) Operation at any time of any machinery used in farm production or the~~
 20 ~~primary processing of agricultural products is permitted.~~

21 ~~(3) All normal agricultural operations performed in accordance with good~~
 22 ~~husbandry practices which do not cause bodily injury or directly endanger human health~~
 23 ~~are permitted including, but not limited to, sale of farm products produced on the farm~~
 24 ~~where such sales are made.~~

25 (b) (1) A landowner whose land is subject to an easement may not use the land
 26 for any commercial, industrial, or residential purpose except:

27 (i) As determined by the Foundation, for farm- and forest-related
 28 uses and home occupations; or

29 (ii) As otherwise provided under this section.

30 ~~(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AND~~
 31 ~~NOTWITHSTANDING THE TERMS OF AN AGRICULTURAL PRESERVATION EASEMENT~~
 32 ~~ACQUIRED BY THE FOUNDATION BY PURCHASE, GRANT, GIFT, DONATION, OR~~
 33 ~~OTHERWISE, A SIGN, BILLBOARD, OR OUTDOOR ADVERTISING DISPLAY MAY BE~~

~~ERECTED, DISPLAYED, PLACED, OR MAINTAINED ON LAND SUBJECT TO AN EASEMENT TO:~~

~~(I) STATE THE NAME OF THE PROPERTY AND THE NAME AND ADDRESS OF THE OCCUPANT;~~

~~(II) SUBJECT TO APPROVAL BY THE FOUNDATION, ADVERTISE A HOME OR ANCILLARY OCCUPATION THAT IS CONSISTENT WITH THE PURPOSES OF THE FOUNDATION'S PROGRAM;~~

~~(III) ADVERTISE THE SALE OF AN AGRICULTURAL PRODUCT THAT IS CONSISTENT WITH THE PURPOSES OF THE FOUNDATION'S PROGRAM;~~

~~(IV) IN ACCORDANCE WITH A LOCAL LAW, RULE, ORDINANCE, OR RESOLUTION:~~

~~1. ADVERTISE THE PROPERTY AS FOR SALE OR RENT;~~

~~2. FORBID TRESPASSING, HUNTING, OR THE DESTRUCTION OF PROPERTY;~~

~~3. MARK BOUNDARY LINES;~~

~~4. IDENTIFY THE PROTECTED STATUS OF THE PROPERTY UNDER THE FOUNDATION'S PROGRAM; OR~~

~~5. SUPPORT A POLITICAL CANDIDATE; OR~~

~~(V) SUBJECT TO APPROVAL BY THE FOUNDATION, PROVIDE ANY OTHER INFORMATION THAT IS CONSISTENT WITH THE PURPOSES OF THE FOUNDATION'S PROGRAM.~~

~~(2) A SIGN, BILLBOARD, OR OUTDOOR ADVERTISING DISPLAY THAT IS ERECTED, DISPLAYED, PLACED, OR MAINTAINED ON LAND SUBJECT TO AN EASEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED 4 FEET BY 4 FEET.~~

~~[(d)] (E) Purchase of an easement by the Foundation does not grant the public any right of access or right of use of the subject property.~~

~~[(e)] (F) An agricultural land preservation easement purchased under this subtitle shall be included as part of a partnership under the Readiness and Environmental Protection Integration Program established under 10 U.S.C. § 2684a if:~~

~~(1) The land that is subject to an easement is in the vicinity of, or ecologically related to, the Atlantic Test Range;~~

~~(2) The landowner whose land is subject to an easement agrees to any restrictions imposed on the easement under the Readiness and Environmental Protection Integration Program established under 10 U.S.C. § 2684a; and~~

~~(3) Funding is available to the Foundation to enter into an agreement under the Readiness and Environmental Protection Integration Program established under 10 U.S.C. § 2684a.~~

(11) (I) A LANDOWNER MAY, WITHOUT THE APPROVAL OF THE FOUNDATION, ERECT AND DISPLAY ON LAND SUBJECT TO AN EASEMENT UNDER THIS SUBTITLE A SIGN OR ANY OTHER OUTDOOR ADVERTISING DISPLAY MEASURING NOT MORE THAN 4 FEET BY 4 FEET FOR THE PURPOSE OF:

1. STATING THE NAME OR ADDRESS OF THE PROPERTY OR ITS OCCUPANT;

2. ADVERTISING ANY FARM- OR FOREST-RELATED USES OF THE PROPERTY OR ANY HOME OCCUPATIONS THAT OCCUR ON THE PROPERTY WITH THE APPROVAL OF THE FOUNDATION;

3. ADVERTISING THE SALE OF AGRICULTURAL PRODUCTS, CONSISTENT WITH THE POLICIES OF THE FOUNDATION;

4. ADVERTISING THAT THE PROPERTY IS AVAILABLE FOR SALE OR RENT;

5. FORBIDDING TRESPASSING, HUNTING, OR THE DESTRUCTION OF PROPERTY;

6. MARKING THE BOUNDARIES OF THE PROPERTY;

7. IDENTIFYING THE PROTECTED STATUS OF THE PROPERTY; OR

8. SUPPORTING A POLITICAL CANDIDATE.

(II) THE FOUNDATION MAY AUTHORIZE A LANDOWNER TO ERECT AND DISPLAY ON LAND SUBJECT TO AN EASEMENT UNDER THIS SUBTITLE A SIGN OR ANY OTHER OUTDOOR ADVERTISING DISPLAY MEASURING NOT MORE THAN 4 FEET BY 4 FEET FOR THE PURPOSE OF PROVIDING ANY OTHER INFORMATION CONSISTENT WITH THE PURPOSES OF THE FOUNDATION.

(III) THIS PARAGRAPH:

1. SUPERSEDES ANY INCONSISTENT PROVISIONS OF A DEED OR ANY OTHER AGREEMENT GRANTING AN EASEMENT UNDER THIS SUBTITLE; AND

2. DOES NOT SUPERSEDE ANY LOCAL LAW OR ORDINANCE GOVERNING SIGNS OR OUTDOOR ADVERTISING DISPLAYS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect ~~any~~ agricultural preservation ~~easement~~ easements granted to the Maryland Agricultural Land Preservation Foundation before ~~July 1, 2018~~ the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.