

HOUSE BILL 1229

M4

8lr2779

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

Introduced and read first time: February 8, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Agricultural Land Preservation Easements – Signs, Billboards, and Outdoor**
3 **Advertising Displays**

4 FOR the purpose of authorizing a certain sign, billboard, or outdoor advertising display to
5 be erected, displayed, placed, or maintained on land subject to an agricultural land
6 preservation easement notwithstanding the terms of the easement; providing for the
7 application of this Act; and generally relating to signs, billboards, and outdoor
8 advertising displays on land subject to an agricultural land preservation easement.

9 BY repealing and reenacting, without amendments,
10 Article – Agriculture
11 Section 2–513(a) and (b)(1)
12 Annotated Code of Maryland
13 (2016 Replacement Volume and 2017 Supplement)

14 BY adding to
15 Article – Agriculture
16 Section 2–513(d)
17 Annotated Code of Maryland
18 (2016 Replacement Volume and 2017 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Agriculture
21 Section 2–513(d) and (e)
22 Annotated Code of Maryland
23 (2016 Replacement Volume and 2017 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Agriculture**

2 2–513.

3 (a) Agricultural land preservation easements may be purchased under this
4 subtitle for any land in agricultural use which meets the minimum criteria established
5 under § 2–509 of this subtitle if the easement and county regulations governing the use of
6 the land include the following provisions:

7 (1) Any farm use of land is permitted.

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

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

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

16 (i) As determined by the Foundation, for farm– and forest–related
17 uses and home occupations; or

18 (ii) As otherwise provided under this section.

19 **(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AND**
20 **NOTWITHSTANDING THE TERMS OF AN AGRICULTURAL PRESERVATION EASEMENT**
21 **ACQUIRED BY THE FOUNDATION BY PURCHASE, GRANT, GIFT, DONATION, OR**
22 **OTHERWISE, A SIGN, BILLBOARD, OR OUTDOOR ADVERTISING DISPLAY MAY BE**
23 **ERECTED, DISPLAYED, PLACED, OR MAINTAINED ON LAND SUBJECT TO AN**
24 **EASEMENT TO:**

25 **(I) STATE THE NAME OF THE PROPERTY AND THE NAME AND**
26 **ADDRESS OF THE OCCUPANT;**

27 **(II) SUBJECT TO APPROVAL BY THE FOUNDATION, ADVERTISE**
28 **A HOME OR ANCILLARY OCCUPATION THAT IS CONSISTENT WITH THE PURPOSES OF**
29 **THE FOUNDATION’S PROGRAM;**

30 **(III) ADVERTISE THE SALE OF AN AGRICULTURAL PRODUCT**
31 **THAT IS CONSISTENT WITH THE PURPOSES OF THE FOUNDATION’S PROGRAM;**

32 **(IV) IN ACCORDANCE WITH A LOCAL LAW, RULE, ORDINANCE, OR**

1 **RESOLUTION:**

- 2 1. **ADVERTISE THE PROPERTY AS FOR SALE OR RENT;**
- 3 2. **FORBID TRESPASSING, HUNTING, OR THE**
4 **DESTRUCTION OF PROPERTY;**
- 5 3. **MARK BOUNDARY LINES;**
- 6 4. **IDENTIFY THE PROTECTED STATUS OF THE**
7 **PROPERTY UNDER THE FOUNDATION’S PROGRAM; OR**
- 8 5. **SUPPORT A POLITICAL CANDIDATE; OR**

9 (v) **SUBJECT TO APPROVAL BY THE FOUNDATION, PROVIDE**
10 **ANY OTHER INFORMATION THAT IS CONSISTENT WITH THE PURPOSES OF THE**
11 **FOUNDATION’S PROGRAM.**

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

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

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

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

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

26 (3) Funding is available to the Foundation to enter into an agreement
27 under the Readiness and Environmental Protection Integration Program established under
28 10 U.S.C. § 2684a.

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

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2018.