

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 571

(Senator Bates)

Education, Health, and Environmental Affairs

Environment and Transportation

**Maryland Agricultural Land Preservation Foundation - Use of Land - Signs and
Outdoor Advertising Displays**

This bill authorizes a landowner to erect and display, on land subject to an easement acquired by the Maryland Agricultural Land Preservation Foundation (MALPF), a sign or other outdoor advertising display measuring not more than four feet by four feet, for specified purposes. MALPF may also authorize such signs or other outdoor advertising displays for other specified purposes. The bill must be construed to apply retroactively and be applied to and interpreted to affect agricultural preservation easements granted to MALPF before the bill's effective date of October 1, 2018.

Fiscal Summary

State Effect: None. The bill does not affect State finances.

Local Effect: None.

Small Business Effect: Minimal or none.

Analysis

Bill Summary: The bill authorizes a landowner to – without the approval of MALPF – erect and display on land subject to an easement acquired by MALPF a sign or any other outdoor advertising display measuring not more than four feet by four 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 MALPF; (3) advertising the sale of agricultural products, consistent with MALPF policies; (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.

MALPF may authorize a landowner to erect and display on land subject to a MALPF easement a sign or any other outdoor advertising display measuring not more than four feet by four feet for the purpose of providing any other information consistent with the purposes of MALPF.

The bill supersedes any inconsistent provisions of a deed or any other agreement granting a MALPF easement but does not supersede any local law or ordinance governing signs or outdoor advertising displays.

Current Law: With respect to any agricultural land preservation easement purchased by MALPF, the easement and county regulations governing the use of the land must permit (1) any farm use of the land; (2) operation at any time of any machinery used in farm production or the primary processing of agricultural products; and (3) all normal agricultural operations performed in accordance with good husbandry practices which do not cause bodily injury or directly endanger human health, including, but not limited to, sale of farm products produced on the farm where such sales are made.

A landowner whose land is subject to an easement may not use the land for any commercial, industrial, or residential purpose except (1) as determined by MALPF, for farm- and forest-related uses and home occupations or (2) other specified purposes.

Background: The bill's provisions are similar to language included in MALPF's Standard Deed of Easement (which was updated relatively recently) allowing for certain signs on an easement property. The deed of easement prohibits signs, billboards, or outdoor advertising displays from being erected, displayed, placed, or maintained on the land, except it reserves to the grantor of the easement the right to erect signs not exceeding four feet by four feet for the following purposes: (1) to state the name of the land and the name and address of the occupant; (2) to advertise any home or ancillary occupations consistent with the purposes of the easement, subject to the approval of MALPF; (3) to advertise sales of agricultural products consistent with the purposes of the easement; and (4) to advertise the land's sale or rental, to forbid trespassing or hunting, to mark boundary lines, to identify the land's protected status under the easement, or to support a political candidate, all as further regulated by local laws.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Agriculture; Department of Legislative Services

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