

(2) PROVIDE THAT A PRIVATE ACTION MAY NOT BE SUSTAINED WITH RESPECT TO AN AGRICULTURAL OR FORESTRY OPERATION ON THE GROUNDS THAT THE OPERATION INTERFERES OR HAS INTERFERED WITH THE USE OR ENJOYMENT OF PROPERTY, WHETHER PUBLIC OR PRIVATE, IF, AT THE TIME THE INTERFERENCE IS ALLEGED TO ARISE:

(I) THE AGRICULTURAL OR FORESTRY OPERATION, INCLUDING ANY CHANGE IN THE OPERATION, HAS BEEN UNDER WAY FOR A PERIOD OF 1 YEAR OR MORE AND IF THE OPERATION OR THE CHANGE DID NOT CONSTITUTE A NUISANCE FROM THE DATE THE OPERATION BEGAN OR THE DATE THE CHANGE IN THE OPERATION BEGAN; AND

(II) THE AGRICULTURAL OR FORESTRY OPERATION IS CONDUCTED SUBSTANTIALLY IN ACCORDANCE WITH GENERALLY ACCEPTED AGRICULTURAL OR FORESTRY PRACTICES;

(3) ESTABLISH A GRIEVANCE COMMITTEE TO ARBITRATE DISPUTES INVOLVING AGRICULTURAL OR FORESTRY OPERATIONS AND WHETHER AGRICULTURAL OR FORESTRY OPERATIONS ARE CONDUCTED IN A MANNER CONSISTENT WITH GENERALLY ACCEPTABLE AGRICULTURAL OR FORESTRY PRACTICES;

(4) REQUIRE A PERSON CLAIMING A NUISANCE AS A RESULT OF AGRICULTURAL OR FORESTRY OPERATIONS TO ARBITRATE THE CLAIM BEFORE THE GRIEVANCE COMMITTEE BEFORE MAINTAINING A PRIVATE ACTION IN COURT;

(5) PROVIDE THAT IF THE GRIEVANCE COMMITTEE FINDS THAT THE CONDUCT OF A PERSON CLAIMING A NUISANCE AS A RESULT OF AGRICULTURAL OR FORESTRY OPERATIONS WAS IN BAD FAITH OR WITHOUT SUBSTANTIAL JUSTIFICATION, THE GRIEVANCE COMMITTEE SHALL REQUIRE THE PERSON CLAIMING THE NUISANCE TO PAY THE PERSON AGAINST WHOM THE COMPLAINT WAS MADE THE COSTS OF THE ARBITRATION PROCEEDING AND THE REASONABLE EXPENSES, INCLUDING REASONABLE ATTORNEY FEES, INCURRED BY THE PERSON AGAINST WHOM THE COMPLAINT WAS MADE IN DEFENDING AGAINST THE CLAIM;

(6) REQUIRE A TRANSFEROR OF REAL PROPERTY TO PROVIDE TO THE TRANSFEREE NOTICE ADVISING THE TRANSFEREE OF THE CALVERT COUNTY RIGHT TO FARM ORDINANCE; AND

(7) INCLUDE ANY OTHER MEASURE THE COUNTY COMMISSIONERS FIND NECESSARY TO PROTECT AGRICULTURAL OR FORESTRY OPERATIONS IN CALVERT COUNTY.

(C) BEFORE ADOPTING AN ORDINANCE UNDER THIS SECTION, THE COUNTY COMMISSIONERS SHALL HOLD A PUBLIC HEARING AND SHALL PROVIDE NOTICE OF THE HEARING IN ACCORDANCE WITH THE PROCEDURES IN ARTICLE 25, § 3(R) OF THE ANNOTATED CODE OF MARYLAND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1995.