

grievance committee; authorizing the County Commissioners to require a person claiming a nuisance to pay reasonable expenses, including attorney fees, in certain circumstances; authorizing the County Commissioners to require a transferor of real property to provide certain information to the transferee in certain circumstances; and generally relating to the authority of the County Commissioners to protect agricultural or forestry operations in Dorchester County.

BY adding to

The Public Local Laws of Dorchester County

Section 38-1 to be under the new chapter "Chapter 38 Right to Farm Law"

Article 10 - Public Local Laws of Maryland

(1984 Edition and March 1996 Supplement, as amended)

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

Article 10 - Dorchester County

CHAPTER 38

RIGHT TO FARM LAW

38-1.

(A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE COUNTY COMMISSIONERS MAY ADOPT AN ORDINANCE TO PROTECT A PERSON'S RIGHT TO FARM OR TO ENGAGE IN AGRICULTURAL OR FORESTRY OPERATIONS.

(B) IN ADOPTING AN ORDINANCE UNDER THIS SECTION, THE COUNTY COMMISSIONERS MAY:

(1) DEFINE THE TERMS "AGRICULTURAL OR FORESTRY OPERATIONS", "GENERALLY ACCEPTED AGRICULTURAL OR FORESTRY PRACTICES", AND ANY OTHER TERMS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION;

(2) PROVIDE THAT A PRIVATE ACTION MAY NOT BE ~~SUSTAINED~~ MAINTAINED 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;