



MARYLAND DEPARTMENT OF AGRICULTURE
LEGISLATIVE COMMENT

DATE: 02/23/2018

BILL No.: HB 1229

SUBJECT: MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION – USE OF LAND – SIGNS AND OUTDOOR ADVERTISING DISPLAYS

COMMITTEE: ENVIRONMENT AND TRANSPORTATION

MDA POSITION: SUPPORT WITH AMENDMENTS

EXPLANATION:

For the purpose of authorizing a landowner, without the approval of the Maryland Agricultural Land Preservation Foundation, to erect and display on land subject to a certain easement a certain sign or outdoor advertising display for a certain purpose; authorizing the Foundation to authorize a landowner to erect and display on land subject to a certain easement a certain sign or outdoor advertising display for the purpose of providing certain information; providing that this Act supersedes certain provisions of a certain deed or agreement; providing that this Act does not supersede certain local laws or ordinances; providing for the application of this Act; and generally relating to the use of land subject to an agricultural preservation easement.

COMMENT:

Maryland Agricultural Land Preservation Foundation (“MALPF” or “Foundation”) easements are designed to preserve productive farmland and woodland for the continued production of food and fiber for all of Maryland’s citizens. To accomplish this and other statutory and ancillary goals, MALPF easements prohibit non-agricultural commercial, industrial, and residential development or use. The Foundation has easements on more than 2,200 properties, covering over 304,000 acres at a substantial public investment of almost \$700 million.

The MALPF easements have always included specific prohibitions regarding erecting signs on the easement property, with limited exceptions of signs that could never exceed 4 feet by 4 feet in size. During the 1980s and 1990s, the terms of the MALPF easement listed three types of exceptions permitted: 1) to state the name of the property and the name and address of the property occupant; 2) to advertise home or ancillary occupations consistent with the purposes of the easement; and 3) to advertise the property’s sale or rental.

The Foundation realized there were other valid purposes to erect signs on Easement properties and revised the form of easement to amend exception #3 and include a fourth exception, as follows: 3) to advertise the sale of agricultural products consistent with the purpose of the easement; and 4) to advertise the property’s sale or rental, to forbid trespassing or hunting, to mark boundary lines, to identify the protected status under this Easement, or to support a political candidate, all as further regulated by local laws.

HB 1229, if passed, will provide an affirmative right to all MALPF easement owners to erect signs for the specified purposes, which clarifies the permitted exceptions of the signs prohibition for all MALPF easements, regardless of when the easement was originally established.