

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2025, Legislative Day No. 23

Bill No. 99-25

Introduced by Ms. Leadbetter

By the County Council, December 15, 2025

Introduced and first read on December 15, 2025
Public Hearing set for January 20, 2026
Bill Expires March 20, 2026

By Order: Kaley Schultze, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Agricultural Land
2 Preservation – Disclosure of Right to Farm
3

4 FOR the purpose of defining “agricultural operation”, “generally accepted agricultural
5 management practices”, and “nuisance”; establishing a right to farm in Anne Arundel
6 County; providing certain protections to agricultural operations from nuisance lawsuits
7 under certain conditions; promoting and preserving farm lands and practices; providing
8 notice regarding agricultural operations to purchasers of real property in an RA or RLD
9 zoning district or within 500 feet of an agricultural operation; providing for civil
10 penalties for violation of the notice provisions; establishing a complaint resolution
11 process; and generally relating to subdivision and development.
12

13 BY repealing § 17-10-301
14 Anne Arundel County Code (2005, as amended)
15

16 BY adding: §§ 17-10-301 through 17-10-305 under the amended subtitle “Subtitle 3. Right
17 to Farm”
18 Anne Arundel County Code (2005, as amended)
19

20 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
21 That § 17-10-301 of the Anne Arundel County Code (2005, as amended) is hereby
22 repealed.
23

24 SECTION 2. *And be it enacted,* That Section(s) of the Anne Arundel County Code
25 (2005, as amended) read as follows:

EXPLANATION: CAPITALS indicate new matter added to existing law and taglines.
[[Brackets]] indicate matter deleted from existing law and taglines.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

ARTICLE 17. SUBDIVISION AND DEVELOPMENT

TITLE 10. AGRICULTURAL LAND PRESERVATION

SUBTITLE 3. RIGHT TO FARM

17-10-301. DEFINITIONS.

IN THIS SUBTITLE, THE FOLLOWING DEFINITIONS APPLY.

(A) "AGRICULTURAL OPERATION" MEANS THE COMMERCIAL PRODUCTION OF ANY PLANT OR ANIMAL PRODUCT, INCLUDING: (1) THE PRODUCTION OF FOOD, FIBER, AND WOOD PRODUCTS; (2) THE KEEPING AND RAISING OF LIVESTOCK, POULTRY, AND OTHER FARM ANIMALS; (3) THE CULTIVATION, HARVESTING, AND STORAGE OF CROPS; (4) AQUACULTURE; (5) SILVICULTURE; (6) THE OPERATION OF ROADSIDE STANDS OR FARM MARKETS FOR THE SALE OF AGRICULTURAL PRODUCTS PREDOMINANTLY GROWN OR PRODUCED ON A FARM; (7) THE APPLICATION OF PESTICIDES, FERTILIZERS, AND OTHER AGRICULTURAL CHEMICALS IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS; (8) THE USE OF FARM MACHINERY AND EQUIPMENT, INCLUDING IRRIGATION SYSTEMS, DRYING EQUIPMENT, AND MANURE SPREADERS; AND (9) OTHER CUSTOMARY AND INCIDENTAL ACTIVITIES ASSOCIATED WITH AGRICULTURAL PRODUCTION.

(B) "GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES" OR "GAAMPS" MEANS THOSE PRACTICES AS DEFINED AND RECOMMENDED BY THE MARYLAND DEPARTMENT OF AGRICULTURE, THE UNIVERSITY OF MARYLAND EXTENSION, OR OTHER RECOGNIZED AGRICULTURAL AUTHORITIES, AS MAY BE UPDATED FROM TIME TO TIME. THESE PRACTICES ARE DESIGNED TO PROTECT THE ENVIRONMENT AND PUBLIC HEALTH WHILE PROMOTING EFFICIENT AND ECONOMIC AGRICULTURAL PRODUCTION.

(C) "NUISANCE" MEANS ANY ACTIVITY OR CONDITION THAT INTERFERES WITH THE USE AND ENJOYMENT OF PROPERTY, INCLUDING DUST, ODORS, NOISE, AND VIBRATION.

17-10-302. RIGHT TO FARM; PROTECTIONS.

(A) **RIGHT TO FARM; NUISANCE ACTIONS.** NO EXISTING OR FUTURE AGRICULTURAL OPERATION, CONDUCTED OR MAINTAINED IN A MANNER CONSISTENT WITH GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES, SHALL BE ACTIONABLE AS, OR SUBJECT TO A CIVIL ACTION FOR PRIVATE OR PUBLIC NUISANCE BY REASON OF ANY CHANGED CONDITIONS IN THE VICINITY OF SUCH OPERATION, INCLUDING RESIDENTIAL OR COMMERCIAL DEVELOPMENT, IF THE AGRICULTURAL OPERATION WAS ESTABLISHED PRIOR TO THE SURROUNDING NON-AGRICULTURAL USES.

(B) **PROTECTION.** THIS RIGHT TO FARM PROTECTION EXTENDS TO AGRICULTURAL OPERATIONS ENGAGED IN THE PRODUCTION OF AGRICULTURAL PRODUCTS, INCLUDING THOSE ACTIVITIES DEFINED IN § 17-10-301.

(C) **CHANGE OF OWNERSHIP.** AN AGRICULTURAL OPERATION MAY NOT LOSE ITS RIGHT TO FARM PROTECTION SOLELY BECAUSE OF A CHANGE IN OWNERSHIP OR SIZE, SO LONG AS IT CONTINUES TO BE AN AGRICULTURAL OPERATION, AS DEFINED IN § 17-10-301, AND OPERATES IN ACCORDANCE WITH GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES.

1 **17-10-303. LIMITATIONS AND EXCEPTIONS.**

2
3 (A) **LEGAL COMPLIANCE.** NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO
4 EXEMPT AN AGRICULTURAL OPERATION FROM COMPLIANCE WITH FEDERAL, STATE, OR
5 LOCAL LAWS AND REGULATIONS PERTAINING TO:

6
7 (1) PUBLIC HEALTH, SAFETY, AND WELFARE, INCLUDING BUILDING CODES, FIRE
8 CODES, AND ENVIRONMENTAL PROTECTION REGULATIONS; AND

9
10 (2) ZONING ORDINANCES, PROVIDED THAT THE AGRICULTURAL OPERATION WAS
11 ESTABLISHED IN A ZONING DISTRICT PERMITTING AGRICULTURAL USES.

12
13 (B) **VIOLATIONS OF LAW.** THIS SUBTITLE MAY NOT APPLY TO ANY ALLEGED
14 NUISANCE THAT IS THE RESULT OF:

15
16 (1) THE NEGLIGENT OR IMPROPER OPERATION OF AN AGRICULTURAL OPERATION;

17
18 (2) THE OPERATION OF AN AGRICULTURAL OPERATION IN VIOLATION OF FEDERAL,
19 STATE, OR LOCAL LAWS AND REGULATIONS; OR

20
21 (3) AN AGRICULTURAL OPERATION THAT HAS SIGNIFICANTLY EXPANDED OR
22 CHANGED ITS FUNDAMENTAL NATURE OR INTENSITY IN A MANNER THAT CREATES NEW
23 AND SUBSTANTIAL IMPACTS NOT PREVIOUSLY PRESENT AND NOT CONSISTENT WITH
24 GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES.

25
26 **17-10-304. NOTICE TO PURCHASERS OF REAL PROPERTY.**

27
28 (A) **NOTICE TO PURCHASERS.** EACH CONTRACT FOR THE SALE OR TRANSFER OF REAL
29 PROPERTY LOCATED WITHIN OR ADJACENT TO AN RA OR RLD ZONING DISTRICT, OR
30 WITHIN 500 FEET OF AN EXISTING AGRICULTURAL OPERATION, SHALL CONTAIN A NOTICE
31 TO THE PURCHASER IN SUBSTANTIALLY THE FOLLOWING FORM:

32
33 NOTICE REGARDING AGRICULTURAL OPERATIONS

34
35 THIS PROPERTY IS LOCATED WITHIN OR ADJACENT TO AN AREA WHERE
36 AGRICULTURAL OPERATIONS EXIST OR MAY BE ESTABLISHED. AGRICULTURAL
37 OPERATIONS ARE PROTECTED BY THE ANNE ARUNDEL COUNTY RIGHT TO FARM
38 ORDINANCE. THESE OPERATIONS MAY INVOLVE PRACTICES THAT GENERATE DUST, FLIES,
39 ODORS, NOISE, VIBRATIONS, AND OTHER CONDITIONS COMMONLY ASSOCIATED WITH
40 FARMING. SUCH CONDITIONS MAY INCLUDE, BUT ARE NOT LIMITED TO, THE USE OF FARM
41 MACHINERY (WHICH MAY OPERATE AT ALL HOURS), THE STORAGE AND SPREADING OF
42 MANURE, THE APPLICATION OF PESTICIDES, SOIL AMENDMENTS, AND FERTILIZERS, AND
43 THE PRESENCE OF LIVESTOCK AND POULTRY. PURCHASERS SHOULD BE AWARE THAT
44 THESE AGRICULTURAL ACTIVITIES ARE A NORMAL AND INTEGRAL PART OF A RURAL
45 LANDSCAPE AND ARE PROTECTED UNDER ARTICLE 17, TITLE 10, SUBTITLE 3 OF THE ANNE
46 ARUNDEL COUNTY CODE (2005, AS AMENDED).

47
48 (B) **FAILURE TO COMPLY.** A FAILURE TO COMPLY WITH THE PROVISIONS OF
49 SUBSECTION (A) SHALL BE A CLASS D CIVIL VIOLATION.

50
51 **17-10-305. COMPLAINT RESOLUTION PROCESS.**

52
53 (A) **COMPLAINT PROCESS.** THE COUNTY EXECUTIVE, OR THEIR DESIGNEE, SHALL
54 ESTABLISH A VOLUNTARY COMPLAINT RESOLUTION PROCESS TO MEDIATE DISPUTES
55 BETWEEN AN AGRICULTURAL OPERATION AND ITS NEIGHBORS CONCERNING ALLEGED
56 NUISANCES.

1 (B) **GOALS.** THE PROCESS SHALL AIM TO FACILITATE COMMUNICATION, IDENTIFY
2 POTENTIAL SOLUTIONS, AND EDUCATE PARTIES ABOUT GENERALLY ACCEPTED
3 AGRICULTURAL MANAGEMENT PRACTICES.

4
5 (C) **VOLUNTARY.** PARTICIPATION IN THE COMPLAINT RESOLUTION PROCESS SHALL BE
6 VOLUNTARY AND DOES NOT PRECLUDE ANY PARTY FROM SEEKING OTHER LEGAL
7 REMEDIES.

8
9 (D) **NON-BINDING.** THE FINDINGS OR RECOMMENDATIONS OF THE COMPLAINT
10 RESOLUTION PROCESS MAY NOT BE BINDING ON ANY PARTY UNLESS AGREED TO IN
11 WRITING BY ALL PARTIES INVOLVED.

12
13 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
14 from the date it becomes law.