

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Commissioners of St. Mary's County will conduct a public hearing in the Commissioners' Meeting Room in the Chesapeake Building, 41770 Baldrige Street, Leonardtown, Maryland, on **Tuesday, October 4, 2016** beginning at 11:00 a.m., for the purpose of receiving public comment on a proposed Ordinance amending Chapter 254 of the *Code of St. Mary's County, Maryland* (Right to Farm). The proposed Ordinance would amend Section 254-2.A. (definition of "Agricultural Operation" except as otherwise provided in §5-403(a) of the *Courts and Judicial Proceedings Article* of the *Annotated Code of Maryland*) to read as follows:

AGRICULTURAL OPERATION: "Agricultural operation" includes, but is not limited to, all matters set forth in the definition of "agricultural operation" in §5-403(a) of the *Courts and Judicial Proceedings Article* of the *Annotated Code of Maryland*, as amended from time to time; the production of all matters encompassed within the definition of "Farm Product" in §10-601(c) of the *Agriculture Article* of the *Annotated Code of Maryland*, as amended from time to time; the cultivation and tillage of the soil; composting, production, harvesting and processing of agricultural crops; raising poultry; production of eggs; production of milk and dairy products; production of livestock, including pasturage; production of bees and their products; production of fish; production of fruit, vegetables and other horticultural crops; production of aquatic plants; aquaculture; production of timber and commercial agricultural procedures performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market; and usage of land in furtherance of educational and social goals, (including, but not limited to, 4-H clubs and Future Farmers of America), agro-tourism and alternative agricultural enterprises.

Citizens are encouraged to attend and participate in the public hearing.

Copies of the proposed Ordinance are available at the St. Mary's County Department of Economic Development, 26737 Radio Station Way, Suite E-1, Leonardtown, Maryland, and under "Public Hearing Notices" at <http://www.co.saint-marys.md.us/>.

The Commissioners invite public comments and participation. Comments on the proposed Ordinances may be sent on or before October 11, 2016, to the Commissioners of St. Mary's County, P.O. Box 653, Leonardtown, Maryland 20650 or to csmc@stmarysmd.com.

Note that as a result of the evidence and comments made at the public hearing, amendments may be made to the proposed Ordinance.

COMMISSIONERS OF ST. MARY'S COUNTY

By: George R. Sparling County Attorney

ORDINANCE

TO AMEND CHAPTER 254 OF THE *CODE OF ST. MARY'S COUNTY, MARYLAND*, TO DEFINE "AGRICULTURAL OPERATION"

RECITALS

WHEREAS, pursuant to Chapter 108 of the *Code of St. Mary's County, Maryland*, the Commissioners of St. Mary's County are authorized to adopt an ordinance or regulation and take any other action that the Commissioners consider necessary to protect a person's right to farm or engage in agricultural or forestry operations; and

WHEREAS, a notice of a public hearing was advertised on September 16, 2016, and September 23, 2016, in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on October 4, 2016, to receive public comment and consider the amendment of Chapter 254 of the *Code of St. Mary's County, Maryland*, to define "agricultural operation"; and

WHEREAS, the Commissioners of St. Mary's County find that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to amend Chapter 254 of the *Code of St. Mary's County, Maryland*, to define "agricultural operation",

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, pursuant to Chapter 108 of the *Code of St. Mary's County, Maryland*, that:

SECTION I. Chapter 254-2 of the *Code of St. Mary's County, Maryland*, is amended to read as follows:

Sec. 254-2. - Definitions.

Except as otherwise provided herein, as used in this chapter, the following terms shall have the meanings indicated:

- A. **AGRICULTURAL OPERATION:** "Agricultural operation" includes, but is not limited to, all matters set forth in the definition of "agricultural operation" in §5-403(a) of the *Courts and Judicial Proceedings Article* of the *Annotated Code of Maryland*, as amended from time to time; the production of all matters encompassed within the definition of "Farm Product" in §10-601(c) of the *Agriculture Article* of the *Annotated Code of Maryland*, as amended from time to time; the cultivation and tillage of the soil; composting, production, harvesting and processing of agricultural crops; raising poultry; production of eggs; production of milk and dairy products; production of livestock, including pasturage; production of bees and their products; production of fish; production of fruit, vegetables and other horticultural crops; production of aquatic plants; aquaculture; production of timber and commercial agricultural procedures

performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market; and usage of land in furtherance of educational and social goals, (including, but not limited to, 4-H clubs and Future Farmers of America), agro-tourism and alternative agricultural enterprises.

- B. FORESTRY: "Forestry" is any activity included within the definition of "forestry" in §7-101(c) of the *Business Occupations and Professions Article* of the *Annotated Code of Maryland*, as amended from time to time.

SECTION II. Chapter 254-4 of the *Code of St. Mary's County, Maryland*, is amended to read as follows:

Sec. 254-4. - Resolution of disputes and procedure for complaints; investigation and decision.

- A. The provisions of §5-403(b) through §5-403(c) of the *Courts and Judicial Proceedings Article* of the *Annotated Code of Maryland*, as amended from time to time, are incorporated herein. This section shall be construed and applied in consonance with § 5-403 of the *Courts and Judicial Proceedings Article* of the *Annotated Code of Maryland*.
- B. In this section "AGRICULTURAL OPERATION" is any activity included within the definition of "agricultural operation" in §5-403(a) of the *Courts and Judicial Proceedings Article* of the *Annotated Code of Maryland*, as amended from time to time.
- C. The St. Mary's County Agricultural Reconciliation Committee is a "local agency authorized to hear a nuisance complaint" within the provisions of §5-403(e) of the *Courts and Judicial Proceedings Article* of the *Annotated Code of Maryland*, as amended from time to time.
- D. Any person alleging that an agricultural operation conducted in St. Mary's County constitutes a nuisance shall file a complaint with the Agricultural Reconciliation Committee. This provision shall not apply to a government agency.
- E. Should any controversy arise regarding an interference with the use or enjoyment of property by an agricultural or forestry operation conducted in St. Mary's County, the parties to that controversy may submit the controversy to the Agricultural Reconciliation Committee.
- F. The Agricultural Reconciliation Committee may conduct such an investigation as the complaint or controversy may require.

- G. The Agricultural Reconciliation Committee may recommend agricultural mediation by a mediator as defined in § 1-1A-01 of the *Agriculture Article* of the *Annotated Code of Maryland*, as amended from time to time, or refer a complaint or controversy to the agricultural mediation program of the Maryland Department of Agriculture as established by § 1-1A-02 of the *Agriculture Article* of the *Annotated Code of Maryland*, as amended from time to time.

- H. If a complaint or controversy has not been resolved by mediation, the Agricultural Reconciliation Committee shall conduct such proceedings as the complaint or controversy may require in an informal manner, providing all parties an opportunity to be heard. The rules of evidence shall not apply. The committee shall render a recommendation or decision within a reasonable time.

SECTION III. Chapter 254-6 of the *Code of St. Mary's County, Maryland*, is amended to read as follows:

Sec. 254-6. - Effect of other laws.

This chapter is not intended to, and shall not be construed in any way so as to, modify or abridge local, state or federal laws relating to health, safety, zoning, required licensing, or environmental standards (including those standards which relate to air and water quality).

SECTION IV. This Ordinance shall be effective upon the date written below.

Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Date of Adoption: _____

Effective Date: _____

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

 Rebecca B. Bridgett
 County Administrator

 James R. Guy, Commissioner President

Michael L. Hewitt, Commissioner

Approved as to form and legal
sufficiency:

Tom Jarboe, Commissioner

George R. Sparling
County Attorney

Todd B. Morgan, Commissioner

John E. O'Connor, Commissioner