

Bill No. 12-07  
Concerning: Real Property –  
Agricultural Zones – Disclosure  
Revised: 10/2/2007 Draft No. 3  
Introduced: June 12, 2007  
Expires: December 12, 2008  
Enacted: October 2, 2007  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the request of the Ad Hoc Agricultural Policy Working Group

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**AN ACT** to:

- (1) require sellers of real property in agricultural zones to notify potential buyers that state and county laws protect owners and operators of agricultural uses from certain lawsuits; and
- (2) generally amend the law governing real property disclosures.

By adding

Montgomery County Code  
Chapter 40, Real Property  
Section 40-12B

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Section 40-12B is added as follows:**

2   40-12B. Real Property Sold in Agricultural Zones.

3   (a) If any real property is located in, adjoins, or confronts an area zoned  
4   agricultural, as defined in Section 59-C-9.1, the seller must disclose to each  
5   prospective buyer, before the buyer signs a contract for the sale of the  
6   property, that existing County and State law is intended to discourage owners  
7   of real property adjacent to agricultural-zoned land from filing certain lawsuits  
8   against an owner or operator of an agricultural use in those areas. The  
9   following text must be substantially included in the disclosure:

10           As required under Montgomery County Code §40-12B, you are hereby  
11           notified that the state of Maryland and Montgomery County have  
12           enacted laws that establish agriculture as the preferred use on land  
13           zoned Rural Density Transfer and as a permitted use in other  
14           agricultural zones, as defined in Section 59-C-9.1 of the County Code.  
15           The property subject to this contract is located in, adjoins, or confronts  
16           an area zoned agricultural. Residents and other occupants of property  
17           near land in agricultural zones should be prepared to accept effects of  
18           usual and customary agricultural operations, facilities, and practices,  
19           including noise, odors, dust, smoke, insects, operation of machinery,  
20           storage and disposal of manure, unusual hours of operation, and other  
21           agricultural activities.

22           Under Maryland law, an agricultural operation is not a nuisance, and a  
23           lawsuit may not be successful alleging that an agricultural operation  
24           interferes with the use or enjoyment of other property, if the agricultural  
25           operation:

26                   (1) has continued for at least 1 year;

