

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 817

(Senator Hershey, *et al.*)

Education, Health, and Environmental Affairs

Environment and Transportation

Public Safety - Agritourism - Permit Exemption

This bill exempts an agricultural building in Cecil and Garrett counties that is used for agritourism from obtaining a change of occupancy permit if (1) the building's use for agritourism does not require it to be occupied by more than 200 people at any one time and (2) the width of its doorways meet or exceed the International Building Code (IBC) standard that applies to a building without a sprinkler system, as specified.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: Revenues in Cecil and Garrett counties may decline, likely minimally, due to the issuance of fewer change of occupancy permits. Expenditures are likely not affected.

Small Business Effect: Minimal. Some farm owners in Cecil and Garrett counties may benefit from the bill's exemption. According to the *2012 Census of Agriculture*, there were 496 farms in Cecil County averaging 155 acres in size; in Garrett County, there were 667 farms averaging 143 acres in size.

Analysis

Current Law/Background:

Agritourism

“Agritourism” is not explicitly defined in statute. However, the Governor’s Intergovernmental Commission on Agriculture (GICA) developed a suggested definition of “agrifourism” to help guide counties and local zoning and permitting agencies when

dealing with agricultural operations. As recommended by GICA, “agritourism” is a series of activities conducted on a farm and offered to the public or to invited groups for the purpose of education, recreation, or active involvement in the farm operation. These activities may include, but are not limited to:

- farm tours;
- hayrides;
- corn mazes;
- seasonal petting farms;
- farm museums;
- guest farm;
- pumpkin patches;
- “pick your own” or “cut your own” produce;
- classes related to agricultural products or skills; and
- picnic and party facilities offered in conjunction with any of the above.

The definition is advisory only. However, GICA recommends that county officials adopt the language as part of their local ordinances or incorporate it into a guidance document when dealing with farm operations in the zoning and permitting process.

Exemption from Maryland Building Performance Standards for Agricultural Buildings Used for Agritourism

An “agricultural building” is a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. An agricultural building does not, however, include a place of human residence. Maryland Building Performance Standards (MBPS) does not apply to the construction, alteration, or modification of an agricultural building for which agritourism is an intended subordinate use in the following counties:

- Calvert;
- Charles;
- Dorchester;
- Frederick;
- Harford;
- Prince George’s;
- St. Mary’s;
- Somerset; and
- Talbot.

In those counties, an existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if the subordinate use of agritourism (1) is in accordance with limitations set forth in regulations adopted by the Department of Housing and Community Development (DHCD); (2) occupies only levels of the building on which a ground level exit is located; and (3) does not require more than 50 people to occupy an individual building at any one time.

An agricultural building used for agritourism must be structurally sound and in good repair, but need not comply with (1) requirements for bathrooms, sprinkler systems, and elevators as required under MBPS or (2) any other requirements of MBPS or other building codes as set forth in regulations adopted by DHCD.

Maryland Building Performance Standards

DHCD currently incorporates by reference the 2015 IBC, including the 2015 International Energy Conservation Code, with modifications, as MBPS. In general, the standards apply to all buildings and structures within the State for which a building permit application is received by a local government.

The International Code Council (ICC) develops and publishes IBC. ICC was established in 1994 as a nonprofit organization dedicated to developing a single set of comprehensive and coordinated national model construction codes, including IBC, which has been adopted by all 50 states as well as thousands of local jurisdictions.

Additional Information

Prior Introductions: None.

Cross File: HB 1547 (Cecil County Delegation) - Rules and Executive Nominations.

Information Source(s): Department of Housing and Community Development; Maryland Department of Agriculture; U.S. Department of Agriculture; Department of Legislative Services

Fiscal Note History:
mm/mcr

First Reader - February 24, 2017
Third Reader - March 27, 2017
Revised - Amendment(s) - March 27, 2017
Enrolled - May 8, 2017
Revised - Amendment(s) - May 8, 2017

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