

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 99

(Senator Elfreth, *et al.*)

Education, Health, and Environmental Affairs

Environment and Transportation

Public Safety – Buildings Used for Agritourism

This bill exempts an agricultural building in Allegany, Anne Arundel, Baltimore, and Kent counties used for agritourism from adhering to the Maryland Building Performance Standards (MBPS). It also exempts agricultural buildings in the same four counties, as well as in Prince George’s and St. Mary’s counties, 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 egress for the building meets specified building code standards.

Fiscal Summary

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

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

Small Business Effect: Minimal.

Analysis

Current Law/Background: Exhibit 1 shows the total number of farms and average farm acreage for the affected counties as reported by the *2012 Census of Agriculture*.

Exhibit 1
Number of Farms and Average Farm Acreage in Affected Counties

<u>County</u>	<u>Number of Farms</u>	<u>Average Farm Acreage</u>
Allegany County	291	125
Anne Arundel County	381	74
Baltimore County	640	110
Kent County	367	363
Prince George's County	347	94
St. Mary's County	632	106

Source: U.S. Department of Agriculture

“Agritourism” is defined in the Land Use Article as an activity conducted on a farm that is offered to a member of the general public or to invited guests for the purpose of education, recreation, or active involvement in the farm operation. Agritourism activities include farm tours, hayrides, corn mazes, seasonal petting farms, farm museums, guest farms, 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.

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. MBPS do 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;
- Carroll;
- Cecil;
- Charles;
- Dorchester;
- Frederick;
- Garrett;
- Harford;
- Howard;

- *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 Labor, Licensing, and Regulation (DLLR); (2) occupies only levels of the building on which a ground level exit is located; and (3) except in Carroll, Cecil, Garrett, and Howard counties, does not require more than 50 people to occupy an individual building at any one time. In Carroll, Cecil, Garrett, and Howard counties, the occupancy cap is 200 people if the building's total width of egress meets or exceeds the International Building Code (IBC) standard that applies to egress components other than stairways in a building without a sprinkler system. The bill raises the occupancy threshold from 50 to 200 people for agricultural buildings in Prince George's and St. Mary's counties.

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 DLLR.

Maryland Building Performance Standards

Chapter 673 of 2018 transferred administration of MBPS from the Department of Housing and Community Development to DLLR. DLLR 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 639 (Anne Arundel County Delegation) - Environment and Transportation.

Information Source(s): Allegany, Anne Arundel, Baltimore, and St. Mary's counties; U.S. Department of Agriculture; Maryland Department of Agriculture; Department of Housing and Community Development; Department of Labor, Licensing, and Regulation; Department of Legislative Services

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