

HOUSE BILL 805

E4, L2, M4

0lr0988

By: **Montgomery County Delegation**

Introduced and read first time: February 3, 2020

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2020

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Public Safety – Buildings Used for Agritourism**

3 **MC 26–20**

4 FOR the purpose of adding Montgomery County to the list of counties that exempt
5 agricultural buildings used for agritourism from certain building performance
6 standards; exempting a building used for agritourism in Montgomery County from a
7 certain building permit requirement under certain circumstances; and generally
8 relating to buildings used for agritourism in Montgomery County.

9 BY repealing and reenacting, without amendments,
10 Article – Public Safety
11 Section 12–501(a) and (h)
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2019 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Public Safety
16 Section 12–508
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2019 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Public Safety

2 12–501.

3 (a) In this subtitle the following words have the meanings indicated.

4 (h) “Standards” means the Maryland Building Performance Standards.

5 12–508.

6 (a) (1) In this section, “agricultural building” means a structure designed and
7 constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural
8 products.

9 (2) “Agricultural building” does not include a place of human residence.

10 (b) This section applies only to:

11 (1) Allegany County, Anne Arundel County, Baltimore County, Calvert
12 County, Carroll County, Cecil County, Charles County, Dorchester County, Frederick
13 County, Garrett County, Harford County, Howard County, Kent County, **MONTGOMERY**
14 **COUNTY**, Prince George’s County, St. Mary’s County, Somerset County, and Talbot
15 County; or16 (2) a county where the local legislative body has approved the application
17 of this section to the county.18 (c) The Standards do not apply to the construction, alteration, or modification of
19 an agricultural building for which agritourism is an intended subordinate use.20 (d) Except as provided in subsection (e) **AND (F)** of this section, an existing
21 agricultural building used for agritourism is not considered a change of occupancy that
22 requires a building permit if the subordinate use of agritourism:23 (1) is in accordance with limitations set forth in regulations adopted by the
24 Department;25 (2) occupies only levels of the building on which a ground level exit is
26 located; and27 (3) does not require more than 50 people to occupy an individual building
28 at any one time.29 (e) In Allegany County, Anne Arundel County, Baltimore County, Carroll
30 County, Cecil County, Garrett County, Howard County, Kent County, Prince George’s
31 County, and St. Mary’s County, an existing agricultural building used for agritourism is
32 not considered a change of occupancy that requires a building permit if:

1 (1) the subordinate use of agritourism does not require more than 200
2 people to occupy an individual building at any one time; and

3 (2) the total width of means of egress meets or exceeds the International
4 Building Code standard that applies to egress components other than stairways in a
5 building without a sprinkler system.

6 (f) **(1) IN MONTGOMERY COUNTY, AN EXISTING AGRICULTURAL**
7 **BUILDING USED FOR AGRITOURISM IS NOT CONSIDERED A CHANGE OF OCCUPANCY**
8 **THAT REQUIRES A BUILDING PERMIT AS PROVIDED IN THIS SUBSECTION.**

9 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF**
10 **THE SUBORDINATE USE OF AGRITOURISM DOES NOT REQUIRE MORE THAN 50**
11 **PEOPLE TO OCCUPY AN INDIVIDUAL BUILDING AT ANY ONE TIME, THEN THAT USE**
12 **MUST BE:**

13 **(I) IN ACCORDANCE WITH LIMITATIONS ESTABLISHED BY THE**
14 **DEPARTMENT; AND**

15 **(II) LIMITED TO LEVELS OF THE BUILDING ON WHICH A GROUND**
16 **LEVEL EXIT IS LOCATED.**

17 **(3) IF THE SUBORDINATE USE OF AGRITOURISM REQUIRES MORE**
18 **THAN 50 PEOPLE BUT FEWER THAN 100 PEOPLE TO OCCUPY AN INDIVIDUAL**
19 **BUILDING AT ANY ONE TIME, THEN THAT USE MUST BE:**

20 **(I) IN ACCORDANCE WITH THE REQUIREMENTS IN PARAGRAPH**
21 **(2) OF THIS SUBSECTION; AND**

22 **(II) THE TOTAL WIDTH AND NUMBER OF MEANS OF EGRESS**
23 **MUST MEET OR EXCEED THE INTERNATIONAL BUILDING CODE STANDARD THAT**
24 **APPLIES TO EGRESS COMPONENTS OTHER THAN STAIRWAYS IN A BUILDING**
25 **WITHOUT A SPRINKLER SYSTEM.**

26 **(G)** An agricultural building used for agritourism:

27 (1) shall be structurally sound and in good repair; but

28 (2) need not comply with:

29 (i) requirements for bathrooms, sprinkler systems, and elevators set
30 forth in the Standards; or

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1 (ii) any other requirements of the Standards or other building codes
2 as set forth in regulations adopted by the Department.

3 ~~(S)~~ **(H)** The Department shall adopt regulations to implement this section.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.