

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 805

(Montgomery County Delegation)

Environment and Transportation

Education, Health, and Environmental Affairs

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Montgomery County - Public Safety - Buildings Used for Agritourism  
MC 26-20

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This bill exempts the construction, alteration, or modification of an agricultural building in Montgomery County that is used for agritourism from adhering to the Maryland Building Performance Standards (MBPS). It also exempts an existing agricultural building used for agritourism in Montgomery County from obtaining a change of occupancy permit if the use (1) is in accordance with limitations set forth in regulations adopted by the Maryland Department of Labor (MDL); (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. However, if the subordinate use of agritourism requires more than 50 people but fewer than 100 people to occupy an individual building at any one time, then the width and number of means of egress (doorways) must meet specified building code standards.

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**Fiscal Summary**

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

**Local Effect:** The bill does not materially affect Montgomery County finances or operations.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law/Background:** According to the *2017 Census of Agriculture*, there were 558 farms in Montgomery County averaging 117 acres in size.

“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:

- Allegany;
- Anne Arundel;
- Baltimore;
- Calvert;
- Carroll;
- Cecil;
- Charles;
- Dorchester;
- Frederick;
- Garrett;
- Harford;
- Howard;
- Kent;
- 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 MDL; (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.

In Allegany, Anne Arundel, Baltimore, Carroll, Cecil, Garrett, Howard, Kent, Prince George's, and St. Mary's 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.

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 MDL.

### *Maryland Building Performance Standards*

Chapter 673 of 2018 transferred administration of MBPS from the Department of Housing and Community Development to MDL. MDL currently incorporates by reference the 2018 IBC, including the 2018 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.

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## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Montgomery County; Maryland Department of Agriculture; Maryland Department of Labor; U.S. Department of Agriculture; Department of Legislative Services

**Fiscal Note History:** First Reader - March 6, 2020  
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