

HOUSE BILL 801

E4, L2, M4

1lr2143

By: **Delegate Clark**

Introduced and read first time: January 29, 2021

Assigned to: Environment and Transportation

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2021

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of adding Calvert County to the list of counties where an existing
4 agricultural building used for agritourism is not considered a change of occupancy
5 that requires a building permit under certain circumstances; and generally relating
6 to buildings used for agritourism in Calvert County.

7 BY repealing and reenacting, with amendments,

8 Article – Public Safety

9 Section 12–508

10 Annotated Code of Maryland

11 (2018 Replacement Volume and 2020 Supplement)

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

14 **Article – Public Safety**

15 12–508.

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

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

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 (b) This section applies only to:

2 (1) Allegany County, Anne Arundel County, Baltimore County, Calvert
3 County, Carroll County, Cecil County, Charles County, Dorchester County, Frederick
4 County, Garrett County, Harford County, Howard County, Kent County, Montgomery
5 County, Prince George's County, St. Mary's County, Somerset County, and Talbot County;
6 or

7 (2) a county where the local legislative body has approved the application
8 of this section to the county.

9 (c) The Standards do not apply to the construction, alteration, or modification of
10 an agricultural building for which agritourism is an intended subordinate use.

11 (d) Except as provided in subsection (e) and (f) of this section, an existing
12 agricultural building used for agritourism is not considered a change of occupancy that
13 requires a building permit if the subordinate use of agritourism:

14 (1) is in accordance with limitations set forth in regulations adopted by the
15 Department;

16 (2) occupies only levels of the building on which a ground level exit is
17 located; and

18 (3) does not require more than 50 people to occupy an individual building
19 at any one time.

20 (e) In Allegany County, Anne Arundel County, Baltimore County, **CALVERT**
21 **COUNTY**, Carroll County, Cecil County, Garrett County, Howard County, Kent County,
22 Prince George's County, and St. Mary's County, an existing agricultural building used for
23 agritourism is not considered a change of occupancy that requires a building permit if:

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

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

29 (f) (1) In Montgomery County, an existing agricultural building used for
30 agritourism is not considered a change of occupancy that requires a building permit as
31 provided in this subsection.

32 (2) Except as provided in paragraph (3) of this subsection, if the
33 subordinate use of agritourism does not require more than 50 people to occupy an individual
34 building at any one time, then that use must be:

1 (i) in accordance with limitations established by the Department;
2 and

3 (ii) limited to levels of the building on which a ground level exit is
4 located.

5 (3) If the subordinate use of agritourism requires more than 50 people but
6 fewer than 100 people to occupy an individual building at any one time, then that use must
7 be:

8 (i) in accordance with the requirements in paragraph (2) of this
9 subsection; and

10 (ii) the total width and number of means of egress must meet or
11 exceed the International Building Code standard that applies to egress components other
12 than stairways in a building without a sprinkler system.

13 (g) An agricultural building used for agritourism:

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

15 (2) need not comply with:

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

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

20 (h) The Department shall adopt regulations to implement this section.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.