

**ENROLLED BILL**

-- Environmental Matters/Education, Health, and Environmental Affairs --

Introduced by **Harford County Delegation and Southern Maryland Delegation and Delegates Eckardt, Haddaway, and Elmore**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Building Performance Standards - Exemption in Certain Counties**  
3 **for Agricultural Buildings Used for ~~Tourism~~ Agritourism**

4 FOR the purpose of exempting, in certain counties, from the Maryland Building  
5 Performance Standards the construction, alteration, or modification of  
6 agricultural buildings ~~used for tourism~~ for which agritourism is an intended  
7 subordinate use; providing that an existing agricultural building used for  
8 ~~tourism~~ agritourism is not considered as a change of occupancy that requires a  
9 building permit under certain circumstances; requiring an agricultural building  
10 used for ~~tourism~~ agritourism to be structurally sound and in good repair;  
11 exempting certain agricultural buildings from certain requirements of the  
12 Standards and other building codes; requiring the Department of Housing and  
13 Community Development to adopt certain regulations; encouraging the  
14 University of Maryland to develop a certain program; providing for the  
15 applicability of this Act; defining a certain term; and generally relating to the  
16 exemption of agricultural buildings used for ~~tourism~~ agritourism from building

1 codes.

2 BY repealing and reenacting, without amendments,  
3 Article - Public Safety  
4 Section 12-501, 12-503(a)(1) and (c), and 12-505(a)  
5 Annotated Code of Maryland  
6 (2003 Volume and 2005 Supplement)

7 BY adding to  
8 Article - Public Safety  
9 Section 12-508  
10 Annotated Code of Maryland  
11 (2003 Volume and 2005 Supplement)

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

14 **Article - Public Safety**

15 12-501.

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

17 (b) "Building" has the meaning stated in the International Building Code.

18 (c) "Department" means the Department of Housing and Community  
19 Development.

20 (d) (1) "International Building Code" means the first printing of the most  
21 recent edition of the International Building Code issued by the International Code  
22 Council.

23 (2) "International Building Code" does not include interim amendments  
24 or subsequent printings of the most recent edition of the International Building Code.

25 (e) "Local jurisdiction" means the county or municipal corporation that is  
26 responsible for implementation and enforcement of the Standards under this subtitle.

27 (f) "Standards" means the Maryland Building Performance Standards.

28 (g) "Structure" has the meaning stated in the International Building Code.

29 12-503.

30 (a) (1) The Department shall adopt by regulation, as the Maryland Building  
31 Performance Standards, the International Building Code with the modifications  
32 incorporated by the Department under subsection (b) of this section.

1 (c) The Standards apply to each building or structure in the State for which a  
 2 building permit application is received by a local jurisdiction on or after August 1,  
 3 1995.

4 12-505.

5 (a) (1) Each local jurisdiction shall implement and enforce the Standards  
 6 and any local amendments to the Standards.

7 (2) At a minimum, the local jurisdiction shall ensure that  
 8 implementation and enforcement of the Standards includes:

9 (i) review and acceptance of appropriate plans;

10 (ii) issuance of building permits;

11 (iii) inspection of the work authorized by the building permits; and

12 (iv) issuance of appropriate use and occupancy certificates.

13 (3) Each local jurisdiction shall determine the manner in which the  
 14 minimum implementation and enforcement activities of this subsection are carried  
 15 out.

16 12-508.

17 (A) (1) IN THIS SECTION, "AGRICULTURAL BUILDING" MEANS A STRUCTURE  
 18 DESIGNED AND CONSTRUCTED TO HOUSE FARM IMPLEMENTS, HAY, GRAIN,  
 19 POULTRY, LIVESTOCK, OR OTHER HORTICULTURAL PRODUCTS.

20 (2) "AGRICULTURAL BUILDING" DOES NOT INCLUDE A PLACE OF HUMAN  
 21 RESIDENCE.

22 (B) THIS SECTION APPLIES ONLY TO CALVERT COUNTY, CHARLES COUNTY,  
 23 DORCHESTER COUNTY, FREDERICK COUNTY, HARFORD COUNTY, PRINCE GEORGE'S  
 24 COUNTY, AND ST. MARY'S COUNTY, SOMERSET COUNTY, AND TALBOT COUNTY.

25 (C) THE STANDARDS DO NOT APPLY TO THE CONSTRUCTION, ALTERATION, OR  
 26 MODIFICATION OF AN AGRICULTURAL BUILDING ~~TO BE USED FOR THE PURPOSES OF~~  
 27 ~~TOURISM~~ FOR WHICH AGRITOURISM IS AN INTENDED SUBORDINATE USE.

28 (D) AN EXISTING AGRICULTURAL BUILDING USED FOR ~~TOURISM~~  
 29 AGRITOURISM IS NOT CONSIDERED ~~AS~~ A CHANGE OF OCCUPANCY THAT REQUIRES A  
 30 BUILDING PERMIT IF THE SUBORDINATE USE OF AGRITOURISM:

31 (1) IS IN ACCORDANCE WITH LIMITATIONS SET FORTH IN REGULATIONS  
 32 ADOPTED BY THE DEPARTMENT;

33 (2) OCCUPIES ONLY LEVELS OF THE BUILDING ON WHICH A GROUND  
 34 LEVEL EXIT IS LOCATED; AND

1           (3)    DOES NOT REQUIRE MORE THAN 50 PEOPLE TO OCCUPY AN  
2 INDIVIDUAL BUILDING AT ANY ONE TIME.

3       (E)    AN AGRICULTURAL BUILDING USED FOR ~~TOURISM~~ AGRITOURISM:

4           (1)    SHALL BE STRUCTURALLY SOUND AND IN GOOD REPAIR; BUT

5           (2)    NEED NOT COMPLY WITH:

6                   (I)    REQUIREMENTS FOR BATHROOMS, SPRINKLER SYSTEMS, AND  
7 ELEVATORS SET FORTH IN THE STANDARDS; OR

8                   (II)   ANY OTHER REQUIREMENTS OF THE STANDARDS OR OTHER  
9 BUILDING CODES AS SET FORTH IN REGULATIONS ADOPTED BY THE DEPARTMENT.

10       (F)    THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS  
11 SECTION.

12    SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly  
13 encourages the University of Maryland, through the Maryland Cooperative Extension  
14 Services, to develop an educational program that focuses on liability issues for  
15 farmers that have farms engaged in agritourism.

16    SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
17 effect October 1, 2006.