

ENROLLED BILL

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

Introduced by **Senators Hooper, Colburn, Lawlah, and Middleton, Hollinger, Conway, Britt, Brochin, Dyson, Greenip, Grosfeld, Harris, Kittleman, and Pinsky**

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.

President.

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

1 exemption of agricultural buildings used for ~~tourism~~ agritourism from building
2 codes.

3 BY repealing and reenacting, without amendments,
4 Article - Public Safety
5 Section 12-501, 12-503(a)(1) and (c), and 12-505(a)
6 Annotated Code of Maryland
7 (2003 Volume and 2005 Supplement)

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

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

15 **Article - Public Safety**

16 12-501.

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

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

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

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

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

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

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

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

30 12-503.

31 (a) (1) The Department shall adopt by regulation, as the Maryland Building
32 Performance Standards, the International Building Code with the modifications
33 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, 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.