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By: **Senators Hooper, Colburn, Lawlah, and Middleton**  
Introduced and read first time: February 2, 2006  
Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

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

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; providing that an existing agricultural  
7 building used for tourism is not considered as a change of occupancy that  
8 requires a building permit under certain circumstances; requiring an  
9 agricultural building used for tourism to be structurally sound and in good  
10 repair; exempting certain agricultural buildings from certain requirements of  
11 the Standards and other building codes; requiring the Department of Housing  
12 and Community Development to adopt certain regulations; providing for the  
13 applicability of this Act; defining a certain term; and generally relating to the  
14 exemption of agricultural buildings used for tourism from building codes.

15 BY repealing and reenacting, without amendments,  
16 Article - Public Safety  
17 Section 12-501, 12-503(a)(1) and (c), and 12-505(a)  
18 Annotated Code of Maryland  
19 (2003 Volume and 2005 Supplement)

20 BY adding to  
21 Article - Public Safety  
22 Section 12-508  
23 Annotated Code of Maryland  
24 (2003 Volume and 2005 Supplement)

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

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**Article - Public Safety**

2 12-501.

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

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

5 (c) "Department" means the Department of Housing and Community  
6 Development.7 (d) (1) "International Building Code" means the first printing of the most  
8 recent edition of the International Building Code issued by the International Code  
9 Council.10 (2) "International Building Code" does not include interim amendments  
11 or subsequent printings of the most recent edition of the International Building Code.12 (e) "Local jurisdiction" means the county or municipal corporation that is  
13 responsible for implementation and enforcement of the Standards under this subtitle.

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

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

16 12-503.

17 (a) (1) The Department shall adopt by regulation, as the Maryland Building  
18 Performance Standards, the International Building Code with the modifications  
19 incorporated by the Department under subsection (b) of this section.20 (c) The Standards apply to each building or structure in the State for which a  
21 building permit application is received by a local jurisdiction on or after August 1,  
22 1995.

23 12-505.

24 (a) (1) Each local jurisdiction shall implement and enforce the Standards  
25 and any local amendments to the Standards.26 (2) At a minimum, the local jurisdiction shall ensure that  
27 implementation and enforcement of the Standards includes:

28 (i) review and acceptance of appropriate plans;

29 (ii) issuance of building permits;

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

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

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

4 12-508.

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

8 (2) "AGRICULTURAL BUILDING" DOES NOT INCLUDE A PLACE OF HUMAN  
9 RESIDENCE.

10 (B) THIS SECTION APPLIES ONLY TO CHARLES COUNTY, DORCHESTER  
11 COUNTY, HARFORD COUNTY, PRINCE GEORGE'S COUNTY, AND TALBOT COUNTY.

12 (C) THE STANDARDS DO NOT APPLY TO THE CONSTRUCTION, ALTERATION, OR  
13 MODIFICATION OF AN AGRICULTURAL BUILDING TO BE USED FOR THE PURPOSES OF  
14 TOURISM.

15 (D) AN EXISTING AGRICULTURAL BUILDING USED FOR TOURISM IS NOT  
16 CONSIDERED AS A CHANGE OF OCCUPANCY THAT REQUIRES A BUILDING PERMIT IF  
17 THE SUBORDINATE USE IS IN ACCORDANCE WITH LIMITATIONS SET FORTH IN  
18 REGULATIONS ADOPTED BY THE DEPARTMENT.

19 (E) AN AGRICULTURAL BUILDING USED FOR TOURISM:

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

21 (2) NEED NOT COMPLY WITH:

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

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

26 (F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS  
27 SECTION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2006.