
By: **Senators Hooper, Colburn, Lawlah, ~~and Middleton, Hollinger, Conway,~~
~~Britt, Brochin, Dyson, Greenip, Grosfeld, Harris, Kittleman, and Pinsky~~**

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Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

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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
17 codes.

18 BY repealing and reenacting, without amendments,
19 Article - Public Safety
20 Section 12-501, 12-503(a)(1) and (c), and 12-505(a)
21 Annotated Code of Maryland
22 (2003 Volume and 2005 Supplement)

23 BY adding to
24 Article - Public Safety

1 Section 12-508
2 Annotated Code of Maryland
3 (2003 Volume and 2005 Supplement)

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

6 **Article - Public Safety**

7 12-501.

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

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

10 (c) "Department" means the Department of Housing and Community
11 Development.

12 (d) (1) "International Building Code" means the first printing of the most
13 recent edition of the International Building Code issued by the International Code
14 Council.

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

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

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

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

21 12-503.

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

25 (c) The Standards apply to each building or structure in the State for which a
26 building permit application is received by a local jurisdiction on or after August 1,
27 1995.

28 12-505.

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

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

- 1 (i) review and acceptance of appropriate plans;
- 2 (ii) issuance of building permits;
- 3 (iii) inspection of the work authorized by the building permits; and
- 4 (iv) issuance of appropriate use and occupancy certificates.

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

8 12-508.

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

12 (2) "AGRICULTURAL BUILDING" DOES NOT INCLUDE A PLACE OF HUMAN
13 RESIDENCE.

14 (B) THIS SECTION APPLIES ONLY TO CALVERT COUNTY, CHARLES COUNTY,
15 DORCHESTER COUNTY, HARFORD COUNTY, PRINCE GEORGE'S COUNTY, ST. MARY'S
16 COUNTY, AND TALBOT COUNTY.

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

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

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

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

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

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

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

31 (2) NEED NOT COMPLY WITH:

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

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

3 (F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
4 SECTION.

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

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