

Chapter 331

(House Bill 805)

AN ACT concerning

Montgomery County – Public Safety – Buildings Used for Agritourism

MC 26–20

FOR the purpose of adding Montgomery County to the list of counties that exempt agricultural buildings used for agritourism from certain building performance standards; exempting a building used for agritourism in Montgomery County from a certain building permit requirement under certain circumstances; and generally relating to buildings used for agritourism in Montgomery County.

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 12–501(a) and (h)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–508
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

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

Article – Public Safety

12–501.

- (a) In this subtitle the following words have the meanings indicated.
- (h) “Standards” means the Maryland Building Performance Standards.

12–508.

- (a) (1) In this section, “agricultural building” means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products.
- (2) “Agricultural building” does not include a place of human residence.

(b) This section applies only to:

(1) Allegany County, Anne Arundel County, Baltimore County, Calvert County, Carroll County, Cecil County, Charles County, Dorchester County, Frederick County, Garrett County, Harford County, Howard County, Kent County, **MONTGOMERY COUNTY**, Prince George's County, St. Mary's County, Somerset County, and Talbot County; or

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

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

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

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

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

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

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

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

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

(f) **(1) IN MONTGOMERY COUNTY, AN EXISTING AGRICULTURAL BUILDING USED FOR AGRITOURISM IS NOT CONSIDERED A CHANGE OF OCCUPANCY THAT REQUIRES A BUILDING PERMIT AS PROVIDED IN THIS SUBSECTION.**

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF THE SUBORDINATE USE OF AGRITOURISM DOES NOT REQUIRE MORE THAN 50

PEOPLE TO OCCUPY AN INDIVIDUAL BUILDING AT ANY ONE TIME, THEN THAT USE MUST BE:

(I) IN ACCORDANCE WITH LIMITATIONS ESTABLISHED BY THE DEPARTMENT; AND

(II) LIMITED TO LEVELS OF THE BUILDING ON WHICH A GROUND LEVEL EXIT IS LOCATED.

(3) IF THE SUBORDINATE USE OF AGRITOURISM REQUIRES MORE THAN 50 PEOPLE BUT FEWER THAN 100 PEOPLE TO OCCUPY AN INDIVIDUAL BUILDING AT ANY ONE TIME, THEN THAT USE MUST BE:

(I) IN ACCORDANCE WITH THE REQUIREMENTS IN PARAGRAPH (2) OF THIS SUBSECTION; AND

(II) THE TOTAL WIDTH AND NUMBER OF MEANS OF EGRESS MUST MEET OR EXCEED THE INTERNATIONAL BUILDING CODE STANDARD THAT APPLIES TO EGRESS COMPONENTS OTHER THAN STAIRWAYS IN A BUILDING WITHOUT A SPRINKLER SYSTEM.

(G) An agricultural building used for agritourism:

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

(2) need not comply with:

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

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

~~(S)~~ **(H)** The Department shall adopt regulations to implement this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.