

SENATE BILL 489

L1, E4

2lr2181
CF 2lr2178

By: **Senator Hershey**

Introduced and read first time: January 27, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Queen Anne’s County – Public Safety – Buildings Used for Agritourism**

3 FOR the purpose of adding Queen Anne’s County to the list of counties that exempt
4 agricultural buildings used for agritourism from certain building performance
5 standards; exempting a building used for agritourism in Queen Anne’s County from
6 a certain permit requirement under certain circumstances; and generally relating to
7 buildings used for agritourism in Queen Anne’s County.

8 BY repealing and reenacting, with amendments,

9 Article – Public Safety

10 Section 12–508

11 Annotated Code of Maryland

12 (2018 Replacement Volume and 2021 Supplement)

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

15 **Article – Public Safety**

16 12–508.

17 (a) (1) In this section, “agricultural building” means a structure designed and
18 constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural
19 products.

20 (2) “Agricultural building” does not include a place of human residence.

21 (b) This section applies only to:

22 (1) Allegany County, Anne Arundel County, Baltimore County, Calvert
23 County, Carroll County, Cecil County, Charles County, Dorchester County, Frederick

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 County, Garrett County, Harford County, Howard County, Kent County, Montgomery
2 County, Prince George's County, **QUEEN ANNE'S COUNTY**, St. Mary's County, Somerset
3 County, and Talbot County; or

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

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

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

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

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

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

17 (e) In Allegany County, Anne Arundel County, Baltimore County, Calvert
18 County, Carroll County, Cecil County, Garrett County, Howard County, Kent County,
19 Prince George's County, **QUEEN ANNE'S COUNTY**, and St. Mary's County, an existing
20 agricultural building used for agritourism is not considered a change of occupancy that
21 requires a building permit if:

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

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

27 (f) (1) In Montgomery County, an existing agricultural building used for
28 agritourism is not considered a change of occupancy that requires a building permit as
29 provided in this subsection.

30 (2) Except as provided in paragraph (3) of this subsection, if the
31 subordinate use of agritourism does not require more than 50 people to occupy an individual
32 building at any one time, then that use must be:

33 (i) in accordance with limitations established by the Department;
34 and

1 (ii) limited to levels of the building on which a ground level exit is
2 located.

3 (3) If the subordinate use of agritourism requires more than 50 people but
4 fewer than 100 people to occupy an individual building at any one time, then that use must
5 be:

6 (i) in accordance with the requirements in paragraph (2) of this
7 subsection; and

8 (ii) the total width and number of means of egress must meet or
9 exceed the International Building Code standard that applies to egress components other
10 than stairways in a building without a sprinkler system.

11 (g) An agricultural building used for agritourism:

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

13 (2) need not comply with:

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

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

18 (h) The Department shall adopt regulations to implement this section.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2022.