

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 489

(Senator Hershey)

Education, Health, and Environmental Affairs

Environment and Transportation

Queen Anne's County - Public Safety - Buildings Used for Agritourism

This bill exempts an agricultural building in Queen Anne’s County used for agritourism from (1) adhering to the Maryland Building Performance Standards (MBPS) and (2) obtaining a change of occupancy permit if (1) the building’s use for agritourism does not require it to be occupied by more than 200 people at any one time and (2) the width of egress for the building meets specified building code standards. **The bill takes effect June 1, 2022.**

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: The bill does not materially affect Queen Anne’s County finances or operations.

Small Business Effect: Minimal.

Analysis

Current Law: “Agritourism” is defined in the Land Use Article as an activity conducted on a farm that is offered to a member of the general public or to invited guests for the purpose of education, recreation, or active involvement in the farm operation. Agritourism activities include farm tours, hayrides, corn mazes, seasonal petting farms, farm museums, guest farms, pumpkin patches, “pick your own” or “cut your own” produce, classes related to agricultural products or skills, and picnic and party facilities offered in conjunction with any of the above.

Exemption from Maryland Building Performance Standards (for Agricultural Buildings Used for Agritourism)

An “agricultural building” is a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. An agricultural building does not, however, include a place of human residence. MBPS do not apply to the construction, alteration, or modification of an agricultural building for which agritourism is an intended subordinate use in the following counties:

- Allegany;
- Anne Arundel;
- Baltimore;
- Calvert;
- Carroll;
- Cecil;
- Charles;
- Dorchester;
- Frederick;
- Garrett;
- Harford;
- Howard;
- Kent;
- Montgomery;
- Prince George’s;
- St. Mary’s;
- Somerset; and
- Talbot.

In those counties, 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 Maryland Department of Labor (MDL); (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. However, in Montgomery County, 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 the width and number of means of egress must meet specified building code standards.

In Allegany, Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Garrett, Howard, Kent, Prince George’s, and St. Mary’s counties, the occupancy cap is 200 people if the building’s

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

An agricultural building used for agritourism must be structurally sound and in good repair but need not comply with (1) requirements for bathrooms, sprinkler systems, and elevators as required under MBPS or (2) any other requirements of MBPS or other building codes as set forth in regulations adopted by MDL.

Maryland Building Performance Standards

Chapter 673 of 2018 transferred administration of MBPS from the Department of Housing and Community Development to MDL. MDL currently incorporates by reference the 2018 IBC, including the 2018 International Energy Conservation Code, with modifications, as MBPS. In general, the standards apply to all buildings and structures within the State for which a building permit application is received by a local government.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 586 (Delegate Arentz, *et al.*) - Environment and Transportation.

Information Source(s): Maryland Department of Labor; Department of Legislative Services

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