

# HOUSE BILL 805

E4, L2, M4

01r0988

By: **Montgomery County Delegation**

Introduced and read first time: February 3, 2020

Assigned to: Environment and Transportation

## A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Public Safety – Buildings Used for Agritourism**

3 **MC 26–20**

4 FOR the purpose of adding Montgomery County to the list of counties that exempt  
5 agricultural buildings used for agritourism from certain building performance  
6 standards; and generally relating to buildings used for agritourism in Montgomery  
7 County.

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

13 BY repealing and reenacting, with amendments,  
14 Article – Public Safety  
15 Section 12–508  
16 Annotated Code of Maryland  
17 (2018 Replacement Volume and 2019 Supplement)

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

20 **Article – Public Safety**

21 12–501.

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

23 (h) “Standards” means the Maryland Building Performance Standards.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 12-508.

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

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

6 (b) This section applies only to:

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

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

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

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

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

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

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

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

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

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

1 (f) An agricultural building used for agritourism:

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

3 (2) need not comply with:

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

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

8 (g) The Department shall adopt regulations to implement this section.

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