



Bill No. 22-04

Concerning: Amending Chapter 1-6, Article II of the County Code (Building Code) to Create a New

Exception for, and to define, a Farm Stand

Introduced: February 1, 2022

Revised: \_\_\_\_\_ Draft No. \_\_\_\_\_

Enacted: \_\_\_\_\_

Effective: \_\_\_\_\_

Expires: May 2, 2022

Frederick County Code, Chapter 1-6

Section(s) 18A and 18B

## COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Vice President Michael Blue and Council Member Jerry Donald on behalf of County Executive Jan Gardner

**AN ACT** to: Amend Chapter 1-6, Article II of the Frederick County Code (Building Code) to create an exception for, and to define, a Farm Stand.

Date Council Approved: \_\_\_\_\_ Date Transmitted to Executive: \_\_\_\_\_

Executive: \_\_\_\_\_ Date Received: \_\_\_\_\_

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Vetoed: \_\_\_\_\_ Date: \_\_\_\_\_

Date returned to Council by County Executive with no action: \_\_\_\_\_

By amending:

Frederick County Code, Chapter, 1-6 Section(s) 18A and 18B

Other: \_\_\_\_\_

**Boldface**

Underlining

[Single boldface brackets]

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*Heading or defined term.*

*Added to existing law.*

*Deleted from existing law.*

*Existing law unaffected by bill.*

The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the Frederick County Code to amend Chapter 1-6, Article II (Building Code) to define, and to create an exception from Building Permit requirements for, a Farm Stand.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

M. C. Keegan-Ayer, President  
County Council of Frederick County,  
Maryland

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**§ 1-6-18A. LOCAL AMENDMENTS TO INTERNATIONAL BUILDING CODE.**

The International Building Code, 2018 Edition as adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07) is hereby amended as described and shown below:

Subsection 101.2 is hereby amended by adding the following exceptions:

Exception 4[2]: Agricultural Buildings and Farm Stands. The provisions of this code shall not apply to the construction, alteration, addition, repair, removal, demolition, use, location or maintenance of agricultural buildings and farm stands. This provision does not exempt the owner from obtaining required zoning certificates, electrical or plumbing permits, nor from complying with all other applicable local, state and federal regulations, laws, and ordinances.

An “agricultural building” for purposes of this subsection means a building or structure utilized for agricultural activity as defined in the International Building Code:

“Agricultural Building. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.”

A “farm stand” for purposes of this subsection means:

“Farm Stand”: A structure that does not exceed 600 square feet which may be used to process, treat, or package agricultural products, the majority of which are produced on the farm. A Farm Stand may not be used as a place of human habitation or employment, nor used or occupied by the public.

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Subsection 105.2 is hereby modified to read as follows:

105.2 Work exempt from permit.

Building:

1. One-story detached accessory structures with eave heights less than 10 feet, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 150 square feet.

2. Fences - delete "not over 7 feet high".

[Items 3 – 13 unchanged]

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Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

\*\*\* - indicates existing law unaffected by bill.

**Bill No. 22-04**

1        14. Farm Stands (as defined in Subsection 101.2)

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4        **§ 1-6-18B. LOCAL AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE.**

5        The county hereby adopts the International Residential Code, 2018 Edition including the  
6        amendments adopted by the State of Maryland in the Maryland Building Performance Standards  
7        (COMAR 05.02.07) with the amendments described and shown below.

8        Subsection R105.2, Work exempt from a permit - Building Subparagraph 10 is amended as  
9        follows:

10        Replace 200 sq. ft. with 150 sq. ft.

11        [Items 2-10 unchanged]

12        11. Farm Stands

14        Subsection R105.2 is hereby amended to add the following exceptions:

15        R105.2 (11) Agricultural Buildings and Farm Stands. The provisions of this code shall not  
16        apply to the construction, alteration, addition, repair, removal, demolition, use, location or  
17        maintenance of agricultural buildings and farm stands. This provision does not exempt the owner  
18        from obtaining required zoning certificates, electrical or plumbing permits, nor from complying  
19        with all other applicable local, state and federal regulations, laws, and ordinances.

20        An "agricultural building" for purposes of this subsection means a building or structure utilized  
21        for agricultural activity as defined in the International Building Code:

22        "Agricultural Building. A structure designed and constructed to house farm implements, hay,  
23        grain, poultry, livestock or other horticultural products. This structure shall not be a place of  
24        human habitation or a place of employment where agricultural products are processed, treated or  
25        packaged, nor shall it be a place used by the public."

26        A "farm stand" for purposes of this subsection means:

27        "Farm Stand": A structure that does not exceed 600 square feet which may be used to process,  
28        treat, or package agricultural products, the majority of which are produced on the farm. A Farm  
29        Stand may not be used as a place of human habitation or employment, nor used or occupied by  
30        the public.

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Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

\*\*\* - indicates existing law unaffected by bill.

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