



Bill No. 24-13
Concerning: Update to the Frederick County
Building Code relating to agricultural building usage
for agritourism
Introduced August 20, 2024
Revised: _____ Draft No. _____
Enacted: _____
Effective: _____
Expires: November 18, 2024
Frederick County Code, Chapter 1-6
Section(s) 18A

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Member Jerry Donald

AN ACT to: Amend the Frederick County Building Code to clarify usage of agricultural buildings for agritourism.

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, 1-6 Section(s) 18A

Other: _____

Boldface
Underlining
[Single boldface brackets]
* * *

Heading or defined term.
Added to existing law.
Deleted from existing law.
Existing law unaffected by bill.

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2 The County Council of Frederick County, Maryland, finds it necessary and appropriate to
3 amend the Frederick County Code § 1-6-18A LOCAL AMENDMENTS TO INTERNATIONAL
4 BUILDING CODE to clarify usage of agricultural building for agritourism by setting limits on
5 occupancy and exempting agricultural buildings from certain standards.

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

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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: 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, or life safety 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:

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

R105.2 (11) 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, or life safety 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, except as provided for below."

In this section “existing agricultural building” is defined as any agricultural building built before January 24, 1977 or an agricultural building that lawfully obtained a one-time zoning certificate after January 24, 1977.

An existing agricultural building may be used by the public if:

(1) the structure has been determined to be used in conjunction with an approved agritourism use in accordance with the agritourism enterprise definition §1-19-11.100 of the County Code as a subordinate use of the structure for a period not to exceed 90 calendar days annually;

(2) the occupant load does not exceed 50 people; and

(3) the use is limited to levels of the building in which a ground level exit is located.

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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1 An existing agricultural building used for agritourism is not considered a change of occupancy
2 that requires a building permit. Any existing agricultural building used for agritourism shall be
3 structurally sound and in good repair, but need not comply with:

4 (1) Requirements for permanent bathrooms, sprinkler systems, and elevators, as set forth
5 in the Standards; and
6 (2) Any other requirements of the Standards or other building codes as set forth in
7 regulations adopted by the Department.

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

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