



Bill No. 24-13  
Concerning: Update to the Frederick County  
Building Code relating to agricultural building usage  
for agritourism  
Introduced August 20, 2024  
Revised: October 22, 2024 Draft No. 2  
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

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

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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: \_\_\_\_\_

<b>Boldface</b> <u>Underlining</u> [Single boldface brackets] * * *	<i>Heading or defined term.</i> <i>Added to existing law.</i> <i>Deleted from existing law.</i> <i>Existing law unaffected by bill.</i>
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Bill No. 24-13

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.

9           **AND BE IT FURTHER ENACTED THAT THIS BILL SHALL BECOME**  
10           **EFFECTIVE ON JULY 1, 2025.**  
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Brad W. Young, President  
County Council of Frederick County,  
Maryland

2 **§ 1-6-18A. LOCAL AMENDMENTS TO INTERNATIONAL BUILDING CODE.**3 The International Building Code, 2018 Edition as adopted by the State of Maryland in the  
4 Maryland Building Performance Standards (COMAR 05.02.07) is hereby amended as described  
5 and shown below:

6 Subsection 101.2 is hereby amended by adding the following exceptions:

7 Exception 4: Agricultural Buildings and Farm Stands. The provisions of this code shall not  
8 apply to the construction, alteration, addition, repair, removal, demolition, use, location or  
9 maintenance of agricultural buildings and farm stands. This provision does not exempt the owner  
10 from obtaining required zoning certificates, electrical or plumbing permits, or life safety permits,  
11 nor from complying with all other applicable local, state and federal regulations, laws, and  
12 ordinances. An "agricultural building" for purposes of this subsection means a building or  
13 structure utilized for agricultural activity as defined in the International Building Code:14 **§ 1-6-18B. LOCAL AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE.**15 R105.2 (11) Agricultural Buildings and Farm Stands. The provisions of this code shall not apply  
16 to the construction, alteration, addition, repair, removal, demolition, use, location or maintenance  
17 of agricultural buildings and farm stands. This provision does not exempt the owner from  
18 obtaining required zoning certificates, electrical or plumbing permits, or life safety permits, nor  
19 from complying with all other applicable local, state and federal regulations, laws, and  
20 ordinances. An "agricultural building" for purposes of this subsection means a building or  
21 structure utilized 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, except as provided for below."26 In this section "existing agricultural building" is defined as any agricultural building built before  
27 January 24, 1977 or an agricultural building that lawfully obtained a one-time zoning certificate  
28 after January 24, 1977.29 An existing agricultural building may be used by the public if:30 (1) the structure has been determined to be used in conjunction with an approved  
31 agritourism use in accordance with the agritourism enterprise definition §1-19-11.100  
32 of the County Code as a subordinate use of the structure for a period not to exceed  
33 1190 120 calendar days annually;  
34 (2) the occupant load does not exceed 50 people; and  
35 (3) the use is limited to levels of the building in which a ground level exit is located.

36 Underlining indicates entirely new matter added to existing law.

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

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

39 Double underlining boldface indicates matter added by Amendment.

40 [[Double bracket]] boldface and strikethrough indicates matter deleted by Amendment

41 **AMENDED Bill No. 24-13**

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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**AMENDED Bill No. 24-13**