

Chapter 18
BUILDING CONSTRUCTION

§ 18-1. Repeal of county code; adoption of standards.

§ 18-2. Standards to govern all applications.

§ 18-3. Representation and prosecution by County Attorney.

Exhibit A

[HISTORY: Adopted by the Board of County Commissioners of Calvert County 9-3-1996 by Res. No. 36-96; amended 6-18-2002 by Ord. No. 27-02. Subsequent amendments noted where applicable.]

§ 18-1. Repeal of county code; adoption of standards.

The Building Code of Calvert County, as amended, be repealed, and the International Building Code 2000, with amendments, attached as Exhibit A, is hereby adopted.

§ 18-2. Standards to govern all applications.

The International Building Code 2000, with amendments, as adopted, shall govern all applications received by the Inspections and Permits Division of the Calvert County Department of Public Works, on the effective date of this act and forward.

§ 18-3. Representation and prosecution by County Attorney.

The County Attorney is designated to represent the interests of the county and to prosecute civil violations under said code.

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EXHIBIT A

CHAPTER 1

The provisions of the “International Building Code/2000” (IBC) are amended, deleted, or corrected as follows; and the following provisions shall supersede the part of the text of the “IBC Building Code/2000” indicated.

Revise Section 101.1 to read as follows:

101.1 Title. These regulations shall be known as the Building Code of Calvert County, hereinafter referred to as “this code.”

Add new Sections 101.1.1, 101.1.2, 101.1.3 as follows:

101.1.1 The following provisions are adopted by reference as part of this code for buildings of Use Group R-4 as described in Section 310.1 of the International Building Code/2000 with the additions, insertions, omissions and changes prescribed in this title:

1. International Residential Code 2000, Chapters 1 through 11 and Appendixes E and F as published by International Code Council, Administration Chapter Sections R104.10.1, R106.1.3, R109.1.2, R109.1.3, R112.2.1, R112.2.2, R112.4.

101.1.2 The provisions of the referenced International Residential Code 2000 Amendments shall be amended, deleted, or corrected as follows, and the following provisions shall supersede the part of the text indicated.

- (1) In Section R-103.1, strike the reference to “Building Official” and substitute “Building Official of the Division of Inspections and Permits.”
- (2) Insert the following data in Section 201.5:
 - (a) Roof live load: 20.
 - (b) Roof snow load: 20.
 - (c) Wind pressure: (24) 80 mph.
 - (d) Seismic Zone: 0.
 - (e) Subject to damage:
 - (1) Weathering: severe.
 - (2) Frost line depth: 24 inches.
 - (f) Subject to damage:
 - (1) Termite: yes.
 - (2) Decay: yes.
- (3) Revise the first sentence of R314.2, Treads and Risers, to say: “The maximum riser height shall be 8¼ inches and minimum tread depth shall be 10 inches.”

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- (4) Strike Chapters 19 through 42 pertaining to mechanical, plumbing, and electrical systems.
- (5) Strike Appendices A, B, C, and D.
- (6) Add Appendices E and F.

101.1.3 These regulations shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of all one- and two-family dwellings and shall apply to existing or proposed one- and two-family dwellings; except as such matters are otherwise provided for in other ordinances or statutes, or in the rules and regulations authorized for promulgation under the provisions of this code.

Delete Sections 101.4.1, 101.4.2, 101.4.3, 101.4.4, 101.4.5, 101.4.6, and 101.4.7

Revise Section 103.2 to read as follows:

103.2 Appointment.

1. The Board of County Commissioners acting under the General Powers of Article 25 of the Annotated Code of Maryland, appointed a six-member committee to be known as the “Building Board of Calvert County” on September 4, 1979, which is to be hereinafter known as the “Board.” It shall be the duty of the Board to make recommendations for adoption, amendments to the building code, rules and regulations, setting of fees and such other requirements it deems necessary for public safety, health and general welfare. The Board shall also serve as the Board of Appeals as outlined in Section 112, Means of Appeal.
2. The building official shall be employed by the Board of County Commissioners of Calvert County; and the building official shall not be removed from office except for cause and after full opportunity to be heard on specific relevant charges by and before the employing authority.

Add new Section 104.1.1 to read as follows:

104.1.1 Rule-making authority. The building official shall propose, as necessary in the interest of public health, safety and general welfare, amendments, rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code or of violating accepted engineering practice involving public safety. The Board of County Commissioners of Calvert County shall have the sole authority to adopt such amendments, rules and regulations.

Revise Section 104.7 to read as follows:

104.7 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections and notices and orders issued. Such records shall be retained in the official records for a period of three years after final inspections.

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Revise Section 105.3.2 to read as follows:

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that the building official shall grant one or more extensions of time for additional periods not exceeding 90 days each if there is reasonable cause.

Add new Sections 105.3.3, 105.3.4, 105.3.5 to read as follows:

105.3.3 Permit application. An application shall be submitted to the building official for the following activities and these activities shall not commence without a permit being issued in accordance with Section R108.0 of the International Residential Code 2000.

1. Construct or alter a structure.
2. Construct an addition.
3. Demolish or move a structure.
4. Make a change of occupancy.
5. Install or alter any equipment which is regulated by this code.

105.3.4 By whom application is made. Application for a permit shall be made by the owner or lessee of the building or structure, or agent of either, or by the registered design professional employed in connection with the proposed work. The full names and addresses of the owner, lessee, applicant and the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

105.3.5 Requirements for application. No building permit application for construction of any habitable structure shall be accepted until an approved percolation test and septic design are furnished to the Divisions of Inspections and Permits or an operating public sewer system is available for the connection or a utility agreement has been executed to provide an extension from an existing system which is currently in operation.

Add new Section 105.4.1 to read as follows:

105.4.1 Requirements for issuance. No building permit shall be issued under any circumstances or conditions that are in conflict with any provision or requirements of this code, Calvert County Road Ordinances, Stormwater Management Ordinance, Erosions and Sediment Control Ordinance, Subdivision Regulations, Zoning Ordinance, County and Town Center Zoning Ordinances, or any other regulations or ordinance duly adopted by the Board of County Commissioners or other applicable law. Any permit determined by the building official to have been issued in error shall be rescinded upon written notification to the permittee. The building official shall refund related fees upon written request. No building permit for any construction on vacant land shall be issued until such time as provisions have been made and approved for the improvement of adjacent or abutting streets, or provisions for their improvements have been accomplished under the provisions of applicable County law or for the appropriate law of the municipality when such permit is requested for work to be accomplished within the municipality, the building official is hereby authorized and directed to assist the enforcement of such statutes, ordinances and regulations to the full extent of the powers delegated in this subtitle.

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Revise Section 105.6 to read as follows:

105.6 Suspension of permit

1. A permit under which no work is commenced within two years after issuance shall expire.
2. A permit under which work has begun and stopped for any reason shall become null and void one year after the work has stopped. Work will be considered stopped when the builder fails to prosecute the work so as to ensure completion within a reasonable period of time considering the type of construction involved. Whenever the building official determines by inspection that work on any building or structure of which a permit has been issued and the work started has been suspended for a period of one year, the owner of the property upon which the structure is located, or other person or agent in control of the said property, shall, within 90 days from the receipt of written notice from the building official, obtain a new permit to complete the required work and diligently pursue the work to completion, or shall remove or demolish the building or structure within 180 days from the date of the written notice.
3. Plumbing, and electrical permits secured for the purpose of providing services for the building permitted shall run for the life of the building permit as defined in this subsection.
4. For purposes of this subsection, “commenced” means the placement of the first permanent element of construction (usually footings) for which the building permit was issued.
5. Upon written request and if the building official finds that a hardship exists, the building official may extend the times set forth in Paragraphs 1 and 2 of this subsection in the aggregate up to a one-year period of time, provided:
 - (a) The permit is for a new residential or commercial building; and
 - (b) Any increase in permit fees, connection fees, or impact fees is first paid.
6. If a permit is extended in accordance with Paragraph 5 of this subsection, any construction or activity in furtherance of construction may be subject to the requirements of the construction code in effect at the time the construction or activity is undertaken.

A court of competent jurisdiction may prescribe permit time limitations more restrictive in Paragraphs 1 and 2 of this subsection in civil proceeding to enforce a violation of this building code.

Delete Section 107.3 in its entirety.

Revise Section 108.2 to read as follows:

108.2 Fee Schedule. A fee for each plan examination, building permit and inspection shall be paid in accordance with a fee schedule recommended by the Building Board and approved by the Board of County Commissioners.

Add new Section 109.7 to read as follows:

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109.7 Contractors license and bond required.

109.7.1 Definitions. For the purpose of this section, the following terms shall have the meanings respectively ascribed to them by this section:

1. Board of Registration – The term “Board of Registration,” herein referred to as the “Board,” shall mean the Calvert County Building Board.
2. Building Contractor – The term “building contractor” shall mean any person, firm, copartnership, association, or corporation or other organization or combination thereof that for a fixed price, commission, fee or percentage, or other compensation, undertakes to bid upon, or accepts or offers to accept orders or contracts for the following:
 - a. Performing or superintending the building or construction of any building or structure that is designed to be used as a residence or dwelling;
 - b. Construction for sale any building or structure for occupancy as a residence or dwelling;
3. County – Calvert County, excluding incorporated towns located within Calvert County.
4. Chief – The term “Chief” shall mean the Building Official of the Division of Inspections and Permits.
5. Home Improvement – The term “home improvement” shall mean the repair, replacement, remodeling, alteration, conversion, modernization, improvement or addition to any building, or that portion thereof which is used or designed to be used as a residence or dwelling place; and shall include the construction, replacement, or improvement of swimming pools, porches, garages, fallout shelters and other improvements to structures or upon land which is adjacent to a dwelling house. “Home improvement” shall not include the construction of a new home, building or work done by a contractor in compliance with a guarantee of completion of a new building project, or the sale of goods or materials by a seller who neither arranges to perform nor performs directly or indirectly any work or labor in connection with the installation of or application of the goods or materials.

109.7.2 Registration and license required. Subject to provisions authorized in Section 109.7.7 of this section, it shall be unlawful for any person to engage in the business or to act in the capacity of a building contractor within the County without first being registered and having a license issued as provided in this section.

109.7.3 Application; fee; qualifications.

The Chief shall maintain a register of all licenses issued in such a form as the Board shall required.

Any person desiring to be licensed as a building contractor in the County shall make and file with the Chief a written application on a form approved by the Board. Each application shall be accompanied by a fee in an amount recommended by the Building Board and approved by the Board of County Commissioners as application fee. The

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applicant shall furnish information which shall remain confidential for use of the Board only as to his character reference and financial responsibility, his experience or training and education or the experience and training and education of his associates, construction superintendent or other principal employees in the building trade, as the Board shall require. Before the issuance of a license the Chief shall ascertain from reliable sources the applicant's record of compliance with the laws of the state and the County. The Board may request further information from the Chief or other sources, make independent investigation and conduct examination of the applicant, at its discretion. On the basis of the foregoing, it shall be the Board's duty, within 60 days after submission of an application for a license, to certify to the Chief whether the applicant and his organization are qualified to comply with Building Code and laws of the County and state and to perform fully his building contracts and should be licensed, and to notify the applicant. In no case shall denial of certification be unreasonable, and a denial shall be in writing stating the reason and shall be personally served or mailed by certified mail to the address on the application. Any denial may be appealed to the Circuit Court of Calvert County by filing notice of appeal with the Clerk of the Court within the time set forth by the Maryland Rules and Procedures for appeals from rulings of administrative agencies.

109.7.4 Issuance; bond required; fee.

The Chief shall issue a license to applicants qualified to be licensed upon payment of a license fee as set forth by the Board of County Commissioners and delivery to the County of a cash bond or a corporate bond executed by a surety company qualified to transact business in the state in an amount recommended by the Building Board and approved by the Board of County Commissioners. The cash or corporate bond shall run to the County and shall be conditioned that the licensee shall perform all work done by him in the County in accordance with the Building Code and laws of the County and state. The County or any person damaged by failure of the licensee to comply with such code and laws may proceed against such bond in any court of competent jurisdiction.

This bonding provision may be satisfied if the applicant has obtained a bond in an amount recommended by the Building Board and approved by the Board of County Commissioners in connection with an organized program approved by the Board, which program provides procedures for the processing and resolution of complaints against such building contractor and thus affords substantially the same bonding protection to the public as the bond required by this chapter.

The Chief shall immediately revoke the license upon failure of any licensee to maintain such bond.

109.7.5 Term of licenses; renewals. Licenses issued under this section shall be valid for two years from the date of issuance and may be renewed upon application to the Chief. Applicants for renewal shall pay to the County at the time of filing such application the fee in an amount recommended by the Building Board and approved by the Board of County Commissioners.

109.7.6 Display; duplicates. Holders of licenses issued under this section shall display the same in a prominent place at their place of business and upon demand

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shall give the number of the license to any person who shall demand the same. If any license is lost, defaced or destroyed, the licensee may obtain a duplicate upon application to the Chief and payment of a fee as set forth by the Board of County Commissioners.

109.7.7 Revocation; suspension and related Board actions.

The Board has the power to revoke, suspend, or refuse to renew the license of any licensee who shall be found guilty of any one or more of the following acts or omissions:

1. Fraud or deceit in obtaining a license.
2. Aiding, abetting or knowingly combining or conspiring with an unlicensed person with the intent to evade the provisions of this chapter.
3. Willful or deliberate violation of the building code and laws of the County or State of Maryland.
4. Abandonment or willful failure to perform, without justification, any contract for doing work for which a building contractor must be licensed to perform for construction of a building or structure that is designed to be used as a residence or dwelling place.
5. Failure in any material respect to comply with the provisions of this chapter and other laws and to correct promptly upon notice any failure to comply with the building code or laws of the County and state.
6. Upon finding by the Board that the licensee lacks good moral character or is not financially responsible.

In matters dealing with complaints of defects in construction which violate provisions of this chapter and rules and regulations promulgated pursuant thereof the Chief will investigate such complaints and, if the same are found to be justified in the opinion of the Chief, shall give the licensee one month to correct such defects or until the weather, season, or availability of parts permits correction. Failure to correct such defects shall be reported to the Board. In such cases, defects shall be reported to the Board. In such cases, in addition to the powers set forth above, and where the Board finds that a licensee has substantially completed work associated with an existing building permit issued by the County and where suspension of remaining construction would result in an unusual hardship to the purchaser, the Board may allow construction to continue under said permit until completion.

Before revoking, suspending or refusing to renew any license, the Board shall afford the licensee an opportunity for hearing to show cause why his license should not be revoked, suspended or the renewal thereof refused. The Board shall give such licensee notice in writing at least ten days prior to such hearing by personal service or by certified mail to the last address on file with the Board, and such notice shall state the complaint and violation. Any person aggrieved by any action of the Board may appeal to the Circuit Court of Calvert County by filing a notice of such appeal with the Clerk of the court as set forth above.

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109.7.8 Administration. This section shall be administered by the Chief of the Department of Inspections and Permits.

109.7.9 Permits. Building permits for a residence or dwelling, except under R109.5.10 of this section, shall not be issued to any person except a duly licensed building contractor or his duly authorized agents under the provisions of this article.

109.7.10 Applicability of article.

The provisions of this section shall apply only to construction work within the purview of the Building Code and laws of the County and state. Fees paid shall not be refunded for any reason.

A license shall not be required for a person who constructs a building or structure that is designed to be used as a residence or dwelling place for his own or immediate family's use. Such person shall sign a statement that the work or construction for which the permit is sought will be done for himself or his immediate family. Any person who signs such statement in order to evade the provisions of this chapter requiring construction by a licensed contractor or any person who performs work as a building contractor as defined herein without a license shall be in violation of this article.

109.7.11 Compliance with Building Code. Nothing in this code shall be construed to exempt any construction work in the County from complying with the requirements of the Building Code.

Add new Section 112.4 to read as follows:

112.4 Membership of board. The Board of Appeals shall consist of a six-member Building Board and who shall serve a term of three years each; however, the initial terms shall be staggered with two members serving for three years, two members serving two years and two members serving one year.

Revise Section 113.4 to read as follows:

113.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code shall be guilty of a civil violation and fined as set forth in Section 113.4.5.

Add new Sections 113.4.1, 113.4.2, 113.4.3, 113.4.4, 113.4.5, 113.4.6, 113.4.7, 113.4.8, 113.4.9, and 113.4.10 to read as follows:

113.4.1 Citations. On verification of a violation of this chapter, the Building Official or his/her designee may issue a civil citation to the person, including a contractor, deemed responsible for committing the violation. The citation shall serve as a notification to the person concerned that the person has been assessed a civil fine that is due and payable to Calvert County, subject to the person's right to stand trial.

113.4.2 Citation format. The citation shall be on a form adopted by the Board of County Commissioners of Calvert County, which shall include:

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1. The date of issuance of the citation;
2. The name and the address of the person charged;
3. The section number of the ordinance that has been violated;
4. The nature of the violation;
5. The place where and time when the violation occurred;
6. The amount of the civil fine assessed;
7. The manner, location and time period in which the fine is to be paid;
8. Where applicable, the notice that each day of continued violation thereafter shall be deemed a separate violation subject to additional citation;
9. The name, business address and telephone number of the County official cognizant of the case; and
10. The person's right to elect to stand trial for the violation, and instructions and timing necessary to exercise the right to stand trial.

113.4.3 Service of citation. The citation is to be delivered in hand or by mail.

113.4.4 Uncorrected violations. Each separate day of violation that remains uncorrected is a distinct civil violation subject to an additional citation and fine in the amount prescribed in this section.

113.4.5 Fines. The fine for each civil violation of this chapter is:

1. For the first violation: \$250.
2. For the second violation: \$500.
3. For the third violation: \$750; and
4. For each violation in excess of three: \$1,000.

113.4.6 Violators. Subject to the person's right to stand trial, any person or contractor who violates any provision of this chapter and who is issued a citation under this section shall:

1. Be deemed to have committed a civil violation; and
2. Pay to Calvert County a civil fine in the amount prescribed.

113.4.7 Election to stand trial in lieu of paying fine.

1. A person who receives a citation may elect to stand trial for the violation in the District Court of Maryland by filing with the Division of Inspections and Permits a notice of intention to stand trial.
2. The notice shall be filed with the Division of at least five days before the last date on which payment of the fine is due as set forth in the citation.

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3. On receipt of the notice of intention to stand trial, the Division shall cause to be forwarded to the District Court a copy of the citation and the notice of intention to stand trial.
4. On receipt of the citation, the District Court shall schedule the case for trial and notify the Department of the trial date.

113.4.8 Failure to pay fine and referral to District Court.

1. If a person who received a citation for a violation fails to pay the fine by the date of payment set forth in the citation and fails to file a timely notice of intention to stand trial, a formal notice of the violation shall be sent to the person's last address, if known. If the citation is not satisfied within 15 days from the date of the notice, the person is liable for an additional fine not to exceed twice the original fine. If, after 35 days, the citation is not satisfied, the County may request adjudication of the case through the District Court.
2. The District Court shall schedule the case for trial and summon the defendant to appear.

113.4.9 Representation and prosecution of violations. The Board of County Commissioners shall designate the County Attorney or the State's Attorney to represent the interests of the County under this chapter and whose duty shall be to prosecute a civil violation under this article.

113.4.10 Liability for civil penalty related to cost of control and restoration.

1. In addition to any other sanction under this article, a person is liable for a civil penalty as provided in this section if the person is responsible for committing a violation which poses a threat to public health, safety and welfare.
2. Calvert County may bring a civil action to recover a civil penalty from a person who is liable under Subsection (1) of this section in an amount equal to double the cost of restoration of the building or structure to a state which does not pose a threat to public health, safety or welfare.
3. Recovery under Subsection (2) of this section may be allowed:
 - (a) On proof of costs as specified in Subsection (2); and
 - (b) Without the necessity of proving that the County performed work or incurred expenses for said control or restoration.
4. If any person responsible has made the required corrections within the time specified by a Division directive, the County may recover a civil penalty under this section in an amount equal to not more than 50 percent of the costs specified in Subsection (2) of this section.
5. Any civil penalties recovered under this section shall be deposited into a special fund, to be used solely for administration of the building inspection program.

Add new Section 113.5 to read as follows:

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113.5 Injunctions. The Board of County Commissioners of Calvert County or any interested person may seek an injunction against any person who violates or threatens to violate any provision of this chapter.

Revise Section 114.3 to read as follows:

114.3 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a violation and subject to a civil citation as specified in Section 113.4 of this code.

Add new Section 3109.4.1.10 to read as follows:

3109.4.1.10 Private swimming pools. Fences are required on all swimming pools which contain 24 inches or more of water in depth at any point, are located on less than two acres of land, or are located within 100 feet of any property line.

