

ORDINANCE NO. 09-11

[Pertaining to the repeal and reenactment, with amendments, of Chapter 18, (Building Code), of the *Code of Calvert County*]

For the purpose of repealing and reenacting, with amendments, the Chapter 18 Building Code of *Calvert County*.

By repealing and reenacting, with amendments, Chapter 18 of the *Code of Calvert County*, Volume 1.

Pursuant to authority granted in Article 25, Section 3, Subsections (s) and (t), as may be amended from time to time, of the *Annotated Code of Maryland* and following a duly advertised public hearing held on March 8, 2011.

Be it ordained by the Board of County Commissioners of Calvert County, Maryland, that the *Code of Calvert County* read as follows:

Chapter 18 – Building Construction

The International Building Code 2009 (IBC) and the International Residential Code 2009 (IRC) published by the International Codes Council, Inc., are hereby adopted as the Building Code for *Calvert County*, with the following insertions, additions, deletions, and changes.

SECTION 101 GENERAL

Revise Section 101.1 to read as follows:

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

Revise Section 101.2 to read as follows:

101.2. Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions

1. Detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.

2. Existing buildings undergoing repair, alterations or additions and changes of occupancy shall comply with the Maryland Building Rehabilitation Code set forth in COMAR Title 5, Subtitle 16.

3. With respect to any Qualified Commercial Power Generating Facility licensed or undergoing a license review by the U.S. Nuclear Regulatory Commission (NRC), pursuant to Title 10 of the Code of Federal Regulations, this code shall not apply to those buildings and structures which are subject to NRC review and inspection. The excepted buildings and structures include all portions of the power block, and all buildings and structures needed to support the power block functions, including, but not limited to, waste treatment facilities, security facilities, electrical transmission and distribution facilities, cooling towers, desalination plant, fire protection building and emergency power generating building. The excepted buildings and structures do not include office and administrative buildings and warehouses.

Revise Sections 101.4.1 through 101.4.3 to read as follows:

101.4.1. Gas. The provisions of the current version of the *Calvert County Plumbing Code* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.2. Mechanical. The provisions of the *International Mechanical Code 2006* with modifications (Ref: COMAR 05.02.07; *Business Regulation Article*, section 9A-205, *Annotated Code of Maryland*) shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.4.3. Plumbing. The provisions of the the current version of the *Calvert County Plumbing Code* shall apply to the installation, alteration , repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *International Private Sewage Disposal Code* shall apply to private sewage disposal systems.

Delete Section 101.4.4 in its entirety

Revised Section 101.4.5 to read as follows:

101.4.5. Fire prevention. Fire protection and safety practices shall be deemed to include the requirements of the Fire Code of the State of Maryland. The provisions of the Fire Code of the State of Maryland shall govern in all matters in which they are applicable and shall supersede the requirements of the IBC in all cases.

Revised Sections 103 and 103.1 to read as follows:

**SECTION 103
OFFICE OF BUILDING SAFETY**

103.1. Creation of enforcement agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the Building Official of the Division of Inspections and Permits.

Revised Section 103.2 to read as follows:

103.2. Appointment. The Building Official of the Division of Inspections and Permits, hereinafter known as 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.

**SECTION 104
DUTIES AND POWERS OF BUILDING OFFICIAL**

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.

**SECTION 105
PERMITS**

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 24 months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued.

Add new Sections 105.3.3 and 105.3.4 to read as follows:

105.3.3. 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.

105.3.4. 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 Sections 105.4.1 through 105.4.3 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.

105.4.2. Street Improvement. 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 of the appropriate law of the municipality when such permit is requested for work to be accomplished.

105.4.3. Enforcement. The building official is hereby authorized and directed to assist the enforcement of such statues, ordinances and regulations to the full extent of the powers delegated in this subtitle.

Revise Section 105.6 to read as follows:

105.6. Suspension or revocation.

(a) The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

(b) A permit under which no work is commenced within two years after issuance shall expire. 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.

Add new Sections 105.6.1 through 105.6.4 to read as follows:

105.6.1. Stopped work. 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.

105.6.2. Plumbing and electrical permits. 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.

105.6.3. Extension of permit. 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.

105.6.4. Applicability of current code. If a permit is extended in accordance with paragraph 105.6.3, 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.

SECTION 107 SUBMITTAL DOCUMENTS

Revise Section 107.2.5.1 to read as follows:

107.2.5.1. Location survey. The Building Official may, at any time, require a survey, prepared by a licensed professional, of the true location of new construction. This document may be required, as part of the inspection sequence and successive inspections will not occur until a survey is provided. Discrepancies between proposed site plans and the true location of construction can result in permit revocation.

Revise Section 109.2 to read as follows:

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

SECTION 113 BUILDING BOARD OF CALVERT COUNTY

Revise Sections 113.1 through 113.3 to read as follows:

113.1. General. The Board of County Commissioners acting under the General Powers of Article 25 of the Annotated Code of Maryland, appointed a six (6) member committee to be known as the "Building Board of Calvert County" on September 4, 1979 which are to be hereinafter known as the "Board". It shall be the duty of the Board to make recommendations for adoption, amendments to this code, rules and regulations, setting of fees and such other requirements they deem necessary for public safety, health and general welfare. The Board shall also serve as the Board of Appeals and hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

113.2. Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been

incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

113.3. Qualifications. The Building Board of Calvert County shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

Add new Sections 113.4 AND 113.5 to read as follows:

113.4. Membership of board. The Building Board of Calvert County 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.

113.5. Administration. The building official shall take immediate action in accordance with the decision of the board.

SECTION 114 VIOLATIONS

Revise Section 114.4. to read as follows:

114.4. Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

114.4.1. Citations. On verification of a violation of this Ordinance, 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.

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

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.

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

114.4.4. 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.

114.4.5. Fines. The fine for each civil violation of this Ordinance is:

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

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

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

114.4.7. Election to stand trial in lieu of paying fine. 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. The notice shall be filed with the Division of Inspections and Permits at least five days before the last date on which payment of the fine is due as set forth in the citation. 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. On receipt of the citation, the District Court shall schedule the case for trial and notify the Department of the trial date.

114.4.8. Failure to pay fine and referral to District Court. 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. The District Court shall schedule the case for trial and summon the defendant to appear.

114.4.9. 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 Ordinance and whose duty shall be to prosecute a civil violation under this Article.

Add new Section 114.5 as follows:

114.5. 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 Ordinance.

**SECTION 115
STOP WORK ORDER**

Revise Section 115.3 to read as follows:

115.3. 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 114.4 of this code.

**SECTION 901
FIRE PROTECTION SYSTEMS**

Revise Section 901.1 to read as follows:

901.1. Scope. Fire protection system requirements of Chapter 9 may be concurrently covered in the State Fire Code, Public Safety Article, §§6 – 101-6-202 Annotated Code of Maryland and COMAR 29.06.01. The State Fire Code is enforced by the State Fire Marshal or authorized fire official.

**SECTION 1001
GENERAL**

Revise Section 1001.1 to read as follows:

1001.1. General. Means of egress requirements of Chapter 10 may be concurrently covered in the State Fire Code, Public Safety Article, §§6-101-6-602, Annotated Code of Maryland and COMAR 29.06.01. The State Fire Code is enforced by the State Fire Marshal or authorized official.

**SECTION 1009
STAIRWAYS**

Revise Section 1009.4.2 , exception #5 to read as follows:

5 In Group R-3 occupancies; within dwelling units in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual dwelling units in Group R-2 occupancies; the maximum riser height shall be 8 1/4 inches (210 mm); the minimum tread depth shall be 10 inches (254 mm); the minimum winder tread depth at the walkline shall be 10 inches (254 mm); and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than 3/4 inch (19.1 mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm).

**SECTION 1101
GENERAL**

Revise Section 1101.1 to read as follows:

1101.1. Scope. The provisions of Maryland Accessibility Code set forth in COMAR 05.02.02 shall control the design and construction of facilities for accessibility of physically disabled persons.

**SECTION 3401
GENERAL**

Revise Section 3401.1 to read as follows:

3401.1. Scope. The provisions of the Maryland Building Rehabilitation Code shall control the repairs, modifications, reconstructions, additions, and changes in occupancy to existing buildings.

INTERNATIONAL RESIDENTIAL CODE (IRC)

Chapters 1 through 11 and appendices E and F as published by International Code Council Administration 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/2009 with the additions, insertions, omissions and changes prescribed in this title:

SECTION R101 GENERAL

Revise Section R101.1 to read as follows:

R101.1. Title. These provisions shall be known as the Residential Code for One- and Two-family Dwellings of Calvert County, Maryland, and shall be cited as such and will be referred to herein as "this code."

SECTION R103 DEPARTMENT OF BUILDING SAFETY

Revise Section R103.1 to read as follows:

R103.1. Creation of enforcement agency. The Office of Building Safety is hereby created and the official in charge thereof shall be known as the building official.

Revise Section 103.2 to read as follows:

R103.2. Building Official. The Building Official of the Division of Inspections and Permits, hereinafter known as 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.

Delete Section R103.2 in its entirety.

SECTION R104 DUTIES AND POWERS OF THE BUILDING OFFICIAL

Revise Section 104.1 to read as follows:

R104.1. General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

Add new Section 104.1.1 to read as follows:

R104.1.1. 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:

R104.7. 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.

Delete Section R104.10.1 in its entirety

SECTION R105 PERMITS

Revise Section 105.3.2 to read as follows:

R105.3.2. Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 24 months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued.

Add new Sections R105.3.3 AND R105.3.4 to read as follows:

R105.3.3. 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.

R105.3.4. 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 R105.4.1 to read as follows:

R105.4.1. 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. 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."

Revise Section 105.6 to read as follows:

R105.6. Suspension or revocation.

(a) The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

(b) A permit under which no work is commenced within two years after issuance shall expire. 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.

Add new Sections R105.6.1 through R105.6.4 to read as follows:

R105.6.1. Stopped work. 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.

R105.6.2. Plumbing and electrical permits. 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.

R105.6.3. Extension of permit. 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

R105.6.4. Applicability of current code. 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.

SECTION R106 CONSTRUCTION DOCUMENTS

Delete Section R106.1.3 in its entirety.

Add new Section R106.2.1 to read as follows:

R106.2.1. Location survey. The Building Official may, at any time, require a survey, prepared by a licensed professional, of the true location of new construction. This document may be required, as part of the inspection sequence and successive inspections will not occur until a survey is provided. Discrepancies between proposed site plans and the true location of construction can result in permit revocation.

SECTION R108 FEES

Revise Section R108.2 to read as follows:

R108.2. Fee schedule. A fee for each plan examination, building permit and inspection shall be paid in accordance with a fee schedule recommended by the Board and approved by the Board of County Commissioners.

**SECTION R109
INSPECTIONS**

Delete Section R109.1.3 in its entirety.

**SECTION R112
BOARD OF APPEALS**

Revise Section R112 to read as follows:

R112.1. General. The Board of County Commissioners acting under the General Powers of Article 25 of the Annotated Code of Maryland, appointed a six (6) member committee to be known as the "Building Board of Calvert County" on September 4, 1979 which are to be hereinafter known as the "Board". It shall be the duty of the Board to make recommendations for adoption, amendments to this code, rules and regulations, setting of fees and such other requirements they deem necessary for public safety, health and general welfare. The Board shall also serve as the Board of Appeals and hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

R112.2. Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

R112.3. Qualifications. The Building Board of Calvert County shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

R112.4. Membership of board. The Building Board of Calvert County 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.

R112.5. Administration. The building official shall take immediate action in accordance with the decision of the board.

**SECTION R113
VIOLATIONS**

Revise Section R113.4 to read as follows:

R113.4. 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 R113.4.1 through R113.5 to read as follows:

R113.4.1. Citations. On verification of a violation of this Ordinance, 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.

R113.4.2. Citation format. The citation shall be on a form adopted by the Board of County Commissioners of Calvert County, which shall include:

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.

R113.4.3. Service of citation. The citation is to be delivered in hand or by mail.

R113.4.4. 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.

R113.4.5. Fines. The fine for each civil violation of this Ordinance is:

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

R113.4.6. Violators. Subject to the person's right to stand trial, any person or contractor who violates any provision of this Ordinance and who is issued a citation under this section shall:

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

R113.4.7. Election to stand trial in lieu of paying fine. 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. The notice shall be filed with the Division of Inspections and Permits at least five days before the last date on which payment of the fine is due as set forth in the citation. 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. On receipt of the citation, the District Court shall schedule the case for trial and notify the Department of the trial date.

R113.4.8. Failure to pay fine and referral to District Court. 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. The District Court shall schedule the case for trial and summon the defendant to appear.

R113.4.9. 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 Ordinance and whose duty shall be to prosecute a civil violation under this Article.

R113.5. 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 Ordinance.

SECTION R114 STOP WORK ORDER

Revise Section R114.2 to read as follows:

R114.2. 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 R115 to read as follows:

SECTION R115 CONTRACTORS LICENSE AND BOND REQUIRED

R115.1. Definitions. For the purpose of this section, the following terms shall have the meanings respectively ascribed to them by this section:

1. Board - The term "board" shall mean the Calvert County Building Board.
2. Building Contractor - The term "building contractor" shall mean any person, firm, co-partnership, 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 – The term “county” means Calvert County, excluding incorporated towns located within Calvert County.

4. 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.

R115.2. Registration and license required. Subject to provisions authorized in 115.7 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 have a license issued as provided in this section.

R115.3 . Application; fee; qualifications. The Building official shall maintain a register of all licenses issued in such a form as the Board shall require.

R115.3.1. Written Application. Any person desiring to be licensed as a building contractor in the County shall make and file with the Building Official a written application on a form approved by the Board.

R115.3.2. Fee. Each application shall be accompanied by a fee in an amount recommended by the Board and approved by the Board of County Commissioners as application fee.

R115.3.3. Information. The 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.

R115.3.4. Compliance with law. Before the issuance of a license the Building Official shall ascertain from reliable sources the applicant's record of compliance with the laws of the State and the County.

R115.3.5. Further information. The Board may request further information from the Building Official or other sources, make independent investigation and conduct examination of the applicant, at its discretion.

R115.3.6 . Certification of qualifications. On the basis of the foregoing, it shall be the Board's duty, within sixty (60) days after submission of an application for a license, to certify to the Building Official whether the applicant and his organization are qualified to comply with this code and laws of the county and state and to perform fully his building contracts and should be licensed, and to notify the applicant.

R115.3.7. Denial. 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.

R115.4. Issuance; bond required; fee. The Building Official 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 Board and approved by the Board of County Commissioners

R115.4.1. Bond; conditions. 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 this code and laws of the County and state.

R115.4.2. Proceeding against bond. 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.

R115.4.4. Compliance. This bonding provision may be satisfied if the applicant has obtained a bond in an amount recommended by the 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.

R115.4.5. Revocation or license. The Building Official shall immediately revoke the license upon failure of any licensee to maintain such bond.

R115.5. 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 Building Official. Applicants for renewal shall pay to the County at the time of filing such application the fee in an amount recommended by the Board and approved by the Board of County Commissioners.

R115.6. 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 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 Building official and payment of a fee as set forth by the Board of County Commissioners.

R115.7. 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 this 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 this 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.

R115.7.1. Complaints concerning defects. In matters dealing with complaints of defects in construction which violate provisions of this Chapter and rules and regulations promulgated pursuant thereof the Building Official will investigate such complaints and, if the same are found to be justified in the opinion of the Building Official, shall give the licensee one month to correct such defects or until the weather, season, or availability of parts permits correction.

R115.7.2. Correction of defects. Failure to correct such 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.

R115.8. Revocation of license. 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.

R115.8.1. Notice. 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.

R115.9. Administration. This section shall be administered by the Building official of the Department of Inspections and Permits.

R115.10. 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.

R115.11. Applicability of article. The provisions of this section shall apply only to construction work within the purview of this code and laws of the County and State. Fees paid shall not be refunded for any reason.

R115.12. License not required. 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.

R115.12.1. Statement. 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.

R115.12.2. Violation. 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.

SECTION R116 COMPLIANCE WITH CODE

Add new Section R116.01 to read as follows:

R116.01. 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 this code.

SECTION R202 DEFINITIONS

Add definition of "Freestanding Deck" to read as follows:

FREESTANDING DECK: A deck that does not utilize or rely on the exterior wall of an existing structure to support vertical loads but instead requires additional beam(s) with posts at or near the wall of the existing structure.

**SECTION R301
DESIGN CRITERIA**

Add Table R301.2.1 to read as follows:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Subject to Damage From				Winter Design Temp.	Ice Shield Underlayment Required	Flood Hazard	Air Freezing Index	Mean Annual Temp.
			Weathering	Frost Line Depth	Termite	Decay					
<u>20</u>	<u>90</u>	<u>A</u>	<u>Severe</u>	<u>24"</u>	<u>Moderate to Heavy</u>	<u>Slight to Moderate</u>	<u>20° F</u>	<u>No</u>	<u>*</u>	<u>293</u>	<u>56° F</u>

* Chapter 46 of the Code of Calvert County as amended from time to time.

**SECTION R308
GLAZING**

Revise Section R308.4.3 to read as follows:

3. Glazing in an individual fixed or operable panel where the bottom edge of the glazing is less than 18 inches (457 mm) above the floor.

Exceptions:

1. Decorative glazing.
2. When a horizontal rail is installed on the accessible side(s) of the glazing 34 to 38 inches (864 to 965) above the walking surface. The rail shall be capable of withstanding a horizontal load of 50 pounds per linear foot (730 N/m) without contacting the glass and be a minimum of 1 1/2 inches (38 mm) in cross sectional height.

**SECTION R311
MEANS OF EGRESS**

Revise Sections R114.7.4 to read as follows:

R311.7.4. Stair treads and risers. Stair treads and risers shall meet the requirements of this section. For the purposes of this section all dimensions and dimensioned surfaces shall be exclusive of carpets, rugs or runners.

R311.7.4.1. Riser height. The maximum riser height shall be 8-1/4 inches (210 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R311.7.4.2. Tread depth. The minimum tread depth shall be 9 inches (299 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Consistently shaped winders at the walkline shall be allowed within the same flight of stairs as rectangular treads and do not have to be within 3/8 inch (9.5 mm) of the rectangular tread depth. Winder treads shall have a minimum tread depth of 9 inches (299 mm) measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point within the clear width of the stair. Within any flight of stairs, the largest winder tread depth at the walkline shall not exceed the smallest winder tread by more than 3/8 inch (9.5 mm).

R311.7.4.3. Profile. The radius of curvature at the nosing shall be no greater than 9/16 inch (14 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosings shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped under the tread above from the underside of the nosing above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exceptions:

1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).
2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.

**SECTION R313
AUTOMATIC FIRE SPRINKLER SYSTEMS**

Revise Section R313 to read as follows:

Ordinance # 09-11
Chapter 18 (Building Code) Code of Calvert County

R313.1. Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in townhouses.

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

R313.1.1. Design and installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section P2904.

R313.2. One- and two-family dwellings automatic fire systems. Effective July 1, 2013, an automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.

R313.2.1. Design and installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.

SECTION R317 PROTECTION OF WOOD AND WOOD BASED PRODUCTS AGAINST DECAY

Revise Section R317.1, exception 2 , to read as follows:

Exceptions.

2. All wood framing members that rest on concrete or masonry exterior foundation walls.

SECTION R403 FOOTINGS

Revise section R403.14.1 by deleting exceptions 1 through 3..

SECTION R404 FOUNDATION AND RETAINING WALLS

Revise Section R404.4 to read as follows:

R404.4. Retaining walls. Retaining walls that are not laterally supported at the top and that retain in excess of 36 inches (915 mm) of unbalanced fill shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against lateral sliding and overturning.

**SECTION R407
COLUMNS**

Revise Section R407.3 to read as follows:

R407.3. Structural requirements. The columns shall be restrained to prevent lateral displacement at the bottom end. Wood columns shall not be less in nominal size than 4 inches by 4 inches (102 mm by 102 mm). Steel columns shall not be less than 3-inch-diameter (76 mm) Schedule 40 pipe manufactured in accordance with ASTM A 53 Grade B or approved equivalent.

Exceptions

1. In Seismic Design Categories A, B and C, columns no more than 48 inches (1219 mm) in height on a pier or footing are exempt from the bottom end lateral displacement requirement within under-floor areas enclosed by a continuous foundation.
2. Wood columns over eight feet in height measured from grade to the point of bearing shall not be less than 6 inches by 6 inches.

**SECTION R502
WOOD FLOOR FRAMING**

Revise Section R502.2.2.2 to read as follows:

R502.2.2.2. Alternate deck ledger connections. Deck ledger connections not conforming to Table R502.2.2.1 shall be designed by a registered design professional or decks shall be freestanding. Girders supporting deck joists shall not be supported on deck ledgers or band joists and require bearing per R502.6 . Deck ledgers shall not be supported on stone or masonry veneer.

And be it Further Ordained by the Board of County Commissioners of Calvert County, Maryland, that this ordinance shall take effect upon execution and filing with the clerk of the circuit court; provided however, that any building permit that was applied for prior to the adoption of this ordinance shall be subject to the provisions of Chapter 18 of the Code of Calvert County in effect prior to the adoption of this ordinance. Any building permit applied for after the effect date of this ordinance has been subject to this ordinance

BR00035P6278

Approved and Done this 19 day of April 2011.

Attest:

Orinney Cook
Clerk

Board of County Commissioners of
Calvert County, Maryland

Susan Shaw
Susan Shaw, President

Patrick Nuttel
Patrick Nuttel, Vice-President

Gerald W. Clark
Gerald W. Clark

Evan K. Slaughenhoupt
Evan K. Slaughenhoupt, Jr.

Steven R. Weems
Steven R. Weems

Approved for Legal

Sufficiency on 4/19/11

By: Emanuel Demedis
Emanuel Demedis, County Attorney

Received for Record..... 4/28/..... 2011
at 2:04..... o'clock..... P. M. Same day
recorded in Liber KPS No. 36
Folio 252..... COUNTY COMMISSIONERS
MEETINGS AND RESOLUTION.

Henry P. Smith