

COUNTY ORDINANCE NO. 20-11

A BILL ENTITLED

AN ACT CONCERNING Updates to the Building Code for Queen Anne's County;

FOR THE PURPOSE of bringing all codes in line with the most current state and federal editions: International Building Code, International Residential Code, International Mechanical Code, International Energy Conservation Code, National Fire Protection Association Fire Code, National Electrical Code, National Standard Plumbing Code Illustrated, and National Fuel Code; defining "Substantial Improvement" for purpose of automatic sprinkler system installation; providing for a digital seal submittal option; increasing the penalties for violations; and generally dealing with and updating Chapter 10 of the Code of Public Local Laws of Queen Anne's County.

BY AMENDING Sections 10-1 through 10-7 of Chapter 10 of the Code of Public Local Laws of Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Chapter 10, Sections 10-1 through 10-7 of the Code of Public Local Laws be and is hereby AMENDED to read as follows:

ATTACHMENTS

Attachment - 1 Table R301.2(1) 

§ 10-1 Adoption of standards

[Amended 5-7-2002 by Ord. No. 02-05; 1-26-2016 by Ord. No. 15-16]

Except as otherwise amended by this chapter and as may be modified by the Maryland Department of Labor, Licensing, and Regulations after adoption of the individual codes which constitute the Maryland Building Performance Standards (MBPS), the following Codes are hereby adopted as the Building Code for Queen Anne's County as if the Codes were set out in full in this chapter.

[1] Editor's Note: All DLLR modifications to the Codes set out below become effective 4 months from the date of state adoption.

A. The Maryland Building Performance Standards as set forth in the Code of Maryland Regulations 05.02.07 which incorporates the current edition of the International Building Code, 2015 Edition, and the International Residential Code for One- and Two- Family Dwellings, 2015 Edition.

B. International Mechanical Code, 2015 current Edition, published by the International Code Council, Inc.

C. International Energy Conservation Code, 2015 current Edition, published by the International Code Council, Inc.

D. NFPA 1, 2015 current Edition Fire Code as published by the National Fire Protection Association; NFPA 101, 2015 current Edition Life Safety Code as published by the National Fire Protection Association.

E. The 2014 current Edition National Electrical Code, NFPA 70.

F. ~~2012 National Standard Plumbing Code Illustrated, (National Association of Plumbing-Heating-Cooling Contractors)-~~ Current Edition of International Plumbing Code

G. The Maryland State Accessibility Code, Code of Maryland Regulations 05.02.02.

H. ~~2015 Edition, National Fuel Code, ANSI Z223.1 NFPA 54.~~ Current Edition International Fuel Gas Code

I. 2013 Current Edition Fire Alarm Code, NFPA 72.

J. 2013 Current Edition Sprinkler Code, NFPA 13.

K. ~~2015~~ Current Edition Natural Gas Code, NFPA 54.

L. 2014 Current Edition LP Gas Code, CFPA 58.

§ 10-2 Building Code amendments.

[Amended 5-7-2002 by Ord. No. 02-05; 6-24-2008 by Ord. No. 08-02; 9-25-2012 by Ord. No. 12-17; 12-13-2016 by Ord. No. 16-16; 2-14-2017 by Ord. No. 16-25]

The provisions of the International Building Code, 2015 Current Edition, as incorporated in COMAR 05.02.07 are modified, deleted, substituted, or added to as follows:

A. In general.

(1) The term "Code Official" as used in this Code means the Zoning Administrator of the Department of Planning and Zoning.

(2) Where the name of the jurisdiction is to be indicated in any section of this Code, insert "Queen Anne's County, Maryland."

(3) The term "Department of Building Inspection," as used in this Code, means the Department of Planning and Zoning.

B. Specific amendments.

(1) Chapter 1. Administration.

(a) 101.2 Exemptions - Farm Buildings. At the end of Subsection 102.1, add the following: "The provisions of this Code shall not apply to the construction, alteration, addition, repair, removal, demolition, use, location or maintenance of farm buildings. This provision does not exempt the owner from obtaining required electrical or plumbing permits nor from complying with all other applicable local, state and federal regulations, laws and ordinances."

(b) 101.2.1 Appendices. Delete all appendices except Appendix F.

(c) 101.4 Referenced Codes. Amend Section 101.4 by deleting Subsections 101.4.1, 101.4.2, 101.4.3, 101.4.4, 101.4.5 and 101.4.6. Renumber Subsection 101.4.7 as Subsection 101.4.1.

(d) 105.1.1 Annual permit: delete entirely.

(e) 105.1.2 Annual permit records: delete entirely.

(f) 105.2 Work exempt from permit. Amend Paragraph I under "Building" to read: "one-story detached accessory structure used as tool and storage sheds, playhouse and similar uses, provided its floor area is less than 200 square feet."

(g) 105.2 Work exempt from permit. Add new Paragraph 14 under "Building" to read "Farm building; however, this provision does not exempt the owner of a farm building from obtaining the required electrical or plumbing permits, nor from complying with all other applicable local, state and federal regulations, laws and ordinances."

(h) 107.1 Construction documents.

[1] Delete 107.2 entirely and amend as follows:
Renumber 107.3, 107.4 and 107.5 as 107.2, 107.3 and 107.4.

[2] Add new Subsection 107.1.1 to read as follows:

107.1.1 Information on construction documents.

The application for the building permit shall be accompanied by plans and specifications as follows:

1. Detached one- and two- family dwellings: two sets of drawings, drawn to scale with sufficient clarity and detail to show the nature and character of the work to be performed, including, but not limited to:

- a. Floor plans each floor level, two elevations and typical cross section:
- b. Four copies of plot plans or two copies of formal approved site plan as required by Queen Anne's County Zoning Ordinance, if applicable.

2. Detached one- and two-family dwellings, alterations, small additions, miscellaneous structures: two sets of drawings as in Subsection 1 above; however, the Code Official may waive the requirements for plan submittal for alterations, one-story additions less than 600 square feet total area and miscellaneous structures accessory to one- and two-family dwellings, provided that the application for such additions and accessory structures shall be accompanied by four copies of the plot plan and two copies of the formally approved site plan when required by the Queen Anne's County Zoning Ordinance.

3. New buildings, additions and alterations to buildings other than detached one- and two-family dwellings: three complete sets of architectural, structural, mechanical (heating, ventilation, air conditioning HVAC) plumbing and electrical plans, drawn to scale with sufficient clarity and detail to show the nature and character of work to be performed. The plans shall be prepared in compliance with this

Code, and shall have the seal and signature of a Maryland state professional engineer or architect affixed to each and every sheet of all sets, at least one of which shall bear the original (not reproduced) seal and signature. An impression seal, rubber stamp facsimile, or digital seal compliant with COMAR 09.23.03.09 is acceptable.

(i) 108.3 Temporary power. Amend to read as follows: "The Building Official is authorized to give permission to temporarily supply and use power in part of an electrical installation before such installation has been fully completed and the final certification of completion has been issued."

(j) 109.6 Refunds. Delete Subsection 109.6 and substitute the following: "When an unissued permit has been denied by the Building Official or withdrawn by the property owner or agent, a refund of 50% is due on building codes and zoning fee paid. No refund will be given on issued permits."

(k) 109.7 Inspection fees.

[1] Add a new Subsection 109.7 to read as follows:

109.7. Reinspection fees.

A reinspection fee may be charged for each reinspection if the work has to be reinspected because:

1. The work was not ready for inspection at the prearranged time for inspection;
2. The inspector did not have access to the work at the prearranged time for inspection; or
3. The inspector discovers a flagrant noncompliance during a requested inspection.

(l) 110.3 Required inspections. Delete Subsections 110.3.2, 110.3.3 and 110.3.5. Renumber Subsections 110.3.4, 110.3.6, 110.3.7, 110.3.8, 110.3.9 and 110.3.10 as Subsections 110.3.2, 110.3.3, 110.3.4, 110.3.5, 110.3.6 and 110.3.7.

(m) 110.3.2 Foundation inspection. Add a new subsection to read as follows: "Foundation inspection shall be made when the foundation is complete with all required anchors, vents and termite shield installed."

(n) 110.5 Inspection requests. Amend the section to include the following at the end of the first sentence: "24 hours

before said work is completed."

(o) 110.7 Withholding of inspection and permit. Add a new subsection to read as follows: "If the Code Official finds that a contractor, developer, or owner has violated the provisions of the Code, this chapter or rules or regulations which implement this chapter in connection with the construction, maintenance, alteration, or repair of any building, structures, equipment or land within Queen Anne's County, the Building Official, after written notice to the violator, and a hearing on the allegations, may refuse to grant further inspections or further permits of any kind to the contractor, developer, or owner until all violations have been corrected and all fees have been paid."

(p) 115.2.1 Stop-work order; posting. Add a new subsection to read as follows: "The posting of a stop-work order at the job site shall constitute adequate notification by the Code Official."

(2) Chapter 2. Definitions.

(a) 202 Add the following definition:

FARM BUILDING. A structure utilized to store farm implements, hay, feed, grain, or other agricultural or horticultural products or to house poultry, livestock, or other farm animals. Such structure shall not include habitable or occupiable spaces, spaces in which agricultural products are processed, treated, or packaged; nor shall an agricultural building be a place of occupancy by the general public.

HISTORIC STRUCTURE shall be subject to the requirements of these regulations if the proposed work is determined to be a substantial improvement, unless a determination is made that the proposed work will not preclude the structure's continued designation as an historic structure. The Code Administrator may require documentation of a structure's continued eligibility and designation as an historic structure.

(3) Chapter 9. Fire Protection Systems.

(a) 903.2.2 Delete the subsection and substitute the following: "An automatic sprinkler system shall be provided throughout all buildings in Use Group E in accordance with Subsection 903.3.1.1. Exception: where each classroom has at least one exterior door at ground level."

(b) 903.2.8 Automatic sprinkler system Group R-2 and R-3. Amend title as above. Delete subsection and add the

following: "An automatic sprinkler system shall be provided throughout all buildings with an occupancy in Use Group R-2 and R-3."

(c) 904.3.1 Electrical wiring. Delete reference to ICC Electrical Code and insert: National Electrical Code (NFPA70), most recent edition."

(d) 910.2.1 Groups F-1 and S-1 and M. Amend title as above and amend subsection to add Use Group M and the following exception: "Buildings of Use Group Classification M with a story height of less than 20 feet shall be exempt from the smoke venting requirements of this chapter."

(4) Chapter 16. Structural Design.

(a) 1607.10 Reduction in live loads. Add a new Subsection 1607.10.1.5. to read as follows: "1607.10.1.5. Exceptions. Live load reductions allowed by Section 1607.10 shall not apply to roofs."

(b) 1607.12.1.1 Minimum roof live loads. Add new paragraph to existing subsection as follows: "Roofs shall be designed for a minimum live load of 30 pounds per square foot or designed for the minimum snow load, whichever is greater."

(5) Chapter 18. Soils and Foundations.

(a) 1809.5 Frost protection. Amend Subsection 1809.5 to read as follows: "Except where erected upon solid rock or otherwise protected from frost, foundation walls, piers, and other permanent supports of buildings or structures 200 square feet or larger in area or 10 feet in height shall extend below the frost line of 24 inches below finished grade, and spread footings of adequate size shall be provided where necessary to properly distribute the load within the allowable load bearing value of soil.

Alternatively, such structures shall be supported on piles where solid earth or rock is not available. Footings shall not bear on frozen soils unless frozen condition is of a permanent nature."

(6) Chapter 33. Safeguards During Construction.

(a) 3306.10. Accessibility during construction operations. Add new section titled as above to read as follows: "During construction operations the contractor shall maintain at

all times a vehicular roadway that will permit the unimpeded movement of emergency vehicles from the improved street to within 200 feet of the most remote building under construction on the site. The vehicular access roadway surface shall be either crusher run, stone base, blacktop or other suitable compacted surface material approved by the Department."

§ 10-3 One- and Two-Family Dwelling Code amendments.

[Amended 5-7-2002 by Ord. No. 02-05; 6-24-2008 by Ord. No. 08-02; 9-25-2012 by Ord. No. 12-17; 2-14-2017 by Ord. No. 16-25]

The provisions of the International Residential Code for One and Two Family Dwellings, ~~2000~~ Current Edition, as incorporated in COMAR 05.02.07 are modified, deleted, substituted, or added to as follows:

A. Chapter 1. Administrative. Chapter 1 of the International Residential Code for One or Two Family Dwellings is hereby deleted in its entirety and replaced with Chapter 1 of the International Building Code, ~~2015~~ Current Edition, as amended herein.

B. Section R301.2 Climatic and geographic criteria, shall be amended so that Table R301.2(1) shall read as follows:^[1]
[1] *Editor's Note: Table R301.2(1) is included as an attachment to this chapter.*

C. Section R202 Definitions: Add the following Definition:

SUBSTANTIAL IMPROVEMENT: Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure. This activity does not prompt compliance with automatic fire sprinkler system installation requirements.

§ 10-4 National Electrical Code amendments.

[Added 7-6-2004 by Ord. No. 04-10^[1]]

The provisions of the National Electric Code are modified and amended so as to exempt smoke detectors from any requirement or requirements for wiring into an arc fault circuit interrupter specifically including the provisions of Section 210.12(B) of the National Electric Code (~~2002~~ Current Edition).

[1] *Editor's Note: This ordinance also renumbered former §§ 10-4 and 10-5 as §§ 10-5 and 10-6, respectively.*

§ 10-5 National Fuel Gas Code amendments.

[Added 11-4-2003 by Ord. No. 03-19^[1]]

The provisions of the ~~1999~~ Current Edition, National Fuel Code, ANSI, 2223.1 NFPA 54 (the County Fuel Code) are modified and added to as follows:

A. Additions. Section 3.2 and Appendix 1 of the ~~2001~~ Edition of the Liquefied Petroleum Gas Code, NFPA 58, are added to, incorporated in and made a part of the County Fuel Code.

[1] *Editor's Note: This ordinance also renumbered former § 10-4, Violations and penalties, as § 10-5.*

§ 10-6 Fire Prevention Code.

[Added 7-14-2009 by Ord. No. 09-13]

A. Definitions. In this section, the following words have the meanings indicated.

DEPUTY FIRE MARSHAL

Those qualified and appointed by the Fire Marshal with the duties and powers to enforce the Fire Prevention Code.

EXISTING BUILDING, CONDITION, OR FACILITY

Any building, plant, condition, or equipment that existed before February 1, 2008, or any building, plant, condition, or equipment for which a building, electrical, mechanical, or plumbing permit was issued before February 1, 2008.

FIRE MARSHAL

The Division Chief of the Queen Anne's County Office of the Fire Marshal

NEW BUILDING, CONDITION, OR FACILITY

Any building, plant, condition, or equipment for which a building, electrical, mechanical, or plumbing permits was issued on or after February 1, 2008. Any such building, plant, condition or equipment shall continue to be classified as "new" until one year after such building, condition, or facility has obtained all final inspections.

NFPA

National Fire Protection Association,

B. Scope.

(1) Applicability. This section applies both to new and existing buildings, conditions, or facilities, except as set forth below.

(2) Inapplicability.

(a) This section does not apply to one- and two-family dwellings, except for the installation and maintenance of smoke alarms and residential sprinklers when required by any federal, state or local law or regulation.

(b) Inapplicability to Maryland Building Rehabilitation Code. The requirements of this section do not apply to work areas that are subject to the Maryland Building Rehabilitation Code as found at Subtitle 10 of Title 12 of the Public Safety Article of the Maryland Annotated Code and associated regulations.

(3) Notwithstanding the foregoing Subsection B, this section shall apply to any new or existing building, condition or facility, if:

(a) The Fire Marshal or Deputy Fire Marshal has found that the continuation of an existing condition would constitute a distinct hazard adverse to life, property, public safety, or welfare; or

(b) The building undergoes a change from one occupancy classification to another or from one occupancy sub-classification to another.

C. Administration. Except as otherwise provided in the Fire Prevention Code, the Fire Marshal, or Deputy Fire Marshal shall enforce and administer the provisions of this section.

D. Fire Prevention Code.

(1) Adoption. The following codes and standards as amended and republished from time to time are adopted by reference as the Fire Prevention Code for Queen Anne's County

(a) NFPA 1, ~~2009~~ Current Edition Fire Code, as published by NFPA;

(b) NFPA 101, ~~2009~~ Current Life Safety Code, as published by NFPA;

(c) Those portions of the Maryland Building Performance Standards related to fire safety.

(2) Conflicts. If there are conflicts within the documents set forth in subsection (a) of this section, the most restrictive provision shall apply.

(3) Matters not provided for. Any requirement essential for fire safety that is not specifically covered by the Fire Prevention Code shall be determined by the Queen Anne's County Fire Marshal in accordance with the NFPA National Fire Codes or other NFPA technical publications.

(4) Modifications. Section 1-10 of NFPA 1, Fire Code, shall be deleted and all appeals under the Fire Prevention Code shall be to the Maryland State Fire Prevention Commission. Any person shall be permitted to appeal a decision of the Fire Marshal or Deputy Fire Marshal when it is claimed that any one or more of the following conditions exist:

- (a) The true intent of the Fire Prevention Code has been incorrectly interpreted.
- (b) The provisions of the Fire Prevention Code do not fully apply.
- (c) A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

An appeal and all documentation in support thereof shall be submitted to the Fire Marshal in writing within 30 calendar days of notification of violation outlining the provision of the Fire Prevention Code from which relief is sought and the remedy proposed

E. Implementation. The implementation of the Fire Prevention Code shall be in accordance with the inspection priority and frequency policy as established by the Office of the Fire Marshal.

F. Fees. The Office of the Fire Marshal shall charge and collect fees for inspection, re-inspection and plan review in accordance with the fee schedule established by the Office of the Maryland State Fire Marshal, as the same may be amended from time to time.

G. Flammable and hazardous chemicals storage - signs. All establishments storing or handling flammable or hazardous chemicals shall be plainly marked with signs at entrances to storage or use areas and at other points that are recommended by the Fire Marshal or the Deputy Fire Marshal. These signs shall be in accordance with the "Standard System for the

Identification of the Hazards of Materials for Emergency Response," published by NFPA.

§ 10-7 Violations and penalties.

[Amended 5-7-2002 by Ord. No. 02-05; 7-14-2009 by Ord. No. 09-13]

A. Civil penalties.

(1) Any person who shall erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this chapter, or cause the same to be done, in conflict with or in violation of any of the provisions of this chapter, shall be guilty of a civil violation and subject to an original present fine, not to exceed ~~\$500-\$1,000~~. The pre-set fines shall be \$250 for a first offense, \$500 for a second offense, \$750 for a third offense and \$1,000 for a fourth or subsequent offense. In the case of any violation of the Queen Anne's County Fire Prevention Code, § 10-6 hereof, the pre-set fines shall be \$100 for a first offense, \$250 for a second offense, \$500 for a third offense and \$1,000 for a fourth or subsequent offense.

(2) Each day on which a violation continues constitutes a separate violation.

B. Collection of civil penalties.

(1) The procedures, duties and provisions of § 18:1-213 of the Code of Public Local Laws of Queen Anne's County respecting collection of civil zoning violations shall apply to civil violations issued hereunder.

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	Wind Design				SEISMIC DESIGN CATEGORY	Subject to Damage From			Winter Design Temp	Ice Barrier Underlayment Required ^b	FLOOD HAZARDS (g)	Air Freezing Index ¹	Mean Annual Temp ¹
	Speed ^d (mph)	Topographic Effects ^k	Special Wind Region	Wind-Borne Debris Zone ^l		Weathering ^a	Frost Line Depth ^b (inches)	Terminate ^c					
25	115	138	N/A	NO	A	Severe	24	Moderate/heavy	17	No	11/15/14	1500	54.4

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index, “negligible,” “moderate” or “severe” for concrete as determined from Figure R301.2(3). The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4. e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2% values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective

FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.

h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the one-hundred-year return period air freezing index (BF-days) from Figure R403.3(2) or from the one-hundred-year (99%) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32° F.)."
10 Attachment 1:1 03 - 01 – 2017

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index USA Method (Base 32° F.)."

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46th) day following its adoption.

INTRODUCED BY: Commissioner Dumenil

DATE: August 25, 2020

PUBLIC HEARING HELD: September 22, 2020 @ 6:05 pm

VOTE: 5 Yay 0 Nay

DATE OF ADOPTION: October 13, 2020

EFFECTIVE DATE: November 28, 2020