

Subject: Building Construction - To Amend Chapter
203 of the Code of St. Mary's County,
Maryland, Regarding Building Construction
Codes

ORDINANCE

TO AMEND CHAPTER 203 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND, REGARDING BUILDING CONSTRUCTION CODES

WHEREAS, §13-906 of the *Local Government Article* of the *Annotated Code of Maryland* enables the Commissioners of St. Mary's County to adopt, amend and enforce a building code to provide for the construction, maintenance and repair of any and all buildings and structures located in or to be located in St. Mary's County; and

WHEREAS, pursuant to §12-503 of the *Public Safety Article* of the *Annotated Code of Maryland*, the State of Maryland adopted, effective as of March 25, 2019, the 2018 versions of the International Building Code (hereinafter "IBC"), including the International Residential Code for One- and Two-family Dwellings (hereinafter "IRC") and the International Energy Conservation Code (hereinafter "IEEC"), with the modifications incorporated by the Maryland Department of Labor, Licensing, and Regulation, as the Maryland Building Performance Standards; and

WHEREAS, pursuant to §12-504 of the *Public Safety Article* of the *Annotated Code of Maryland*, local jurisdictions may adopt amendments to the Maryland Building Performance Standards; and

WHEREAS, pursuant to §12-503 and §12-505 of the *Public Safety Article* of the *Annotated Code of Maryland*, the Maryland Building Performance Standards apply to each building or structure in the State, and each local jurisdiction is required to enforce the most current version of the Standards and any local amendments to the Standards; and

WHEREAS, pursuant to §12-603 of the *Public Safety Article* of the *Annotated Code of Maryland*, and §38-10 of the Code of St. Mary's County, Maryland, an electrical installation shall conform to the National Electrical Code; and

WHEREAS, pursuant to §12-205 of the *Business Occupations Article* of the *Annotated Code of Maryland*, the State Board of Plumbing has adopted a State Plumbing Code enforcement of which is required in St. Mary's County; and

WHEREAS, pursuant to §9A-205 of the *Business Regulation Article* of the *Annotated Code of Maryland*, the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors has adopted a code that sets minimum standards for installing, altering, remodeling, maintaining, and repairing heating, ventilation, air-conditioning, hydronic, and refrigeration systems, enforcement of which is required in St. Mary's County; and

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WHEREAS, pursuant to §12-1004 and §12-1007(a) of the *Public Safety Article* of the *Annotated Code of Maryland*, the State of Maryland adopted effective as of March 25, 2019, the 2015 version of the International Existing Building Code (hereinafter "IEBC"), with the modifications incorporated by the Maryland Department of Labor, Licensing, and Regulation, as the Maryland Building Rehabilitation Code; and

WHEREAS, the Commissioners of St. Mary's County held a public hearing on February 4, 2020, for the purpose of receiving public testimony and to consider amendments to Chapters 203 of the *Code of St. Mary's County* regarding building construction codes after notice was published in the *Enterprise*, a local newspaper of general circulation in St. Mary's County, Maryland, on January 17, 2020, and January 24, 2020; and

WHEREAS, the Commissioners of St. Mary's County find that amendments to Chapters 203 of the *Code of St. Mary's County* regarding building construction codes would be in best interest of the health, safety and welfare of the citizens of St. Mary's County,

NOW THEREFORE, BE IT ORDAINED, by the Commissioners of St. Mary's County, that:

SECTION I. §§203-1 through §203-10 (Article I), §203-11, §203-14, §203-15 of the *Code of St. Mary's County* are repealed.

SECTION II. §203-1 of the *Code of St. Mary's County* is enacted to read as follows:

Sec. 203-1. Building Permits

A building permit shall be required for any electrical installation as defined in Title 12 Subtitle 6 of the *Public Safety Article* of the *Annotated Code of Maryland*.

SECTION III. §203-12 of the *Code of St. Mary's County* is amended as follows:

1. Chapter 1 of the *2018 International Building Code* is repealed and re-enacted to read as follows (retaining any sections, subsections, tables and figures not specifically enumerated herein, including any prior amendments thereto):

CHAPTER 1 SCOPE AND ADMINISTRATION

**SECTION 101 GENERAL
PART 1—SCOPE AND APPLICATION**

[A] **101.1 Title.** These regulations shall be known as the Building Code of St. Mary's County, hereinafter referred to as "this code."

[A] **101.2 Scope.** The provisions of this code shall apply to the construction, alteration, relocation, replacement, equipment, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: 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;

Exception: 2. Existing buildings undergoing repair, alterations or additions, and change of occupancy shall comply with the Maryland Building Rehabilitation Code set forth in COMAR 09.12.58; and

Exception: 3. Maintenance of residential structures and premises shall comply with the St. Mary's County Minimum Livability Code.

Exception: 4. Construction, alteration, or modification of an agricultural building for which agritourism is an intended subordinate use.

1. An existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if:
 - (a) The subordinate use of agritourism does not require more than 200 people to occupy an individual building at any one time; and
 - (b) The total width of means of egress meets or exceeds the International Building Code standard that applies to egress components other than stairways in a building without a sprinkler system.
2. An agricultural building used for agritourism:
 - (a) Shall be structurally sound and in good repair; but
 - (b) Need not comply with:
 - i. Requirements for bathrooms, sprinklers systems, and elevators set forth in this code; or
 - ii. Any other requirements of this code.

[A] **101.2.1 Appendices.** The following Appendices are adopted as part of the code: C, F, G and I.

[A] **101.3 Intent.** The purpose of this code is to establish the minimum requirements to provide a reasonable level of safety, public health and general welfare through structural strength, means

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of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire, explosion and other hazards, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

[A] **101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

[A] **101.4.1 Gas.** The provisions of the Maryland State 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.

[A] **101.4.2 Mechanical.** The provisions of the Maryland Mechanical Code 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.

[A] **101.4.3 Plumbing.** The provisions of the Maryland 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.

[A] **101.4.4 Property maintenance.** *[Omitted].*

[A] **101.4.5 Fire prevention.** The provisions of the Maryland Fire Code and Maryland Life Safety Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

[A] **101.4.6 Energy.** The provisions of the International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

[A] **101.4.7 Existing buildings.** The provisions of the 2015 International Existing Building Code shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

SECTION 102 APPLICABILITY

[A] **102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[A] **102.2 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

[A] **102.3 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[A] **102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

[A] **102.4.1 Conflicts.** Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

[A] **102.4.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Codes listed in Section 101.4, the provisions of this code or the Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] **102.5 Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

[A] **102.6 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code.

[A] **102.6.1 Buildings not previously occupied.** *[Omitted].*

[A] **102.6.2 Buildings previously occupied.** *[Omitted].*

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF BUILDING SAFETY *[Omitted]*.

SECTION 104 DUTIES AND POWERS OF THE DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT AND BUILDING CODE BOARD OF APPEALS

[A] 104.1 **General.** *[Omitted]*.

[A] 104.2 **Applications and permits.** The Department shall receive applications and issue permits for the erection, and alteration, demolition and moving of buildings and structures.

[A] 104.2.1 **Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the Department shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the Department determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the Department shall require the building to meet the requirements of Section 1612.

[A] 104.3 **Notices and orders.** The Department shall issue necessary notices or orders to ensure compliance with this code.

[A] 104.4 **Inspections.** A Building Inspector approved by the Department shall make the required inspections. Reports of such inspections shall be in writing and be certified by a Building Inspector. A Building Inspector is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

[A] 104.5 **Identification.** The Building Inspector shall carry proper identification when inspecting structures or premises.

[A] 104.6 **Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where there is reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, a Building Inspector or the Department is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that the consent of the owner or a judicial order authorizing such entry has been obtained. If such structure or premises is occupied, that credentials be presented to the

occupant and entry requested. If such structure or premises is unoccupied, the Department shall first make a reasonable effort to locate the owner, the owner's authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the Department shall have recourse to the remedies provided by law to secure entry.

[A] 104.7 Department records. The Department 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 the period required for retention of public records.

[A] 104.8 Liability. *[Omitted].*

[A] 104.8.1 Legal defense. *[Omitted].*

[A] 104.9 Approved materials and equipment. *[Omitted].*

[A] 104.9.1 Used materials and equipment. *[Omitted].*

[A] 104.10 Modifications. The Building Code Board of Appeals shall have the authority to grant modifications for individual cases, upon application of the owner or the owner's authorized agent, provided the Building Code Board of Appeals shall first find the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Department.

[A] 104.10.1 Flood hazard areas. The Building Code Board of Appeals shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inappropriate.
2. A determination that failure to grant the modification would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

4. A determination that the modification is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

[A] 104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Code Board of Appeals finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the Building Code Board of Appeals shall respond in writing, stating the reasons why the alternative was not approved.

[A] 104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

[A] 104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Building Inspector shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Inspector shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Department for the period required for retention of public records.

SECTION 105 PERMITS

[A] 105.1 Required. Any owner or owner's authorized agent who intends to construct, move or demolish a building or structure, or to erect, install, or replace any electrical, gas, mechanical or

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plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the Department and obtain the required permit.

[A] 105.1.1 Annual permit. *[Omitted]*.

[A] 105.1.2 Annual permit records. *[Omitted]*.

[A] 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet and the structure is not located in the flood plain.
2. Fences not over 7 feet (2134 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.

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9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
14. Agricultural Buildings.

Electrical:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

[A] 105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Department.

[A] **105.2.2 Repairs.** Application or notice to the Department is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

[A] **105.2.3 Bodies Politic and Corporate; Public Utilities.** A permit shall not be required for the construction or the installation, alteration or repair of equipment by or under at the direction of the United States, the State of Maryland, the Commissioners of St. Mary's County or bodies politic and corporate or public utilities regulated by the Public Service Commission of Maryland.

[A] **105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Department for that purpose. Such application shall:

1. Include the following:
 - a. name, address, telephone number and electronic mail address of the applicant;
 - b. name and address of the owner(s) of the property;
 - c. dimensions of the building or structure and type of construction;
2. Identify and describe the work to be covered by the permit for which application is made;
3. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work;
4. Indicate the use and occupancy for which the proposed work is intended; and
5. Be accompanied when applicable by:
 - (i) Construction documents (two complete sets) and other information as required in Section 107;
 - (ii) approved soil erosion and sediment control plan;

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- (iii) road entrance permit;
- (iv) grading permit;
- (v) approval by the St. Mary's County Metropolitan Commission;
- (vi) approval by the St. Mary's County Health Department;
- (vii) approval by the Maryland State Fire Marshal's office; and
- (viii) a site plan conforming to the requirements of the St. Mary's County Comprehensive Zoning Ordinance.

[A] 105.3.1 Action on application. The Department shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing.

[A] 105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 12 months after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Department is authorized to grant one extension of time for an additional period of 12 months. The extension shall be requested in writing.

[A] 105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Inspector from requiring the correction of errors in the construction documents and other data. The Department is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

[A] 105.5 Expiration. Every permit issued shall expire 24 months after its issuance. A permit may be renewed. Work commenced or continued under a renewed permit shall comply with the ordinance in effect at the time the original permit was issued or in effect at the time of renewal, whichever is less restrictive.

[A] 105.6 Suspension or revocation. The Department 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.

[A] 105.7 Placement of permit. The building permit placard shall be posted on the site of the work until the completion of the project.

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[A] **R105.8 Responsibility.** It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

[A] **R105.9 Preliminary inspection.** Before issuing a permit, the Department is authorized to cause to be examined buildings, structures and sites for which an application has been filed.

SECTION 106 FLOOR AND ROOF DESIGN LOADS

[A] **106.1 Live loads posted.** In commercial or industrial buildings, for each floor or portion thereof designed for live loads exceeding 50 psf (2.40 kN/m²), such design live loads shall be conspicuously posted by the owner or the owner's authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

[A] **106.2 Issuance of certificate of occupancy.** A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

[A] **106.3 Restrictions on loading.** It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

SECTION 107 SUBMITTAL DOCUMENTS

[A] **107.1 General.** Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets to the Department. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Building Inspector is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The Department is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

[A] **107.2 Construction documents.** Construction documents shall be in accordance with Sections 107.2.1 through 107.2.6.

[A] 107.2.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted where approved by the Department. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the Building Inspector.

[A] 107.2.2 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

[A] 107.2.3 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

[A] 107.2.4 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.

[A] 107.2.5 Site plan. *[Omitted].*

[A] 107.2.5.1 Design flood elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1.

[A] 107.2.6 Structural information. The construction documents shall provide the information specified in Section 1603.

[A] 107.3 Examination of documents. The Department shall review appropriate plans.

[A] **107.3.1 Approval of construction documents.** When the Department issues a permit, the construction documents shall be stamped "approved". One set so stamped shall be retained by the Department. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Inspector.

[A] **107.3.2 Previous approvals.** This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

[A] **107.3.3 Phased approval.** *[Omitted].*

[A] **107.3.4 Design professional in responsible charge.** *[Omitted].*

[A] **107.3.4.1 Deferred submittals.** *[Omitted].*

[A] **107.4 Amended construction documents.**

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

[A] **107.5 Retention of construction documents.** *[Omitted].*

SECTION 108
TEMPORARY STRUCTURES AND USES *[Omitted].*

SECTION
109 FEES

[A] **109.1 Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

[A] **109.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by Commissioners of St. Mary's County.

[A] **109.3 Building permit valuations.** *[Omitted].*

[A] 109.4 Work commencing before permit issuance. [Omitted].

[A] 109.5 Related fees. [Omitted].

[A] 109.6 Refunds. [Omitted].

SECTION 110 INSPECTIONS

[A] 110.1 **General.** Construction or work for which a permit is required shall be subject to inspection by the Building Inspector and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Inspector nor St. Mary's County shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

[A] 110.2 **Preliminary inspection.** Before issuing a permit, the Department is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

[A] 110.3 **Required inspections.** The Building Inspector, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.10.

[A] 110.3.1 **Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C94, the concrete need not be on the job.

[A] 110.3.2 **Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

[A] 110.3.3 **Lowest floor elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.4 shall be submitted to the Department.

[A] **110.3.4 Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

[A] **110.3.5 Lath, gypsum board and gypsum panel product inspection.** Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

[A] **110.3.6 Fire- and smoke-resistant penetrations.** Protection of joints and penetrations in fire-resistance rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

[A] **110.3.7 Energy efficiency inspections.** Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency.

[A] **110.3.8 Other inspections.** In addition to the inspections specified in Sections 110.3.1 through 110.3.7, the Building Inspector is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code.

[A] **110.3.9 Special inspections.** For special inspections, see Chapter 17.

[A] **110.3.10 Final inspection.** The final inspection shall be made after all work required by the building permit is completed.

[A] **110.3.10.1 Flood hazard documentation.** If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.5 shall be submitted to the Department prior to the final inspection.

[A] **110.4 Inspection agencies.** The following shall qualify as Inspectors.

[A] **110.4.1 Building Inspector.** An individual certified by the International Code Council may make inspections required by this code.

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[A] **110.4.2 Professional Engineer.** A licensed professional engineer may make footing, foundation and concrete slab inspections provided that the report of a satisfactory inspection is sealed by the engineer.

[A] **110.4.3 Electrical Inspector.** An individual who is a certified nongovernmental electrical inspector pursuant to Title 12 Subtitle 6 of the Public Safety Article of the Annotated Code of Maryland.

[A] **110.4.4 Plumbing Inspector.** An individual who is certified by the Maryland Department of Labor as a nongovernmental plumbing inspector.

[A] **110.4.5 Mechanical Inspector.** An individual who is certified by the Maryland Department of Labor as a nongovernmental HVACR inspector.

[A] **110.4.6 Qualified Inspectors.** The Department shall maintain a list of qualified Inspectors.

[A] **110.5 Inspection requests.** It shall be the duty of the permit holder or its agent to notify the Building Inspector that work is ready for inspection and to provide access to and means for inspections of work.

[A] **110.6 Approval required.** A Building Inspector, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or its agent wherein the work fails to comply with this code. Any work that does not comply shall be corrected and shall not be covered or concealed until approved by the Building Inspector.

SECTION 111 CERTIFICATE OF OCCUPANCY

[A] **111.1 Use and occupancy.** A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the Department has issued a certificate of occupancy therefor as provided herein or received a report of an approved final inspection for work that does not require a certificate of occupancy. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception: Certificates of occupancy are not required for work exempt from permits in accordance with Section 105.2.

[A] **111.2 Certificate issued.** After the Building Inspector inspects the building or structure and does not find violations of the provisions of this code, the Department shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.

[A] **111.3 Temporary occupancy.** The Department is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Department shall set a time period during which the temporary certificate of occupancy is valid.

[A] **111.4 Revocation.** The Department, may, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 112 SERVICE UTILITIES

[A] **112.1 Connection of service utilities.** A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until approved by the Building Inspector.

[A] **112.2 Temporary connection.** The Building Inspector shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

[A] **112.3 Authority to disconnect service utilities.** *[Omitted]*.

SECTION 113 BUILDING CODE BOARD OF APPEALS

[A] **113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by a Building Inspector relative to the application and interpretation of this code, there shall be and is hereby created a Building Code Board of Appeals. The Building Code Board of Appeals shall be appointed by the Commissioners of St. Mary's County and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

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[A] **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 Building Code Board of Appeals shall not have authority to waive requirements of this code.

[A] **113.3 Qualifications.** The Building Code Board of Appeals shall consist of members who are qualified by experience and training to pass judgement on matters pertaining to building construction and are not employees of St. Mary's County.

[A] **113.4 Administration.** The Department or a Building Inspector shall take immediate action in accordance with the decision of the Building Code Board of Appeals.

SECTION 114 VIOLATIONS

[A] **114.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[A] **114.2 Notice of violation.** The Department is authorized to serve a notice of violation on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

[A] **114.3 Prosecution of violation.** If the notice of violation is not complied with in the time prescribed by such notice, the Department shall issue a citation for a civil infraction. The citation for a civil infraction shall be prosecuted in the same manner and to the same extent as set forth in the *Local Government Article* of the *Annotated Code of Maryland*.

[A] **114.4 Violation penalties.** Each violation of this Ordinance shall be a civil infraction punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

SECTION 115 STOP WORK ORDER

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[A] **115.1 Authority.** Where the Department finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Department is authorized to issue a stop work order.

[A] **115.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

[A] **115.3 Unlawful continuance.** Any person who shall continue any work 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 subject to penalties as prescribed by law.

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

[A] **116.1 Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Department deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

[A] **116.2 Record.** The Department shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

[A] **116.3 Notice.** If an unsafe condition is found, the Department shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the Department acceptance or rejection of the terms of the Notice.

[A] **116.4 Method of service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by U.S. mail addressed to the owner at the last known address; or (c) delivered in any other manner as prescribed by local law. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the

foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

[A] 116.5 Restoration. Where the structure or equipment determined to be unsafe by the Department is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of Section 105.2.2 and the Maryland Building Rehabilitation Code.

2. Chapter 2 (Definitions) of the 2018 International Building Code is amended as follows:

- i. **AGRICULTURAL BUILDING.** A structure constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. Agricultural building does not include a place of human residence.
- ii. **[Add] AGRITOURISM.** See St. Mary's County Comprehensive Zoning Ordinance for definition.
- iii. **APPROVED.** Acceptable to the Department or the Building Inspector.
- iv. **[Add] BUILDING INSPECTOR.** An individual certified by the International Code Council or the State of Maryland.
- v. **BUILDING OFFICIAL.** [Delete].
- vi. **[Add] DEPARTMENT.** St. Mary's County Department of Land Use and Growth Management.
- vii. **[Add] HIGH PERFORMANCE HOME.** A new residential structure that meets or exceeds the current version of:
 - (a) The Silver rating of the International Code Council's 700 National Green Building Standards; or
 - (b) The Silver rating of the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) for Homes Rating System.
- viii. **[Add] HOTEL.** An establishment that offers sleeping accommodations for compensation. Hotel does not include a bed and breakfast establishment.
- ix.. **[Add] MASTER CONTROL DEVICE.**

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- (a) A control that is activated when a person enters the room through the primary room-access method; or
- (b) An occupancy sensor control that is activated by a person's presence in the room.

3. In the following sections delete "Building Official" and substitute "Building Inspector":

Chapter 2 (definitions)	"Approved Fabricator"
Chapter 2 (definitions)	"Deferred submittal"
Chapter 2 (definitions)	"Registered Design Professional in responsible charge"
Chapter 2 (definitions)	"Substantial improvement"
402.3	Lease plan
406.5.4.1	Single use
424.5	Area limits
703.2.1	Nonsymmetrical wall construction
703.2.3	Restrained classification
703.2.4	Supplemental features
703.4	Automatic sprinklers
715.3	Fire test criteria
721.1	General
722.5.1.3.1	Material dependent constants
804.3	Testing and identification
806.4	Acceptance criteria and reports
901.5	Acceptance tests
909.12.1	Verification
909.20.6.3	Acceptance and testing
1004.1.2	Areas without fixed seating
1004.2	Increased occupant load
1013.1	Where required
1405.12.5	Joints
1407.5	Approval
1407.8	Fire resistance rating
1409.5	Approval
1409.8	Fire resistance rating
1604.2	Strength
Table 1604.5	
1604.6	In-situ load tests
1606.2	Design dead load
Table 1607.1	
1607.2	Loads not specified

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1607.7.2	Fire truck and emergency vehicles
1607.7.3	Heavy vehicle garages
1607.12.2	Ordinary roofs, awnings and canopies
1608.2	Ground snow loads
1703.3	Record of approval
1703.4	Performance
1703.4.1	Research and investigation
1703.6	Evaluation and follow up inspection services
1703.6.2	Test and inspection records
1704.1	General
1704.2	Special inspections and tests
1704.2.1	Special inspector qualifications
1704.2.4	Report requirement
1704.2.5	Special inspection of fabricated items
1704.2.5.1	Fabricator approval
1704.3	Statement of special inspections
1704.3.1	Content of statement of special inspections
1704.4	Contractor responsibility
1704.5	Submittals to the Building Inspector (change title)
1704.6	Structural observations
1704.6.1	Structural observations for seismic resistance
1704.6.2	Structural observations for wind requirements
1705.1.1	Special cases
Table 1705.3	
1705.3.2	Material tests
1706.1	Conformance to standards
1707.1	General
1708.1	General
1803.1	General
1803.2	Investigations required
1803.5.2	Questionable soil
1803.5.3	Expansive soil
1803.5.7	Excavation near foundations
1803.5.10	Alternate setback and clearance
1806.2	Presumptive load bearing values
1807.3.2	Design criteria
1808.6	Design for expansive soils
1808.8.3	Placement of concrete

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1808.8.5	Forming of concrete
1809.12	Timber footings
1810.1.2	Use of existing deep foundation elements
1810.1.4	Special types of deep foundations
1810.2.1	Lateral support
1810.2.2	Stability
1810.3.2.5	Protection of materials
1810.3.2.8	Justification of higher allowable stresses
1810.3.3.1.1	Driving criteria
1810.3.3.1.2	Load tests
1810.3.3.1.3	Load test evaluation methods
1810.3.3.1.4	Allowable frictional resistance
1810.3.5.2.2	Uncased
1810.3.9.3	Placement of reinforcement
1810.3.10.4	Seismic reinforcement
1810.3.13	Seismic ties
1810.4.1.3	Driving near uncased concrete
1810.4.1.4	Driving near cased concrete
1810.4.2	Identification
1810.4.3	Location plan
1810.4.4	Pre-excavation
1810.4.8	Hollow-stem augered cast in place elements
1908.4.2	Clearance
1908.4.3	Splices
1908.5	Preconstruction tests
1908.9.3	Natural curing
2207.5	Certification
2303.4.1.1	Truss design drawings
2303.4.1.4.1	Truss design drawings
2304.3.3	Shrinkage
2403.5	Louvered windows or jalousies
2406.3	Identification of safety glazing
2407.1.2	Support
2606.2	Approved for use
2606.3	Identification
2606.5	Structural requirements
3102.8.1.2	Blower Equipment
3104.4	Contents
3304.1.1	Slope Limits
3306.9	Adjacent to excavations

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4. In the following sections delete "Building Official" and substitute "Department":

Chapter 2	(definitions) "Approved Agency"
Chapter 2	(definitions) "Approved source"
Chapter 2	(definitions) "Immediately dangerous to life and health"
Chapter 2	(definitions) "Listed"
Chapter 2	(definitions) "Permit"
Chapter 2	(definitions) "Special inspector"
414.1.3	Information required
1004.5	Outdoor areas
1010.1.9.3	Locks and latches
1612.3.1	Design flood elevations
1612.4	Flood hazard documentation
1703.1	Approve agency
1703.1.1	Independence
1703.3	Record of approval
1705.13.2	Nonstructural components
1705.13.3	Designated seismic systems
1803.6	Reporting
1808.3.2	Surcharge
1808.7.4	Foundation elevation
1808.7.5	Alternate setback and clearance
3103.1.2	Permit Required
3303.1	Construction Documents

5. In the following section delete "Building Official" and substitute "Building Code Board of Appeals":

901.3	Modifications
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FIRE PROTECTION AND LIFE SAFETY SYSTEMS
SECTION 901

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

MEANS OF EGRESS
SECTION 1001

1001.1 General. [Add] Means of egress requirements of Chapter 10 may be concurrently covered in the State Fire Prevention Code, Public Safety Article, §§6-101 – 6-202, Annotated Code of Maryland, and COMAR 29.06.01. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official.

ACCESSIBILITY SECTION 1101

1101.1 Scope. Chapter 11 of the IBC related to accessibility requirements is hereby replaced with the Maryland Accessibility Code set forth in COMAR 09.12.53. A local jurisdiction may adopt and enforce the requirements of Chapter 11 of the IBC to the extent the requirements meet or exceed the requirements set forth in COMAR 09.12.53.

GLASS AND GLAZING SECTION 2406

[Add] The requirements for safety glazing set forth in Public Safety Article, Title 12, Subtitle 4, Annotated Code of Maryland, are in addition to Chapter 24, Section 2406 of the IBC related to safety glazing. In the event of a conflict between Chapter 24 of the IBC and the Annotated Code of Maryland, the requirements of the Annotated Code of Maryland prevail.

ELECTRICAL SECTION 2701

2701.1 Scope. The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards. For the applicable electrical requirements, refer to the local electrical code and the National Electrical Code as adopted and enforced by the State Fire Marshal, authorized fire officials, or building officials pursuant to the provisions of Public Safety Article, Title 12, Subtitle 6, Annotated Code of Maryland.

MECHANICAL SYSTEMS SECTION 2801

2801.1 Scope. The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning the mechanical systems, refer to the local mechanical code and the mechanical code adopted pursuant to the provisions of Business Regulations Article, §9A-205, Annotated Code of Maryland.

PLUMBING SYSTEMS SECTION 2901

2901.1 Scope. The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning the plumbing systems, refer to the local plumbing code and the plumbing code adopted pursuant to the provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

ELEVATORS AND CONVEYING SYSTEMS SECTION 3001

3001.1 Scope. [Add] The provisions of Chapters 30 of the IBC relate to elevators and conveying systems and are in addition to and not instead of the requirements set forth in Public Safety Article, Title 12, Subtitle 8, Annotated Code of Maryland, the provisions of the Annotated Code of Maryland prevail.

CHAPTER 34

[Add] Any rehabilitation work undertaken in an existing building as defined in COMAR 9.12.58 shall comply with the requirements of Maryland Building Rehabilitation Code set forth in COMAR 09.12.58.

SECTION IV. §203-13 of the *Code of St. Mary's County* is amended as follows:

1. Chapter 1 of the *2018 International Residential Code for One- and Two- Family Dwellings* is repealed and re-enacted to read as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION GENERAL

R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-family Dwellings.

R101.2 Scope. The provisions of the International Residential Code for One- and Two-family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height.

Exceptions:

1. Live/work units located in townhouses and complying with the requirements of Section 419 of the International Building Code shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-Family Dwellings. Fire suppression required by Section 419.5 of the International Building Code where constructed under the International Residential Code for One- and Two-family Dwellings shall conform to Section P2904.
2. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-family Dwellings where equipped with a fire sprinkler system in accordance with Section P2904.
3. One- or two-family dwellings not connected or intended to be connected to an electrical utility; or other source of electrical power; provided, however, a building permit shall be required.
4. One-story detached accessory structures with a floor area not greater than 600 square feet (55.74 square meters); provided, however, a building permit shall be required.

R101.3 Intent. The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

**SECTION R102
APPLICABILITY**

R102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

R102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

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R102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number shall be construed to refer to such chapter, section or provision of this code.

R102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

R102.4.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

R102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

R102.5 Appendices. All the provisions in the Appendices are adopted as part of the IRC except those in Appendices E, J, L and T.

R102.6 Partial invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

R102.7 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as specifically covered in this code.

R102.7.1 Additions, alterations or repairs. Additions, alterations or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with the requirements of this code, unless otherwise stated. Additions, alterations, repairs and relocations shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

R102.7.2 Testing not required. Blower Door testing is not required for a satisfactory inspection of additions to One- and Two-Family Dwellings.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION R103 Department of Building Safety [Omitted].

**SECTION R104
DUTIES AND POWERS OF THE DEPARTMENT OF LAND USE
AND GROWTH MANAGEMENT AND BUILDING CODE BOARD OF APPEALS**

R104.1 General [Omitted].

R104.2 Applications and permits. The Department shall receive applications, and issue permits for the erection, alteration, demolition, and moving of buildings and structures; inspect the premises for which such permits have been issued; and enforce compliance with the provisions of this code.

R104.3 Notices and orders. The Department shall issue necessary notices or orders to ensure compliance with this code.

R104.4 Inspections. Reports of inspections shall be in writing and be certified by a Building Inspector. A Building Inspector is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues.

R104.5 Identification. A Building Inspector shall carry proper identification when inspecting structures or premises.

R104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where there is reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, a Building Inspector or the Department is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that the consent of the owner or a judicial order authorizing such entry has been obtained. If such structure or premises is occupied, credentials shall be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Department shall first make a reasonable effort to locate the owner, the owner's authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the Department shall have recourse to the remedies provided by law to secure entry.

R104.7 Department records. The Department 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 the period required for the retention of public records.

R104.8 Liability. [Omitted].

R104.8.1 Legal defense. *[Omitted]*.

R104.9 Approved materials and equipment. *[Omitted]*.

R104.9.1 Used materials and equipment. *[Omitted]*.

R104.10 Modifications. The Building Code Board of Appeals shall have the authority to grant modifications for individual cases, provided the Building Code Board of Appeals shall first find that the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Department.

R104.10.1 Flood hazard areas. The Building Code Board of Appeals shall not grant modifications to any provisions required in flood hazard areas as established by Table R301.2(1) unless a determination has been made that:

1. There is good and sufficient cause showing that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section R322 inappropriate.
2. Failure to grant the modification would result in exceptional hardship by rendering the lot undevelopable.
3. The granting of modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. The modification is the minimum necessary to afford relief, considering the flood hazard.
5. Written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and stating that construction below the design flood elevation increases risks to life and property, has been submitted to the applicant.

R104.11 Alternative materials, design and methods of construction and equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved by the Building Code Board of Appeals. An alternative material, design or method of construction shall be approved where the Building Code Board of Appeals finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Compliance with the specific performance-based provisions of the International Codes shall be an alternative to the specific requirements of this code. Where the alternative material, design or method of construction is not approved, the Building Code Board of Appeals shall respond in writing, stating the reasons why the alternative was not approved.

R104.11.1 Tests. Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Building Code Board of Appeals shall have the authority to require tests as evidence of compliance to be made at no expense to St. Mary's County. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Code Board of Appeals shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Department for the period required for retention of public records.

SECTION R105 PERMITS

R105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the Department and obtain the required permit.

R105.2 Work exempt from permit. Permits shall not be required for the following.

Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. Fences not over 7 feet (2134 mm) high.

2. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
4. Sidewalks and driveways.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
6. Above-ground swimming pools.
7. Swings and other playground equipment.
8. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
9. Decks not exceeding 300 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.
10. Agricultural buildings.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

R105.2.1 Emergency repairs. Where equipment replacements and repairs to a building or structure must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Department.

R105.2.2 Repairs. Application or notice to the Department is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

R105.2.3 Bodies Politic and Corporate; Public Utilities. A permit shall not be required for construction or the installation, alteration or repair of equipment by or at the direction of the United States, the State of Maryland, the Commissioners of St. Mary's County or bodies politic and corporate or public utilities regulated by the Public Service Commission of Maryland.

R105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Department for that purpose. Such application shall:

1. Include the following:
 - a. name, address, telephone number and electronic mail address of the applicant;
 - b. name and address of the owner(s) of the property;
 - c. dimensions of the building or structure; and
 - d. type of construction
2. Identify and describe the work to be covered by the permit for which application is made;
3. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work;
4. Indicate the use and occupancy for which the proposed work is intended; and
5. Be accompanied when applicable by:
 - (i) Floor plans showing the location and labeling the use of rooms;

- (ii) approved soil erosion and sediment control plan;
- (iii) road entrance permit;
- (iv) grading permit;
- (v) approval by the St. Mary's County Metropolitan Commission;
- (vi) approval by the St. Mary's County Health Department;
- (vii) approval by the Maryland State Fire Marshal's office; and
- (viii) a site plan conforming to the requirements of the St. Mary's County Zoning Ordinance.

R105.3.1 Action on application. The Department shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing.

R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, addition, alteration, repair or other improvement of existing buildings or structures located in a flood hazard area as established by Table R301.2(1), the application shall include the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamaged condition. If the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the proposed work is a substantial improvement or restoration of substantial damage and shall require existing portions of the entire building or structure to meet the requirements of Section R322.

For the purpose of this determination, a substantial improvement shall mean any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. Where the building or structure has sustained substantial damage, repairs necessary to restore the building or structure to its predamaged condition shall be considered substantial improvements regardless of the actual repair work performed. The term shall not include either of the following:

1. Improvements to a building or structure that are required to correct existing health, sanitary or safety code violations and that are the minimum necessary to ensure safe living conditions.
2. Any alteration of a historic building or structure, provided that the alteration will not preclude the continued designation as a historic building or structure. For the purposes of this exclusion, a historic building shall be any of the following:

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2.1 Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places.

2.2 Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district.

2.3 Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

R105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 12 months after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the Department is authorized to grant one extension of time for an additional period of 12 months. The extension shall be requested in writing and justifiable cause demonstrated.

R105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances shall not be valid. The issuance of a permit shall not prevent the Building Inspector from requiring the correction of errors. The Department is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances.

R105.5 Expiration. Every permit issued shall expire 24 months after its issuance. A permit may be renewed. Work commenced or continued under a renewed permit shall comply with the ordinance in effect at the time the original permit was issued or in effect at the time of renewal, whichever is less restrictive.

R105.6 Suspension or revocation. The Department 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.

R105.7 Placement of permit. The building permit placard shall be posted on the site of the work until the completion of the project.

R105.8 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

R105.9 Preliminary inspection. Before issuing a permit, the Department is authorized to cause to be examined buildings, structures and sites for which an application has been filed.

SECTION R106 CONSTRUCTION DOCUMENTS

R106.1 Submittal documents. *[Omitted]*.

R 106.1.1 Information on construction documents. *[Omitted]*.

R 106.1.2 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

R 106.1.3 Information on braced wall design. For buildings and structures utilizing braced wall design, and where required by the Building Inspector, braced wall lines shall be identified on the construction documents. Pertinent information including, but not limited to, bracing methods, location and length of braced wall panels and foundation requirements of braced wall panels at top and bottom shall be provided.

R106.1.4 Information for construction in flood hazard areas. For buildings and structures located in whole or in part in flood hazard areas as established by Table 301.2(1), construction documents shall include:

1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate.
2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade.
3. The elevation of the bottom of the lowest horizontal structural member in coastal hazard areas (V Zone) and in Coastal A Zones where such zones are delineated on flood hazard maps identified in Table R301.2(1) or otherwise delineated by St. Mary's County
4. If design flood elevations are not included on St. Mary's County's Flood Insurance Rate Map (FIRM), the Department and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

R106.2 Site plan. *[Omitted]*.

R106.3 Examination of documents. *[Omitted]*.

R106.3.1 Approval of construction documents. *[Omitted].*

R106.3.2 Previous approvals. *[Omitted].*

R106.3.3 Phased approval. *[Omitted].*

R106.4 Amended construction documents. *[Omitted].*

R106.5. Retention of construction documents. *[Omitted].*

SECTION R107 *[Omitted].*

SECTION R108 FEES

R108.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the Commissioners of St. Mary's County.

R108.3 Building permit valuations. *[Omitted].*

R108.4 Related fees. *[Omitted].*

R108.5 Refunds. *[Omitted].*

R108.6 Work commencing before permit issuance. *[Omitted].*

SECTION R109 INSPECTIONS

R109.1 Types of inspections. A Building Inspector, upon notification from the permit holder or agent, shall make or cause to be made necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or its agent wherein the same fails to comply with this code. Construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of St. Mary's

County. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of St. Mary's County shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Inspector nor St. Mary's County shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Stage One Inspections

R109.1.1 Footing inspection. A footing inspection shall be made prior to placing concrete to verify depth, width, soil bearing capacity, reinforcement and location on a lot for all structures and buildings.

R109.1.2 Concrete foundation wall inspection. A concrete foundation wall inspection shall be made when the forms are placed on the footing and, reinforcing steel, structural straps, and imbeds are in place and prior to placing concrete to verify that the forms are properly located on the footings, the reinforcing is properly placed and secured, the height and thickness of walls, and the size and location of openings including flood equalization vents when required. When the foundation is to be constructed of approved treated wood, additional inspections may be required.

R109.1.3 Foundation backfill inspection. A foundation backfill inspection shall be made prior to back filling with acceptable soil to verify (a) drainage and water proofing systems on all foundation walls with habitable or usable space, (b) compliance with NFIP and FEMA standards in a flood hazard area, (c) proper installation of a grounding mechanism, and (d) rough-in of plumbing (if applicable).

R109.1.4 Slab inspection. A slab inspection shall be made prior to placement of concrete on all slabs in floodplain V and coastal A zones and for habitable and conditioned space and all basements to verify base preparation, slab thickness, reinforcement, drainage system, underground plumbing, and insulation for walk out basements, habitable and conditioned spaces. Slabs in the floodplain V and coastal A zones must also be inspected for compliance with the construction standards set forth in Section R322.3.4.

R109.1.5 Floodplain inspections. For construction in flood hazard areas as established by Table R301.2(1), upon placement of the lowest floor, including basement, and prior to further vertical construction, the Department shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R322.

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Stage Two Inspections

R109.1.6 Plumbing, mechanical, gas and electrical systems inspection. Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to or simultaneously with a framing inspection.

R109.1.7 Frame and masonry inspection. Inspection of framing and masonry construction shall be made after the roof, masonry, framing, firestopping, draft stopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.

R109.1.7.1 Fire-resistance-rated construction inspection. Where fire-resistance-rated construction is required between dwelling units or due to location on property, an inspection of such construction shall be made after lathing or gypsum board or gypsum panel products are in place, but before any plaster is applied, and before board or panel joints and fasteners are taped and finished.

Stage Three Inspections

R109.1.8 Structure tie down inspection. A structure tie down inspection shall be made before the exterior finishes are applied (vinyl siding, wood siding, brick, stucco) unless the tie downs are installed in the interior of the structure.

R109.1.9 Energy Inspection. An energy inspection shall be made to verify compliance with the International Energy Conservation Code.

R109.1.9.1. Energy Inspection. A Building Inspector may accept a computer simulation prepared pursuant to Section 405 of the International Energy Conservation Code by a Registered Design Professional.

Final Inspection

R109.1.10 Final inspection. Final inspection shall be made after the permitted work is complete and prior to occupancy.

R109.1.10.1 911 address. E-911 address shall be installed prior to the final inspection.

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R109.1.10.2 Elevation documentation. If located in a flood hazard area, the documentation of elevations required in Section R322.1.10 shall be submitted to the Department prior to the final inspection.

R109.2 Inspection agencies. The following shall qualify as Inspectors.

R109.2.1 Building Inspector. An individual certified by the International Code Council may make inspections required by this code.

R109.2.2 Professional Engineer. A licensed professional engineer may make footing, foundation and concrete slab inspections provided that the report of a satisfactory inspection is sealed by the engineer.

R109.2.3 Electrical Inspector. An individual who is a certified nongovernmental electrical inspector pursuant to Title 12 Subtitle 6 of the Public Safety Article of the Annotated Code of Maryland.

R109.2.4 Plumbing Inspector. An individual who is certified by the Maryland Department of Labor as a nongovernmental plumbing inspector.

R109.2.5 Mechanical Inspector. An individual who is certified by the Maryland Department of Labor as a nongovernmental HVACR inspector.

R109.2.6 Qualified Inspectors. The Department shall maintain a list of qualified Inspectors.

R109.3 Inspection requests. It shall be the duty of the permit holder or its agent to notify the Building Inspector that work is ready for inspection and to provide access to and means for inspection of work.

R109.4 Approval required. Any work that does not comply shall be corrected and shall not be covered or concealed until approved by the Building Inspector. The permit holder or its agent shall not proceed with work described in Sections R109.1.1 through R109.1.8 prior to inspection and approval of work described in the preceding section.

SECTION R110 CERTIFICATE OF OCCUPANCY

R110.1 Use and occupancy. A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the Department has issued a certificate of occupancy therefor as provided herein or received a report of an approved final inspection for work that does not require a

certificate of occupancy. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of St. Mary's County shall not be valid.

Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section R105.2.
2. Accessory buildings or structures that do not contain dwelling units.
3. Rehabilitations, exterior additions such as decks and porches, and additions that do not create additional sleeping quarters.

R110.2 Change in use. *[Omitted]*.

R110.3 Certificate issued. After the Building Inspector inspects the building or structure and does not find violations of the provisions of this code, the Department shall issue a certificate of occupancy for projects that require a Certificate of Occupancy. The Certificate of Occupancy shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.

R110.4 Temporary occupancy. *[Omitted]*.

R110.5 Revocation. The Department may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

**SECTION R111
SERVICE UTILITIES**

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R111.1 Connection of service utilities. A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until approved by the Building Inspector.

R111.2 Temporary connection. The Building Inspector shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

R111.3 Authority to disconnect service utilities. *[Omitted]*.

SECTION R112 BUILDING CODE BOARD OF APPEALS

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by a Building Inspector relative to the application and interpretation of this code, there shall be and is hereby created a Building Code Board of Appeals. The Building Code Board of Appeals shall be appointed by the Commissioners of St. Mary's County and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

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 Building Code Board of Appeals shall not have authority to waive requirements of this code.

R112.3 Qualifications. The Building Code Board of Appeals shall consist of members who are qualified by experience and training to pass judgement on matters pertaining to building construction and are not employees of St. Mary's County.

R112.4 Administration. The Department or a Building Inspector shall take immediate action in accordance with the decision of the Building Code Board of Appeals.

SECTION R113 VIOLATIONS

R113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

R113.2 Notice of violation. The Department is authorized to serve a notice of violation on the person responsible for the erection, construction, alteration, extension, repair, moving, removal,

demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detailed statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code.

R113.3 Prosecution of violation. If the notice of violation is not complied within the time prescribed by such notice, the Department shall issue a citation for a civil infraction. The citation for a civil infraction shall be prosecuted in the same manner and to the same extent as set forth in the *Local Government Article of the Annotated Code of Maryland*.

R113.4 Violation penalties. Each violation of this Ordinance shall be a civil infraction punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

SECTION R114 STOP WORK ORDER

R114.1 Notice to owner or the owner's authorized agent. If work on any building or structure is being executed contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's authorized agent or to the person performing the work and shall state the conditions under which work will be permitted to resume.

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 subject to penalties as prescribed by law.

1. Chapter 2 (Definitions) of the *2018 International Residential Code for One- and Two- Family Dwellings* is amended as follows:
 - i. APPROVED. Acceptable to the Building Inspector.
 - ii. [Add] BUILDING INSPECTOR. An individual certified by the International Code Council or the State of Maryland.
 - iii. BUILDING OFFICIAL. *[Delete]*.
 - iv. DEPARTMENT. St. Mary's County Department of Land Use and Growth Management.
2. In the following sections delete "Building Official" and substitute "Building Inspector":

R403.1.8

Foundations on expansive soils.

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R404.1.5.3	Pier and curtain wall foundations.
R404.5.2	Precast concrete foundation design drawings.
R502.11.4	Truss design drawings.
R506.2.3	Vapor retarder.
R606.3.5.2	Cleanouts.
R703.8.2.1	Support by steel angle.
R703.8.2.2	Support by roof construction.
R802.10.1	Truss design drawings.
N1101.3 (R101.5.1)	Compliance materials.
N1101.4 (R102.1.1)	Above code programs.
N1101.5 (R103.2)	Information on construction documents.
N1102.4.1.1 (R402.4.1.1)	Installation
N1102.4.1.2 (R402.4.1.2)	Testing.
N1105.3 (R405.3)	Performance-based compliance.
N1105.4.1 (R405.4.1)	Compliance software tools.
N1105.4.3 (R405.4.3)	Additional documentation.
N1105.6.1 (R405.6.1)	Minimum capabilities.
N1105.6.2 (R405.6.2)	Specific approval.

3. In the following sections delete "Building Official" and substitute "Department":

Chapter 2 (Definitions)	"approved agency"
Table R301.2(1)(e)	
R322.1.4.1	Determination of design flood elevations.
R322.3.1	Location and site preparation.
N1102.2.10 (R402.2.10)	Slab-on-grade floors.
R403.1.7.4	Alternate Setbacks and Clearances.

4. In the following section delete "Building Official" and substitute "Building Code Board of Appeals":

R403.1.7.3	Foundation Elevation.
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5. In the following sections delete "Code Official" and substitute "Building Inspector":

Chapter 2 (Definitions)	"Listed"
R324.7	Access and pathways.
N1102.4.1.2 (R402.4.1.2)	Testing.
N1103.3.3 (R403.3.3)	Duct testing (Mandatory).
N1105.4.2 (R405.4.2)	Compliance report.
N1106.6.1 (R406.6.1)	Compliance software tools.

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N1106.6.3 (R406.6.3)	Additional documentation.
N1106.7.1 R(406.7.1)	Minimum capabilities.
N1106.7.2 (406.7.2)	Specific approval.

6. In the following sections delete "Code Official" and substitute "Department":

Chapter 2 (Definitions)	"Heating Degree Days"
R319.1	Address Identification
Table N1105.5.2(1)(a)	
N1107.6 (R501.6)	Historic buildings.

SECTION R301 DESIGN CRITERIA

R301.2 Climatic and geographic design criteria. Buildings shall be constructed in accordance with the provisions of this code as limited by the provisions of this section. Additional criteria have been established by St. Mary's County and set forth in Table R301.2(1) as follows:

1. Ground Snow Load = 25
2. Wind Design Speed = 115
3. Topographic Effects = NO
4. Special Wind Region = NO
5. Windborne Debris Zone = NO
6. Seismic Design Category = A
7. Weathering = Severe
8. Frost Line Depth = 20"
9. Termite = Moderate to Heavy
10. Winter Design Temp = 18°F
11. Ice Barrier Underlayment Required = YES
12. Flood Hazards = Nov. 19, 2014
13. Air Freezing Index = 1,500
14. Mean Annual Temp = 55°F

SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS

R313.1 Exception: [Add] Inclusive of additions or alterations constructed for the purpose of adding a dwelling unit.

R313.2 Exception: [Add] Inclusive of additions or alterations constructed for the purpose of adding a dwelling unit.

SECTION R401 FOUNDATIONS

R401.4 Soil tests. *[Omitted]*.

SECTION N1102 (R402) BUILDING THERMAL ENVELOPE

N1102.4.1.2 (R402.4.1.2) Testing. [Add] Except as provided for in the:

1. Simulated Performance Path listed in Section N1105 (R405); and
2. Energy Rating Index Compliance Alternative in Section N1106 (R406)

SECTION 1105 (R405) SIMULATED PERFORMANCE ALTERNATIVE (PERFORMANCE)

Table N1105.5.2(1) (R405.5.2(1)) Specifications for the Standard Reference and Proposed Designs. [Modify] for Air Exchange Rate line item under the proposed design add “not to exceed 5 air changes per hour with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for Standard Reference Design” after “The measured air exchange rate”.

SECTION 1106 (R406) ENERGY RATING INDEX COMPLIANCE ALTERNATIVE

N1106.2 (R406.2) Mandatory requirements. Exception: [Add] The maximum of 5 air changes per hour tested in accordance with Section R402.4.1.2 may be used to determine the Energy Rating index score with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for ERI Reference design.

MECHANICAL ADMINISTRATION SECTION M1201

M1201.1 Scope. The subject matter of chapters 12 through 24 is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning the mechanical systems, refer to the local mechanical code and the mechanical code adopted

pursuant to the provisions of Business Regulations Article, §9A-205, Annotated Code of Maryland.

PLUMBING ADMINISTRATION SECTION P2501

P2501.1 Scope. The subject matter of chapters 25 through 33 is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning the plumbing systems, refer to the local plumbing code and the plumbing code adopted pursuant to the provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

ELECTRICAL GENERAL REQUIREMENTS SECTION E3401

E3401.1 Scope. The subject matter of chapters 34 through 43 is not within the scope of the Maryland Building Performance Standards. For the applicable electrical requirements, refer to the local electrical code and the National Electrical Code as adopted and enforced by the State Fire Marshal, authorized fire officials, or building officials pursuant to the provisions of Public Safety Article, Title 12, Subtitle 6, Annotated Code of Maryland.

SECTION V. Modifications to the International Energy Conservation Code.

SECTION C101 SCOPE AND GENERAL REQUIREMENTS

C101 Scope. [Add] Additional requirements concerning energy conservation for buildings and structures may be required by the Energy Conservation Building Standards, Public Utility Companies Article, §§7-401 – 7-408, Annotated Code of Maryland, as amended.

SECTION C405 CONTROLS

C405 Specific Application Controls. [Add] For the new construction of hotels:

1. Each hotel guest room shall be equipped with a master control device that automatically turns off the power to all of the lighting fixtures in the guest room no more than 30 minutes after the room has been vacated; and
2. A master control device may also control the heating, ventilation, or air conditioning default settings in hotel guest rooms 30 minutes after a room has been vacated by:
 - a. Increasing the set temperature by at least 3 degrees Fahrenheit when in the air conditioning mode; or

- b. Decreasing the set temperature by at least 3 degrees Fahrenheit when in the heating mode.

SECTION R402 BUILDING THERMAL ENVELOPE

R402.4.1.2 Testing. [Add] Except as provided for in the:

1. Simulated Performance Path listed in Section R405; and
2. Energy Rating Index Compliance Alternative in Section R406

SECTION R405 SIMULATED PERFORMANCE ALTERNATIVE (PERFORMANCE)

Table R405.5.2(1) Specifications for the Standard Reference and Proposed Designs. [Modify] for Air Exchange Rate line item under the proposed design add “not to exceed 5 air changes per hour with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for Standard Reference Design” after “The measured air exchange rate”.

SECTION R406 ENERGY RATING INDEX COMPLIANCE ALTERNATIVE

R406.2 Mandatory requirements. Exception: [Add] The maximum of 5 air changes per hour tested in accordance with Section R402.4.1.2 may be used to determine the Energy Rating index score with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for ERI Reference design.

SECTION VI. §203-13A of the *Code of St. Mary's County* is amended as follows:

1. The Maryland Building Rehabilitation Code is adopted.

SECTION VII. §203-13A of the *Code of St. Mary's County* is amended as follows:

1. Chapter 1 of the 2015 International Existing Building Code is amended to read as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101 GENERAL

[A] **101.1 Title.** These regulations shall be known as the Existing Building Code of St. Mary's County, Maryland, hereinafter referred to as "this code."

[A] **101.2 Scope.** The provisions of this code shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings.

[A] **101.3 Intent.** The intent of this code is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings.

[A] **101.4 Applicability.** This code shall apply to the repair, alteration, change of occupancy, addition and relocation of all existing buildings, regardless of occupancy, subject to the criteria of Section 101.4.1.

[A] **101.4.1 Buildings not previously occupied.** A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the International Building Code or International Residential Code, as applicable, for new construction or with any current permit for such occupancy.

[A] **101.4.2 Buildings previously occupied.** *[omitted]*.

[A] **101.5 Safeguards during construction.** *[omitted]*.

[A] **101.6 Appendices.** The Department is authorized to require rehabilitation and retrofit of buildings, structures or individual structural members in accordance with the appendices of this code if such appendices have been individually adopted.

[A] **101.7 Correction of violations of other codes.** Repairs or alterations mandated by any property, housing, or fire safety maintenance code or mandated by any licensing rule or ordinance adopted pursuant to law shall conform only to the requirements of that code, rule, or ordinance and shall not be required to conform to this code unless the code requiring such repair or alteration so provides.

SECTION 102

APPLICABILITY

[A] **102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where in any specific case different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[A] **102.2 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

[A] **102.3 Application of references.** References to chapter or section numbers or to provisions not specifically identified by number shall be construed to refer to such chapter, section, or provision of this code.

[A] **102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Section 102.4.1.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall govern.

[A] **102.4.1 Conflicts.** Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

[A] **102.4.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] **102.5 Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF BUILDING SAFETY *[omitted]*.

[A] **103.1 Creation of enforcement agency.** *[omitted]*.

[A] 103.2 Appointment. *[omitted]*.

[A] 103.3 Deputies. *[omitted]*.

SECTION 104
DUTIES AND POWERS OF THE DEPARTMENT OF LAND USE AND GROWTH
MANAGEMENT AND BUILDING CODE BOARD OF APPEALS

[A] 104.1 General. *[omitted]*.

[A] 104.2 Applications and permits. The Department shall receive applications and issue permits for the repair, alteration, addition, demolition, change of occupancy, and relocation of buildings; inspect the premises for which such permits have been issued; and enforce compliance with the provisions of this code.

[A] 104.2.1 Preliminary meeting. *[omitted]*.

[A] 104.2.1.1 Building evaluation. The Department or a Building Inspector is authorized to require an existing building to be investigated and evaluated by a registered design professional. The design professional shall notify the Department and the Building Inspector if any potential nonconformance with the provisions of this code is identified.

[A] 104.3 Notices and orders. The Department shall issue all necessary notices or orders to ensure compliance with this code.

[A] 104.4 Inspections. The Building Inspector shall make all of the required inspections, or the Building Inspector shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Inspector is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Department.

[A] 104.5 Identification. The Building Inspector shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where there is reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, a Building Inspector or the Department is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that the consent of the owner or a judicial order authorizing such entry has

been obtained. If such structure or premises is occupied, credentials shall be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Department shall first make a reasonable effort to locate the owner, the owner's authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the Department shall have recourse to the remedies provided by law to secure entry.

[A] 104.7 Department records. The Department 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 the period required for retention of public records.

[A] 104.8 Liability. *[omitted]*.

[A] 104.9 Approved materials and equipment. Materials, equipment, and devices approved by the Building Inspector shall be constructed and installed in accordance with such approval.

[A] 104.9.1 Used materials and equipment. *[omitted]*.

[A] 104.10 Modifications. The Building Code Board of Appeals shall have the authority to grant modifications for individual cases, provided the Building Code Board of Appeals shall first find that the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Department.

[A] 104.10.1 Flood hazard areas. For existing buildings located in flood hazard areas for which repairs, alterations and additions constitute substantial improvement, the Building Code Board of Appeals shall not grant modifications to provisions related to flood resistance unless a determination is made that:

1. The applicant has presented good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render compliance with the flood-resistant construction provisions inappropriate.
2. Failure to grant the modification would result in exceptional hardship.
3. The granting of the modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense nor create nuisances, cause fraud on or victimization of the public or conflict with existing laws or ordinances.

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4. The modification is the minimum necessary to afford relief, considering the flood hazard.

5. A written notice will be provided to the applicant specifying, if applicable, the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and that construction below the design flood elevation increases risks to life and property.

[A] 104.11 Alternative materials, design and methods of construction, and equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved by the Building Code Board of Appeals. An alternative material, design, or method of construction shall be approved where the Building Code Board of Appeals finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, and safety.

[A] 104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

[A] 104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Building Code Board of Appeals shall have the authority to require tests as evidence of compliance to be made at no expense to St. Mary's County. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Code Board of Appeals shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Department for the period required for retention.

SECTION 105 PERMITS

[A] 105.1 Required. Any owner or authorized agent who intends to repair, add to, alter, relocate, demolish, or change the occupancy of a building or to repair, install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Department and obtain the required permit.

[A] 105.1.1 Annual permit. *[omitted]*.

[A] 105.1.2 Annual permit records. *[omitted]*.

[A] 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and that are not part of an accessible route.
2. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
3. Temporary motion picture, television, and theater stage sets and scenery.
4. Shade cloth structures constructed for nursery or agricultural purposes, and not including service systems.
5. Window awnings supported by an exterior wall of Group R-3 or Group U occupancies.
6. Movable cases, counters, and partitions not over 69 inches (1753 mm) in height.
7. Agricultural buildings.

Electrical:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for power supply, the installations of towers, and antennas.
3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste, or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work, and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

[A] 105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Department.

[A] 105.2.2 Repairs. Application or notice to the Department is not required for ordinary repairs to structures and items listed in Section 105.2. Such repairs shall not include the cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

[A] 105.2.3 Bodies Politic and Corporate; Public Utilities. A permit shall not be required for construction or the installation, alteration, or repair of equipment by or at the direction of the United States, the State of Maryland, the Commissioners of St. Mary's County or bodies politic and corporate or public utilities regulated by the Public Service Commission of Maryland.

[A] 105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Department for that purpose. Such application shall:

1. Include the following:
 - a. name, address, telephone number and electronic mail address of the applicant;
 - b. name and address of the owner(s) of the property;
 - c. dimensions of the building or structure; and
 - d. type of construction
2. Identify and describe the work to be covered by the permit for which application s made;
3. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work;
4. Indicate the use and occupancy for which the proposed work is intended; and
5. Be accompanied when applicable by:
 - (i) Construction documents;
 - (ii) approved soil erosion and sediment control plan;
 - (iii) road entrance permit;
 - (iv) grading permit;
 - (v) approval by the St. Mary's County Metropolitan Commission;

- (vi) approval by the St. Mary's County Health Department;
- (vii) approval by the Maryland State Fire Marshal's office; and
- (viii) a site plan conforming to the requirements of the St. Mary's County Zoning Ordinance.

[A] 105.3.1 Action on application. The Department shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing.

[A] 105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 12 months after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Department is authorized to grant one extension of time for an additional period of 12 months. The extension shall be requested in writing and justifiable cause demonstrated.

[A] 105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Inspector from requiring the correction of errors in the construction documents and other data. The Department is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

[A] 105.5 Expiration. Every permit issued shall expire 24 months after its issuance. A permit may be renewed. Work commenced or continued under a renewed permit shall comply with the ordinance in effect at the time the original permit was issued or in effect at the time of renewal, whichever is less restrictive.

[A] 105.6 Suspension or revocation. The Department 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.

[A] 105.7 Placement of permit. The building permit shall be kept on the site of the work until the completion of the project.

[A] 105.8 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

[A]105.9 **Preliminary inspection.** Before issuing a permit, the Department is authorized to cause to be examined buildings, structures and sites for which an application has been filed.

SECTION 106 CONSTRUCTION DOCUMENTS

[A] 106.1 **General.** Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets to the Department. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Building Inspector is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The Department is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

[A] 106.2 **Construction documents.** Construction documents shall be in accordance with Sections 106.2.1 through 106.2.5.

[A] 106.2.1 **Construction documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Department. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the code official. The work areas shall be shown.

[A] 106.2.2 **Fire protection system(s) shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the International Building Code.

[A] 106.2.3 **Means of egress.** The construction documents for Alterations—Level 2, Alterations—Level 3, additions and changes of occupancy shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. The construction documents shall designate the number of occupants to be accommodated in every work area of every floor and in all affected rooms and spaces.

[A] **106.2.4 Exterior wall envelope.** Construction documents for all work affecting the exterior wall envelope shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including windows, doors, flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane, and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the wind and weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

[A] **106.2.5 Site plan.** *[omitted]*.

[A] **106.3 Examination of documents.** *[omitted]*.

[A] **106.3.1 Approval of construction documents.** *[omitted]*.

[A] **106.3.2 Previous approval.** This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

[A] **106.3.3 Phased approval.** *[omitted]*.

[A] **106.3.4 Deferred submittals.** *[omitted]*.

[A] **106.4 Amended construction documents.** Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

[A] **106.5 Retention of construction documents.** *[omitted]*.

[A] **106.6 Design professional in responsible charge.** *[omitted]*.

SECTION 107
TEMPORARY STRUCTURES AND USES *[omitted]*.

[A] 107.1 General. *[omitted]*.

[A] 107.2 Conformance. *[omitted]*.

[A] 107.3 Temporary power. *[omitted]*.

[A] 107.4 Termination of approval. *[omitted]*.

SECTION 108 FEES

[A] 108.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

[A] 108.2 Schedule of permit fees. On buildings, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by the Commissioners of St. Mary's County.

[A] 108.3 Building permit valuations. *[omitted]*.

[A] 108.4 Work commencing before permit issuance. *[omitted]*.

[A] 108.5 Related fees. *[omitted]*

[A] 108.6 Refunds. *[omitted]*

SECTION 109 INSPECTIONS

[A] 109.1 General. Construction or work for which a permit is required shall be subject to inspection by the Building Inspector, and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Inspector nor St. Mary's County shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

[A] 109.2 Preliminary inspection. Before issuing a permit, the Department is authorized to examine or cause to be examined buildings and sites for which an application has been filed.

[A] **109.3 Required inspections.** The Building Inspector, upon notification, shall make the inspections set forth in Sections 109.3.1 through 109.3.9.

[A] **109.3.1 Footing or foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready-mixed in accordance with ASTM C 94, the concrete need not be on the job.

[A] **109.3.2 Concrete slab or under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories, and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the sub floor.

[A] **109.3.3 Lowest floor elevation.** For additions and substantial improvements to existing buildings in flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation documentation required in the International Building Code shall be submitted to the Department.

[A] **109.3.4 Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking, and bracing are in place and pipes, chimneys, and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes, and ducts are approved.

[A] **109.3.5 Lath or gypsum board inspection.** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

[A] **109.3.6 Fire and smoke-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

[A] **109.3.7 Other inspections.** In addition to the inspections specified above, the Building Inspector is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code.

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[A] **109.3.8 Special inspections.** Special inspections shall be required in accordance with the International Building Code.

[A] **109.3.9 Final inspection.** The final inspection shall be made after all work required by the building permit is completed.

[A] **109.4 Inspection agencies.** The following shall qualify as Inspectors.

[A] **109.4.1 Building Inspector.** An individual certified by the International Code Council may make inspections required by this code.

[A] **109.4.2 Professional Engineer.** A licensed professional engineer may make footing, foundation and concrete slab inspections provided that the report of a satisfactory inspection is sealed by the engineer.

[A] **109.4.3 Electrical Inspector.** An individual who is a certified nongovernmental electrical inspector pursuant to Title 12 Subtitle 6 of the Public Safety Article of the Annotated Code of Maryland.

[A] **109.4.4 Plumbing Inspector.** An individual who is certified by the Maryland Department of Labor as a nongovernmental plumbing inspector.

[A] **109.4.5 Mechanical Inspector.** An individual who is certified by the Maryland Department of Labor as a nongovernmental HVACR inspector.

[A] **109.4.6 Qualified Inspectors.** The Department shall maintain a list of qualified Inspectors.

[A] **109.5 Inspection requests.** It shall be the duty of the permit holder or its agent to notify the Building Inspector when that work is ready for inspection and to provide access to and means for any inspections of work.

[A] **109.6 Approval required.** Any work that does not comply shall be corrected and shall not be covered or concealed until approved by the Building Inspector. The permit holder or its agent shall not proceed with work described in Sections [A]109.3.1 through [A]109.3.8 prior to inspection and approval of work described in the preceding section.

**SECTION 110
CERTIFICATE OF OCCUPANCY**

[A] **110.1 Altered area use and occupancy classification change.** No altered area of a building and no relocated building shall be used or occupied, and no change in the existing occupancy classification of a building or portion thereof shall be made until the Department has issued a certificate of occupancy therefor as provided herein or received a report of an approved final inspection for work that does not require a certificate of occupancy. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of St. Mary's County. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of St. Mary's County shall not be valid.

[A] **110.2 Certificate issued.** After the Building Inspector inspects the building and finds no violations of the provisions of this code or other laws that are enforced by the Department, the Department shall issue a certificate of occupancy that shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.

[A] **110.3 Temporary occupancy.** The Department is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Department shall set a time period during which the temporary certificate of occupancy is valid.

[A] **110.4 Revocation.** The Department is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 111 SERVICE UTILITIES

[A] **111.1 Connection of service utilities.** No person shall make connections from a utility, source of energy, fuel, or power to any building or system that is regulated by this code for which a permit is required, until approved by the Building Inspector.

[A] **111.2 Temporary connection.** The Building Inspector shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel, or power.

[A] **111.3 Authority to disconnect service utilities.** [omitted].

SECTION 112 BUILDING CODE BOARD OF APPEALS

[A] **112.1 General.** In order to hear and decide appeals of orders, decisions, or determinations made by the Building Inspector relative to the application and interpretation of this code, there shall be and is hereby created a Building Code Board of Appeals. The Building Code Board of Appeals shall be appointed by the Commissioners of St. Mary's County and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

[A] **112.2 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 Building Code Board of Appeals shall have no authority to waive requirements of this code.

[A] **112.3 Qualifications.** The Building Code Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of St. Mary's County.

SECTION 113 VIOLATIONS

[A] **113.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[A] **113.2 Notice of violation.** The Department is authorized to serve a notice of violation on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detailed statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code.

[A] **113.3 Prosecution of violation.** If the notice of violation is not complied within the time prescribed by such notice, the Department shall issue a citation for a civil infraction. The citation for a civil infraction shall be prosecuted in the same manner and to the same extent as set forth in the *Local Government Article of the Annotated Code of Maryland*.

[A] **113.4 Violation penalties.** Each violation of this Ordinance shall be a civil infraction punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

SECTION 114 STOP WORK ORDER

[A] 114.1 **Authority.** Whenever the Department finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the Department is authorized to issue a stop work order.

[A] 114.2 **Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

[A] 114.3 **Unlawful continuance.** Any person who shall continue any work 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 subject to penalties as prescribed by law.

SECTION 115 UNSAFE BUILDINGS AND EQUIPMENT

[A] 115.1 **Conditions.** Buildings, structures or equipment that are or hereafter become unsafe, shall be taken down, removed or made safe as the Department deems necessary and as provided for in this code.

[A] 115.2 **Record.** The Department shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

[A] 115.3 **Notice.** If an unsafe condition is found, the Department shall serve on the owner, agent, or person in control of the structure a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe building to be demolished within a stipulated time.

[A] 115.4 **Method of service.** Such notice shall be deemed properly served if a copy thereof is delivered to the owner personally; sent by U.S. mail addressed to the owner at the last known address; or delivered in any other manner as prescribed by local law. If the letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

[A] 115.5 **Restoration.** Where the structure or equipment determined to be unsafe by the Department is restored to a safe condition, to the extent that repairs, alterations or additions are

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made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of Section 105.2.2 and the Maryland Building Rehabilitation Code.

SECTION 116 EMERGENCY MEASURES

[A] 116.1 Imminent danger. When, in the opinion of the Department, there is imminent danger of failure or collapse of a building that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment, the Department is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Department shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Director of the St. Mary's County Department of Land Use and Growth Management." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

[A] 116.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Department, there is imminent danger due to an unsafe condition, the Department shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Department deems necessary to meet such emergency.

[A] 116.3 Closing streets. When necessary for public safety, the Department shall temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

[A] 116.4 Emergency repairs. For the purposes of this section, the Department shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

[A] 116.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by St. Mary's County. The County Attorney shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

[A] 116.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Building Code Board of Appeals, be afforded a hearing as described in this code.

SECTION 117
DEMOLITION [omitted].

[A] 117.1 General. [omitted].

[A] 117.2 Notices and orders. [omitted].

[A] 117.3 Failure to comply. [omitted].

[A] 117.4 Salvage materials. [omitted].

2. Chapter 2 (Definitions) of the 2015 International Existing Building Code is amended as follows:

Code Official [Deleted].

[Add] DEPARTMENT. St. Mary's County Department of Land Use and Growth Management.

[Add] BUILDING INSPECTOR. An individual certified by the International code Council or the State of Maryland.

3. In the following sections delete "Code Official" and substitute "Building Inspector":

Chapter 2 (definitions)	A REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE
301.1	General
602.1	Existing Building Materials
606.2.2.1	Evaluation
804.2.5	Supervision
805.2	General
907.4.1	Evaluation and Analysis
1001.2	Change in Occupancy with No Change in Occupancy Classification
1007.3.1	Compliance with the IBC Level Seismic Forces
1012.4.1	Means of Egress for Change to Higher Hazard Category
1201.2	Report

1202.2	Unsafe Conditions
1203.2	General
1203.3	Means of Egress
1203.11	Exit Signs
1203.12	Automatic Fire-Extinguishing Systems
1204.1	Accessibility Requirements
1205.6	Means of Egress
1205.7	Door Swing
1205.11	Stairs and Railings
1205.12	Exit Signs
1205.14	Natural Light
1206.1	General
1206.2	Dangerous Conditions
1302.7	Required Inspection and Repairs
1401.3	Acceptance
1401.4.2	Submittal
1401.4.3	Determination of Compliance
1501.6.7	Adjacent to Excavations

4. In the following sections delete "Code Official" and substitute "Department":

Chapter 2 (definitions)	SUBSTANTIAL IMPROVEMENT
1201.3	Special Occupancy Exceptions – Museums
1401.3.1	Hazards

SECTION VII. The Director of Land Use and Growth Management or his designee shall forward a copy of the foregoing local amendments to the Maryland Department of Labor, Licensing, and Regulation at least 15 days prior to the effective date of this amendment.

SECTION VIII. This Ordinance shall be effective as of the date set forth below.

Those voting Aye: 5

Those voting Nay: 0

Those Abstaining: 0

Date of Adoption: February 25, 2020

Effective Date: March 10, 2020

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY



Rebecca B. Bridgett
County Administrator



James R. Guy, Commissioner President

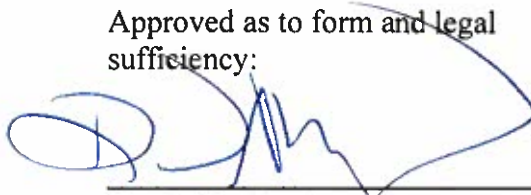


Eric Colvin, Commissioner



Michael L. Hewitt, Commissioner

Approved as to form and legal
sufficiency:



David Weiskopf
County Attorney



Todd B. Morgan, Commissioner



John E. O'Connor, Commissioner