

COUNTY COUNCIL
OF
DORCHESTER COUNTY, MARYLAND

BILL NO. 2024-5

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND TO AMEND CHAPTERS 65 (BUILDING CODE), 102 (HEATING, VENTILATION, AIR CONDITIONING AND REFRIGERATION), AND 119 (PLUMBING), AND OF THE DORCHESTER COUNTY CODE BY UPDATING SUCH CHAPTERS FOR CONSISTENCY WITH THE 2021 INTERNATIONAL BUILDING CODE AND 2021 INTERNATIONAL RESIDENTIAL CODE, THE 2021 INTERNATIONAL MECHANICAL CODE, AND THE STATE PLUMBING CODE, RESPECTIVELY; PROVIDING THAT THE TITLE OF THIS BILL SHALL BE DEEMED A FAIR SUMMARY, AND GENERALLY RELATING TO BUILDING, PLUMBING, AND HVAC CODES IN DORCHESTER COUNTY, MARYLAND.

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 10-317(a)(4), the County Council of Dorchester County, Maryland (the "County Council") is authorized and empowered to enact local laws to protect and promote public safety, health, morals, comfort, and welfare relating to the erection, construction, repair, and use of buildings and other structures in Dorchester County, Maryland (the "County"); and

WHEREAS, pursuant to Md. Code Ann., Public Safety § 12-503, the Maryland Department of Labor (the "Department") shall adopt, by regulation, as the Maryland Building Performance Standards, the International Building Code, including the International Energy Conservation Code, with modifications incorporated by the Department (the "MBPS"); and

WHEREAS, pursuant to Md. Code Ann., Public Safety § 12-504, local jurisdictions may adopt local amendments to the MBPS, subject to certain conditions; and

WHEREAS, pursuant to Md. Code Ann., Public Safety § 12-1004, the Department shall adopt by regulation the Maryland Building Rehabilitation Code, which includes the International Mechanical Code, subject to certain modifications (the "MBRC"); and

WHEREAS, pursuant to Md. Code Ann., Public Safety § 12-1007, a local jurisdiction may adopt amendments to the MBRC; and

WHEREAS, pursuant to Md. Code Ann., Business Occupations and Professions § 12-206, a county shall enforce the State Plumbing Code, codified in the Code of Maryland Regulations ("COMAR"), Title 09, Subtitle 20, Chapter 01; and

WHEREAS, pursuant to the foregoing statutory authority, the County Council has adopted building, heating, ventilation, and air conditioning, and plumbing codes, which are

codified in Chapters 65, 102, and 119, respectively, of the Dorchester County Code (the “County Code”); and

WHEREAS, the County Council is desirous of amending Chapters 65, 102, and 119 of the County Code for consistency with the 2021 International Building Code and the 2021 International Residential Code, the 2021 International Mechanical Code, and the State Plumbing Code, respectively; and

WHEREAS, the County Council finds that the enactments set forth herein are necessary to promote and protect the public health, safety, and welfare.

SECTION ONE: Acting under Md. Code Ann., Local Gov’t § 10-317(a)(4), Md. Code Ann., Public Safety § 12-504, and Chapter 65 of the County Code, be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that Chapter 65 (Building Code) of the County Code be and it is hereby amended to read as follows:

§ 65-1 Statutory authority.

This chapter is enacted pursuant to ~~Article 25A, § 5(T)~~ **§ 10-317 of the Local Government Article** of the Annotated Code of Maryland and Title 12, Subtitle 5, §§ 12-501 through ~~12-507~~ **12-510** of the Public Safety Article of the Annotated Code of Maryland.

§ 65-2 Definitions.

As used in this chapter, the following words have the meanings indicated:

ICC

The organization known as the International Code Council.

INTERNATIONAL BUILDING CODE (IBC)

- A. The ~~2003~~ **2021** Edition or current edition **of the International Building Code issued by the ICC.**
- B. Includes interim amendments or subsequent printings of the current edition of the International Building Code issued by **the** ICC.

INTERNATIONAL RESIDENTIAL CODE (IRC)

- A. The ~~2003~~ **2021** Edition or current edition of the International Residential Code issued by **the** ICC.
- B. Includes interim amendments or subsequent printings of the ~~2003 Edition or~~ current edition of the International Residential Code issued by **the** ICC.

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§ 65-4 Amendments and changes to the International Building Code.

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E. Section ~~108~~ **109**, Fees, is deleted and amended to read as follows:

Section ~~108.1~~ 109.1 Fees. The County Council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits issued pursuant to this chapter. Such schedule shall be posted in the Office of Planning and Zoning and may be altered or amended, from time to time, without a public hearing, only by the County Council. Until all applicable fees, charges and expenses have been paid in full, no permit shall be issued.

Section ~~108.6~~ 109.6 Costs of Emergency Repairs. The costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the Code Official. Such costs shall be first liens on any land of the owner, the same as County real estate taxes, and may be collected in the same manner as County real estate taxes are collected or collected by an action at law against the owner. Such cost shall be added to the County real estate tax bill for the specific property of the owner in which the costs were incurred.

F. Section ~~112~~ **113**. **Board Means of Appeals:** For purposes of interpretation, the “Board of Appeals” shall mean the “Board of Building Appeals.”

G. Section ~~112.3~~ **113.3**. Qualifications: Delete and insert the following:

“The Board of Building Appeals shall consist of five individuals, one of whom shall have experience as an electrical contractor, one of whom shall have experience as a plumbing contractor and three of whom shall have experience as a building contractor.”

H. **A new** Section ~~112.4~~ **113.5**. Fees (~~new~~). ~~New Section 112.4, Fees,~~ is added to read as follows:

“Fees: The local jurisdiction shall cause the levy of an appeal fee set at a level necessary to recover the direct and incidental costs to the local jurisdiction of hearing said appeal.”

I. Section ~~113.4~~ **114.4**. Violations ~~Penalties~~: ~~Section 113.4~~ is amended to read as follows:

“Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine or not more than \$1,000 or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”

J. Section ~~114.3~~ **115.4**. ~~Unlawful Continuance~~ **Failure to Comply**: ~~Section 114.3~~ is amended to read as follows:

~~Section 114.3 Unlawful Continuance.~~ “Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed to be in violation of this chapter.”

K. Chapter 29 “Plumbing Systems” is amended to add a new Section 2902.6.4 2902.8 Catch Pans to read as follows:

~~Section 2902.6.4 Catch Pans.~~ “On all auto-washing machines, a catch pan will be required on 2nd floor and subsequent floors.”

* * *

§ 65-5 Adoption.

The International Residential Code ~~2003~~ (“IRC”) is hereby adopted as the basic building code for Dorchester County, Maryland, for one- and two-family dwellings, and each and all of the regulations, provisions, conditions, penalties, and terms thereof are hereby referred to, adopted, incorporated herein by reference and made a part of this chapter as it fully set out in this chapter, with the additions, insertions and deletions and changes more fully set forth in this chapter.

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§ 65-6 Amendments and changes to the International Residential Code.

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B. Section R102.2. Add the following:

Section R102.2 Barriers for Swimming Pools, Saps and Hot Tubs. The provisions for barriers for swimming pools, spas and hot tubs contained in ~~Appendix G~~ the 2021 International Swimming Pool & Spa Code, where required under the Dorchester County Zoning Ordinance, shall apply in Dorchester County.

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N. Section ~~R404.2~~ **R403.2**, including Table No. R403.1, Figure R403.1 (3) and Figure R403.1 (2): Wood Foundation Walls: Deleted.

O. Section ~~R408.5~~ **R408.6**. Finished Grade: Delete and insert the following: “The grade in the under-floor space shall be as high as the outside finished grade. There shall be a minimum distance of 24 inches from the top of the finished grade under floor to the bottom of the floor joists.”

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R. ~~Section R705.8.8. Sheet Metal: Delete paragraph beginning with “Open roof valleys shall be provided of not less than 0.013 thickness aluminum or 0.019 thickness copper and shall extend at least eight inches from the center line each way. Sections of flashing shall be jointed to provide an adequate water lock.”~~ **RESERVED**

S. ~~Section R802.3~~ **R802.4.2**. Framing Details: Add new paragraph to read as follows: “All trusses and rafters shall be fastened with approved truss ties (hurricane ties) in all areas of the County. Where truss or rafter ties are used, conventional nailing is still required.

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U. Add to Chapter 27, Section ~~P2718.1~~ **P2718.2** the following:

~~Section P2718.1.~~ “On all auto-washing machines, a catch pan will be required on the 2nd floor and subsequent floors.”

K. Chapter 29 “Plumbing Systems” is amended to add a new Section ~~2902.6.4~~ **2902.8 Catch Pans** to read as follows:

~~Section 2902.6.4 Catch Pans.~~ “On all auto-washing machines, a catch pan will be required on 2nd floor and subsequent floors.”

SECTION TWO: Acting under Md. Code Ann., Local Gov’t § 10-317(a)(4), Md. Code Ann., Public Safety § 12-1007, and Chapter 102 of the County Code, be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that Chapter 102 (Heating, Ventilation, Air Conditioning and Refrigeration) of the County Code be and it is hereby amended to read as follows:

§ 102-2 Definitions.

As used in this chapter, the following words shall have the meanings indicated:

§ 102-2 Definitions. As used in this chapter, the following words shall have the meanings indicated:

BOCA

~~The organization known as the “Building Officials and Code Administrators International, Inc.”~~

ICC

The organization known as the “International Code Council.”

~~BOCA-INTERNATIONAL MECHANICAL CODE~~

- A. The 1996 2021 Edition or current edition of the International Mechanical Code issued by the ICC.**
- B. Includes interim amendments or subsequent printings of the current edition of the International Mechanical Code issued by the ICC.**

§ 102-3 Adoption.

The ~~BOCA~~ International Mechanical Code is hereby adopted as the mechanical code of Dorchester County, Maryland, and each and all of the regulations, provisions, conditions, penalties and terms thereof are hereby referred to, adopted, incorporated herein by reference and made a part of this chapter as if fully set out in this chapter, with additions, insertions and deletions and changes more fully set forth in this chapter.

- A. Section 101.1. Title. These regulations shall be known as the Dorchester County HVACR Code, hereinafter referred to as "This code."
- B. Section 101.2. Scope. Add the following language to end of paragraph: "These regulations shall not apply to:
 - .01 Installation of Mechanical equipment on lands located within an incorporated municipality in Dorchester County unless expressly authorized by the governing body of said municipality and the County ~~Commissioners~~ **Council** of Dorchester County.
 - .02 HVACR installation in buildings and structures located on lands owned by or leased to federal, state or local governments."
- C. ~~Section 106.4.3. Expiration. Every permit issued by the building official under provisions of the code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one year from the issuance date of the permit. A permittee holding an unexpired permit may have said permit extended for up to one additional year for good and satisfactory reasons. **RESERVED**~~
- D. Section ~~106.3.4~~ **107 Construction documents**. For one- and two-family dwellings, only a Manual J, or its equivalent, shall be required. Plans shall indicate how required structural and fire-resistant rating integrity will be maintained and where penetrations will be made for electrical, mechanical, plumbing and communication conducts pipes and systems.
- E. Section ~~106.5.2. Fee schedule~~ **109.2 Schedule of permit fees**: Delete and insert the following, "The County Commissioners shall establish a schedule of fees, charges and expenses and a collection procedure for HVACR permits issued pursuant to this chapter. Such schedule shall be posted in the Office of Permits, Inspections and Licensing and may be altered or amended from time to time without a public hearing, only by the County Commissioners. Until all applicable fees, Dorchester County, MD Downloaded from <https://ecode360.com/DO0950> on 2024-05-01 charges and expenses have been paid in full, no permit shall be issued."

- F. Section ~~108.4~~. **115.4** Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install or alter mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000, or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- G. Section ~~108.5~~. ~~Stop work orders. Unlawful continuance~~ **116.4 Failure to comply**: Last sentence to read: "Any person who shall continue any work on the system after being served with a stop-work order, except such work as the person is directed to perform to remove a violation or unsafe condition, shall be deemed to be in violation of this chapter."
- H. Section ~~109~~. **113** Means of appeal: For purposes of interpretation, the "Board of Appeals" shall mean the "Board of Building Appeals."
- I. Section ~~109.8~~. **113.5** Fees. ~~Section 109.8, Fees~~, is added to read as follows: "Fees: the local jurisdiction shall cause the levy of an appeal fee set at a level necessary to recover the direct and incidental cost to the local jurisdiction of hearing said appeal."
- J. Section ~~110~~. **117** License required. The code requires that any person who provides or assists in providing HVACR services must hold a current State HVACR license.

SECTION THREE: Acting under Md. Code Ann., Local Gov't § 10-317(a)(4), Md. Code Ann., Business Occupations and Professions § 12-206, and Chapter 102 of the County Code, be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that Chapter 119 (Plumbing) of the County Code be and it is hereby amended to read as follows:

§ 119-3 Adoption of minimum requirements.

The requirements of the plumbing regulations adopted by the Maryland Board of ~~Commissioners of Practical~~ Plumbing shall be the minimum requirements under this chapter.

SECTION FOUR: With respect to the substantive provisions of this Bill set forth in Sections 1 through 3, additions are shown in bold, underlined font and deletions are shown in strikethrough. Substantive language added after the date of introduction is in bold, italicized font and substantive language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION FIVE: And be it further enacted and ordained that if any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Bill, it being the intent of the County Council that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION SIX: And be it further enacted and ordained that all bills, ordinances, or parts thereof inconsistent with the provisions of this Bill are hereby repealed to the extent of such inconsistency.

SECTION SEVEN: And be it further enacted and ordained that General Code Publishers is directed to codify the above amendments to the Dorchester County Code accordingly.

SECTION EIGHT: And be it further enacted and ordained pursuant to § 308 of the Charter of Dorchester County, Maryland that promptly after enactment of this Act, the County Manager shall cause a fair summary of this Act to be published at least once in a newspaper of general circulation in Dorchester County, Maryland.

SECTION NINE: And be it further enacted and ordained that this Bill shall be known as Bill No. 2024-5 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED this _____ day of _____, 2024.

ATTEST:

COUNTY COUNCIL OF DORCHESTER
COUNTY, MARYLAND

BY: _____
Jeff Powell
Interim County Manager

BY: _____
George L. Pfeffer, Jr.
President

Pfeffer –

Detmer –

Kramer –

Nichols –

Travers –