

Requested by: Office of the County Attorney
Department of Land Use and
Growth Management

Ordinance No. 2024 - 17

Subject: To repeal and re-enact with amendments
Chapter 203 and repeal Article IV of Chapter
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ORDINANCE

**TO AMEND CHAPTER 203 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND,
REGARDING BUILDING CONSTRUCTION
AND TO REPEAL ARTICLE IV OF CHAPTER 223 REGARDING INSPECTION FEES**

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;

WHEREAS, pursuant to § 12-503 of the *Public Safety Article* of the *Annotated Code of Maryland* (hereinafter referred to as the "Public Safety Article"), the Maryland Department of Labor is required to adopt, by regulation, the "Maryland Building Performance Standards";

WHEREAS, the Maryland Department of Labor did adopt, as the "Maryland Building Performance Standards," the 2021 International Building Code (hereinafter "IBC"), the 2021 International Residential Code for One- and Two-family Dwellings (hereinafter "IRC") and the 2021 International Energy Conservation Code (hereinafter "IECC"), with the modifications as set forth in COMAR 09.12.51 et seq., which became effective on May 29, 2023;

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

WHEREAS, pursuant to Public Safety Article § 12-505, each local jurisdiction is required to implement and enforce the most current version of the Standards and any amendments thereto no later than 12 months after adoption by the State;

WHEREAS, pursuant to Public Safety Article § 12-603 and § 217-2 of the Code of St. Mary's County, Maryland, an electrical installation shall conform to the National Electrical Code;

WHEREAS, pursuant to § 12-206 of the *Business Occupations Article* of the *Annotated Code of Maryland*, counties are required to enforce the State Plumbing Code or adopt and enforce a local plumbing code that meets or exceeds the standards of the State Plumbing Code;

WHEREAS, the State Plumbing Code is set forth in COMAR 09.20.01 et. seq.;

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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;

WHEREAS, pursuant to Public Safety Article §§ 12-1004 and 12-1007(a) the Maryland Department of Labor is required to adopt, by regulation, the "Maryland Building Rehabilitation Code";

WHEREAS, the Maryland Department of Labor did adopt, as the "Maryland Building Rehabilitation Code," the 2021 version of the International Existing Building Code (hereinafter "IEBC"), with the modifications as set forth in COMAR 09.12.58 et. seq.;

WHEREAS, the Commissioners of St. Mary's County held a public hearing on June 4, 2024, for the purpose of receiving public testimony and to consider amendments to Chapter 203 and Chapter 223 of the *Code of St. Mary's County* after notice was published in the *Southern Maryland News*, a local newspaper of general circulation in St. Mary's County, Maryland, on May 17, 2024, and May 24, 2024;

WHEREAS, the Commissioners of St. Mary's County find that approval of the amendments to Chapter 203 and Chapter 223 of the *Code of St. Mary's County* are in best interest of the health, safety and welfare of the citizens of St. Mary's County; and

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

SECTION I. Chapter 203 of the Code of St. Mary's County, Maryland is hereby repealed and re-enacted with amendments as follows:

Chapter 203 – BUILDING CONSTRUCTION

Sec. 203-1. Applicability

The provisions of this Ordinance shall apply as set forth herein.

Sec. 203-2. Permit Fees

All permit fees shall be set by ordinance or resolution of the Commissioners of St. Mary's County. All revenues from permits shall be collected by the St. Mary's County Department of Land Use and Growth Management and paid into the General Fund of the Commissioners of St. Mary's County.

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Sec. 203-3. Incorporated by Reference.

- A. In this Chapter, the following are incorporated by reference:
1. 2021 International Building Code (IBC), as amended by COMAR 09.12.51 *et seq.*;
 2. 2021 International Residential Code (IRC), as amended by COMAR 09.12.51 *et seq.*;
 3. 2021 International Energy Conservation Code (IECC), as amended by COMAR 09.12.51 *et seq.*;
 4. 2021 International Existing Building Code (IEBC), as amended by COMAR 09.12.58 *et seq.*; and
 5. 2021 International Swimming Pool and Spa Code (ISPSC), as amended by COMAR 09.12.56 *et seq.*
- B. As of the date of adoption of this chapter, the Maryland State Plumbing Code has not been updated to reflect the 2021 versions of the International Fuel Gas Code, but instead, implements, with amendments, the 2018 International Fuel Gas Code, which is incorporated herein. At such time as the Maryland State Plumbing Code incorporates the 2021 International Fuel Gas Code, the same shall be incorporated and effective six (6) months after the effective date or date of publication, whichever is later.
- C. As of the date of adoption of this chapter, the Maryland State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors established by § 9A-201 of the Business Regulation Article of the Annotated Code of Maryland, has not incorporated the 2021 International Mechanical Code, but instead implements, with amendments, the 2018 International Mechanical Code., which is incorporated herein. At such time as the Maryland State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors incorporates the 2021 International Mechanical Code, the same shall be incorporated and effective six (6) months after the effective date or date of publication, whichever is later.
- D. All future editions of the codes referenced in this section, as may be modified by the State, shall be incorporated and effective six (6) months after the effective date or date of publication, whichever is later.

Sec. 203-4. Modifications to the 2021 International Building Code.

- A. The 2021 International Building Code (IBC) is further amended as set forth below:

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**Section 101
Scope and General Requirements**

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

101.2 Scope

[Add] **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.

[Modify] **101.2.1 Appendices.** The provisions of the following Appendices are adopted as part of the code: Appendix C (Group U- Agricultural Buildings), Appendix F (Rodentproofing). Appendix G (Flood-Resistant Construction), Appendix H (Signs), and Appendix I (Patio Covers).

**SECTION 103
CODE COMPLIANCE AGENCY [OMIT]**

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SECTION 104 DUTIES AND POWERS OF *BUILDING OFFICIAL*

[Modify] **104.1 General.** The *building official* shall be appointed by the Director of the *Department*. The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[Modify] **104.4 Inspections.** The *building official* and/or *building inspector* shall make or cause to be made the required inspections. The *building official* and/or *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 the applicable inspector. The *building official* and/or *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 appointing authority.

SECTION 105 PERMITS

[Modify] **105.2.3 Bodies Politic and Corporate; Public Utilities.** Unless otherwise required by state law, 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.

[Modify] **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 *building official* is authorized to grant one extension of time for an additional period of 12 months. The extension shall be requested in writing.

[Modify] **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.

[Modify] **107.2.6 Site plan.** Must conform to the requirements of the St. Mary's County Comprehensive Zoning Ordinance.

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**SECTION 108
TEMPORARY STRUCTURES AND USES**

[Modify] **108.1 General.** The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service but shall not be permitted for more than 20 days.

[Modify] **108.2 Conformance.** Temporary structures and uses shall comply with both the requirements in Section 3103 and to the requirements of the St. Mary's County Comprehensive Zoning Ordinance. If there are any conflicts, then the provisions of the Comprehensive Zoning Ordinance shall prevail.

**SECTION 110
INSPECTIONS**

[Modify] **110.3 Required inspections.** The *building official* and/or the *building inspector*, upon notification, shall make and/or cause to be made the inspections set forth in Sections 110.3.1 through 110.3.12.

[Add] **110.3.1.1** A *Professional Engineer* may make footing, foundation, and backfill inspections provided that the report of a satisfactory inspection is sealed by the engineer.

[Modify] **110.4 Inspection agencies.** The *Department* shall maintain a list of qualified Inspectors. The following shall qualify as Inspectors.

110.4.1 Building inspector. An individual certified by the International Code Council may make inspections required by this code.

110.4.2 Professional Engineer. An individual licensed by the State Board for Professional Engineers pursuant to Title 14, Subtitle 3 of the Business Occupations and Professions Article of the Annotated Code of Maryland.

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.

110.4.4 Plumbing Inspector. An individual who is licensed by the Maryland Department of Labor as a nongovernmental plumbing inspector.

110.4.5 Mechanical Inspector. An individual who is licensed by the Maryland Department

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of Labor as a nongovernmental HVAC-R inspector.

[Modify] **110.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining approval of the *building official* and/or *building inspector*. The *building official* and/or *building inspector* upon notification, shall make and/or cause to be made 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 portion that does not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official* and/or *building inspector*.

[Modify] **111.2 Certificate issued.** After the *building official* and/or *building inspector* inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the Department, the building official shall issue a certificate of occupancy that contains the following: [insert list included in 2021 IBC]

SECTION 113

[Modify] **BUILDING CODE BOARD OF APPEALS**

[Modify] **113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by a *building official* and/or *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.

SECTION 114

VIOLATIONS [OMIT]

SECTION 202

DEFINITIONS

[Modify] **AGRICULTURAL BUILDING.** A structure constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products, but that does not include a place of human habitation.

[Add] **AGRITOURISM.** Activities and/or use as defined in the St. Mary's County Comprehensive Zoning Ordinance.

[Modify] **APPROVED.** Acceptable to the *building official* and/or *building inspector* as appropriate.

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

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

[Add] HOTEL. As set forth in COMAR 09.12.51.03, an establishment that offers sleeping accommodations for compensation. Hotel does not include a bed and breakfast establishment, a boarding house, or lodging house.

Sec. 203-5. Modifications to the 2021 International Residential Code.

A. The 2021 International Residential Code (IRC) is further amended as set forth below:

SECTION R101 SCOPE AND GENERAL REQUIREMENTS

[Modify] **R101.1 Title.** These provisions shall be known as the Residential Code of St. Mary's County, hereinafter referred to as "this code."

SECTION R102 APPLICABILITY

[Modify] **R102.5 Appendices.** The provisions in the following Appendices are adopted as part of the IRC: AE (Manufactured Housing Used as Dwellings), AF (Radon Control Methods), and AQ (Tiny Homes).

SECTION R103 DEPARTMENT OF BUILDING SAFETY [OMIT]

SECTION R104 DUTIES AND POWERS OF THE BUILDING OFFICIAL

[Modify] **R104.1 General.** The *building official* shall be appointed by the Director of the *Department*. The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in

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compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[Modify] **R104.4 Inspections.** The *building official* and/or *building inspector* shall make or cause to be made the required inspections. The *building official* and/or *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 the applicable inspector. The *building official* and/or *building inspector* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject the approval of the appointing authority.

SECTION R105 PERMITS

R105.2 Work exempt from permit.

Building:

[Modify] 1. Other than *storm shelters*, one-story detached *accessory structures*, provided that the floor area does not exceed 600 square feet.

[Modify] **R105.2.3 Bodies Politic and Corporate; Public Utilities.** Unless otherwise required by state law, 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.

[Modify] **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 *building official* 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.

[Modify] **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.

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**SECTION R107
TEMPORARY STRUCTURES AND USES**

[Modify] **107.0 General.** The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service but shall not be permitted for more than 20 days.

[Modify] **107.2 Conformance.** Temporary structures and uses shall comply with both the requirements of this code (specifically, the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety, and general welfare) and the requirements of the St. Mary's County Comprehensive Zoning Ordinance. If there are any conflicts, then the provisions of the Comprehensive Zoning Ordinance shall prevail.

**SECTION R109
INSPECTIONS**

R109.1 Types of inspections. The *building official* and/or *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. A Professional Engineer may make footing, foundation, backfill, and concrete slab inspections provided that the report of a satisfactory inspection is sealed by the engineer.

[Modify] **R109.1.2 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. Inspect condensate drain line configuration per M1411.3.3

[Add] **R109.1.5.2 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.

[Modify] **R109.1.6.2 911 address.** E-911 address shall be installed prior to the final inspection.

[Add] **R109.1.6.3 Testing not required.** Blower Door testing is not required for a satisfactory inspection of additions to One- and Two-Family Dwellings.

[Modify] **R109.2 Inspection agencies.** The Department shall maintain a list of qualified Inspectors. The following shall qualify as Inspectors.

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

[Add] **R109.2.2 Professional Engineer.** An individual licensed by the State Board for Professional Engineers pursuant to Title 14 Subtitle 3 of the Business Occupations and Professions Article of the Annotated Code of Maryland.

[Add] **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.

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

[Add] **R109.2.5 Mechanical Inspector.** An individual who is certified by the Maryland Department of Labor as a nongovernmental HVAC-R inspector.

[Modify] **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.

[Modify] **R109.4 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official* and/or *building inspector*. The *building official* and/or *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 an agent of the permit holder wherein the same fails to comply with this code. Any portion that do not shall be corrected and such portion shall not be covered or concealed until authorized by the *building official* and/or *building inspector*. 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.

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SECTION R110 CERTIFICATE OF OCCUPANCY

R110.1 Use and change of occupancy.

Exceptions:

[Add] 3. Rehabilitations, exterior additions such as decks and porches, and additions that do not create additional sleeping quarters.

SECTION R112 [Modify] BUILDING CODE BOARD OF APPEALS

[Modify] **R112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by a *building official* and/or *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.

SECTION R113 VIOLATIONS [OMIT]

SECTION R202 DEFINITIONS

[Modify] APPROVED. Acceptable to the *building inspector* and/or *building official* as appropriate.

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

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

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SECTION R301 DESIGN CRITERIA

[Modify] Table R301.2 CLIMACTIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load = 20
Wind Design Speed = 115
Topographic Effects = NO
Special Wind Region = NO
Windborne Debris Zone = NO
Seismic Design Category = A
Weathering = Severe
Frost Line Depth = 20"
Termite = Moderate to Heavy
Winter Design Temp = 18°F
Ice Barrier Underlayment Required = YES
Flood Hazards = Nov. 19, 2014
Air Freezing Index = 1,500
Mean Annual Temp = 57.9°F

SECTION R305 CEILING HEIGHT

R305.1 Minimum height

Exceptions:

[Modify] 4. Beams and girders spaced apart not less than 36 inches (914 mm) in clear finish width shall project not more than 76 inches (1930 mm) from the finished floor.

SECTION R311 MEANS OF EGRESS

[Modify] **R311.7.5.1 Risers.** The *riser* height shall not be more than 8 inches (203 mm). The *riser* height shall be measured vertically between leading edges of the adjacent treads. The greatest *riser* height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). *Risers* shall be vertical or sloped from the underside of the *nosing* of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. At open *risers*, openings located more than 30 inches (762 mm), as measured vertically, to the floor or *grade* below shall not permit the passage of a 4-inch-diameter (102 mm) sphere.

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[Modify] **R311.7.5.2 Treads.** The tread depth shall be not less than 9 ¼ inches (247 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge, The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

**SECTION M1411
HEATING AND COOLING EQUIPMENT**

[Modify] **M1411.4 Condensate pumps.** Condensate pumps located in uninhabitable and habitable spaces, such as attics and crawl spaces, shall be connected to the *appliance* or *equipment* served such that when the pump fails, the *appliance* or *equipment* will be prevented from operating. Pumps shall be installed in accordance with the manufacturer's instructions.

**SECTION M1502
CLOTHES DRYER EXHAUST**

[Modify] **M1502.3 Duct Termination.** Exhaust ducts shall terminate on the outside of the building. Exhaust duct terminations shall be in accordance with the dryer manufacturer's installation instructions. If the manufacturer's instructions do not specify a termination location, the exhaust duct shall terminate not less than 3 feet (914 mm) in any direction from openings into buildings, and any outdoor condensation units. Exhaust duct terminations shall be equipped with a backdraft damper. Screens shall not be installed at the duct termination.

**APPENDIX AE
MANUFACTURED HOUSING USED AS DWELLINGS**

[Modify] **AE101.1 General.** These provisions shall be applicable only to a *manufactured home* used as a single *dwelling unit* installed on all lots and shall apply to the following: [insert list included in 2021 IRC]

**SECTION AE103
DEFINITIONS**

[Add] **BUILDING OFFICIAL.** An individual appointed by the Director of the Department.

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

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

[Add] **PROFESSIONAL ENGINEER.** An individual licensed by the State Board for Professional Engineers pursuant to Title 14 Subtitle 3 of the Business Occupations and Professions Article of the Annotated Code of Maryland.

[OMIT] **PRIVATELY OWNED (NONRENTAL) LOT.** A parcel of real estate outside of a *manufactured home* rental community (park) where the land and the *manufactured home* to be installed thereon are held in common ownership.

**SECTION AE106
PERMITS ISSUANCE**

[Modify] **AE106.4 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.

**SECTION AE107
FEES**

[MODIFY] **AE107.3.1 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 *building official* 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.

[OMIT] **AE107.3.2 Investigation fees-work without a permit.**

**SECTION AE108
INSPECTIONS**

[Modify] **AE108.1 General.** All construction or work for which a manufactured home installation permit is required shall be subject to inspection by the *building official* and/or *building inspector*, and certain types of construction shall have continuous inspection by special inspectors as specified in Section AE109. The *building official* has the authority to require a survey of the lot to verify that the structure is located in accordance with the approved plans. It shall be the duty of the permit applicant to cause the work to be

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accessible and exposed for inspection purposes. Neither the *building official* nor this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. A *Professional Engineer* may make footing, foundation, backfill, and concrete slab inspections provided that the report of a satisfactory inspection is sealed by the engineer.

[Modify] **AE108.2 Inspection requests.** It shall be the duty of the person doing the work authorized by a manufactured home installation permit to notify the *building official* and/or *building inspector* that such work is ready for inspection. It shall be the duty of the person requesting any inspections required, either by these provisions or other applicable codes, to provide access to and means for proper inspection of such work. A *Professional Engineer* may make footing, foundation, backfill, and concrete slab inspections provided that the report of a satisfactory inspection is sealed by the engineer.

[Modify] **AE108.3 Inspection record card.** Work requiring a manufactured home installation permit shall not be commenced until the permit holder or the permit holder's agent shall have posted an inspection record card in a conspicuous place on the premises and in such position as to allow the *building official* and/or *building inspector* conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained in such position by the permit holder until final approval has been issued by the *building official* and/or *building inspector*.

[Modify] **AE108.4 Approval required.** Work shall not be done on any part of the manufactured home installation beyond the point indicated in each successive inspection without first obtaining the approval of the *building official* and/or *building inspector*. Such approval shall be given only after an inspection has been made of each successive step in the construction as indicated by each of the inspections required in Section AE108.5. There shall be a final inspection and approval of the manufactured home installation, including connections to its building service equipment, when completed and ready for occupancy or use.

[Modify] **AE108.5.1 Structural inspections for the manufactured home installation.** Reinforcing steel or structural framework of any part of any manufactured home foundation system shall not be covered or concealed without first obtaining the approval of the building official. The *building official* and/or *building inspector*, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or the permit holder's agent wherein the same fails to comply with these provisions or other applicable codes: [insert text included in Appendix AE]

[Modify] **AE108.5.3 Building service equipment inspections.** Building service equipment that is required as a part of a manufactured home installation, including accessory buildings and structures authorized by the same permit, shall be inspected by the *building official* and/or *building inspector*. Building service equipment shall be inspected and tested as required by the applicable codes. Such inspections and testing shall be limited to site construction and shall not include building service equipment that is a part of the manufactured home itself. No portion of any building service equipment intended to be concealed by any permanent portion of the construction shall be concealed until inspected and approved. Building service

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equipment shall not be connected to a water, fuel or power supply, or sewer system, until authorized by the building official.

[Modify] **AE108.6 Other inspections.** In addition to the called inspections specified in Section AE108.5.4, the *building official* and/or *building inspector* have the authority to make or require other inspections of any construction work to ascertain compliance with these provisions or other codes and laws that are enforced by the code enforcement agency.

SECTION AE109 SPECIAL INSPECTIONS

[Modify] **AE109.1 General.** In addition to the inspections required by Section AE108, the *building official* and/or *building inspector* has the authority to require the owner to employ a special inspector during construction of specific types of work as described in this code.

SECTION AE113 DESIGN

[Modify] **AE113.1 General. Exception:** Where specifically authorized by the *building official* and/or *building inspector*, foundation and anchorage systems that are constructed in accordance with the methods specified in Section AE120 of these provisions, or in the HUD, Permanent Foundations for Manufactured Housing, 1984 Edition, Draft, shall be deemed to meet the requirements of this appendix.

SECTION AE121 FOOTINGS AND FOUNDATIONS

[Modify] **AE121.1 General.** The capacity of individual load-bearing piers and their footings shall be sufficient to sustain all loads specified in this code within the stress limitations specified in this code. Footings, unless otherwise approved by the *building official* and/or *building inspection*, shall be placed level on firm, undisturbed soil or an engineered fill that is free of organic material, such as weeds and grasses. Where used, an engineered fill shall provide a minimum load-bearing capacity of not less than 1,000 pounds per square foot (48 kN/m²). Continuous footings shall conform to the requirements of this code. Section AE114 of these provisions shall apply to footings and foundations constructed under the provisions of this section.

SECTION AE124 ANCHORAGE INSTALLATIONS

[Modify] **AE124.1 Ground anchors.** Where it is proposed to use ground anchors and the *building official* and/or *building inspector* has reason to believe that the soil characteristics at a given site are such as to render the use of ground anchors advisable, or where there is doubt regarding the ability of the ground

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Department of Land Use and
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LIBER 0031 FOLIO 036

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anchors to obtain their listed capacity, the *building official* and/or *building inspector* has the authority to require that a representative field installation be made at the site in question and tested to demonstrate ground-anchor capacity. The building official shall approve the test procedures.

[Modify] **AE124.2 Anchoring equipment.** Anchoring equipment, where installed as a permanent installation, shall be capable of resisting all loads as specified within these provisions. Where the stabilizing system is designed by an engineer or architect licensed by the state to practice, such alternative designs shall include anchoring equipment capable of withstanding a load equal to 1.5 times the calculated load. Anchoring equipment shall be listed and labeled as being capable of meeting the requirements of these provisions. Anchors as specified in this code shall be attached to the main frame of the manufactured home by an approved 3 /16- inch-thick (4.76 mm) slotted steel plate anchoring device. Other anchoring devices or methods meeting the requirements of these provisions shall be subject to the evaluation and approval of the *building official* and/or *building inspector*.

Sec. 203-6. Modifications to the International Energy Conservation Code.

A. The 2021 International Energy Conservation Code (IECC) is further amended as set forth below:

SECTION C101 SCOPE AND GENERAL REQUIREMENTS

[Modify] **C101.1 Title.** This code shall be known as the Energy Conservation Code of St. Mary's County, and shall be cited as such. It is referred to herein as "this code."

SECTION C110 [Modify] BUILDING CODE BOARD OF APPEALS

[Modify] **C110.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by a *building official* and/or *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.

Sec. 203-7. Modifications to the International Existing Building Code.

A. The 2021 International Existing Building Code (IEBC) is further amended as set forth below:

Requested by: Office of the County Attorney
Department of Land Use and
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SECTION 101 SCOPE AND GENERAL REQUIREMENTS

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

SECTION 103 CODE COMPLIANCE AGENCY [OMIT]

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

[Modify] **104.1 General.** The *code official* shall be appointed by the Director of the *Department*. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[Modify] **104.4 Inspections.** The *code official* and/or *building inspector* shall make or cause to be made the required inspections. The *code official* and/or *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 the applicable inspector. The *code official* and/or *building inspector* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject the approval of the appointing authority.

SECTION 105 PERMITS

[Modify] **105.2.3 Bodies Politic and Corporate; Public Utilities.** Unless otherwise required by state law, 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.

[Modify] **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 *code official* is authorized

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to grant one extension of time for an additional period of 12 months. The extension shall be requested in writing and justifiable cause demonstrated.

[Modify] **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.

SECTION 107 TEMPORARY STRUCTURES AND USES

[Modify] **107.1 General.** The *code official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service but shall not be permitted for more than 20 days.

[Add] **107.2 Conformance.** Temporary structures and uses shall comply with both the requirements of this code (specifically, the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of this code as necessary to ensure the public health, safety, and general welfare) and the requirements of the St. Mary's County Comprehensive Zoning Ordinance. If there are any conflicts, then the provisions of the Comprehensive Zoning Ordinance shall prevail.

SECTION 109 INSPECTIONS

[Modify] **109.1 General.** Construction or work for which a permit is required shall be subject to inspection by the *code official* and/or the *building inspector* and such construction or work shall remain visible and able to be accessed for inspection purposes until *approved*. Approval as the 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 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 visible and able to be accessed for inspection purposes. The code official, building inspector and/or St. Mary's County shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

[Modify] **109.3 Required inspections.** The *code official* and/or *building inspector*, on notification, shall make the inspections set forth in the Building Code of St. Mary's County and/or the Residential Code of St. Mary's County, as is applicable.

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109.4 Inspection agencies. The Department shall maintain a list of qualified Inspectors. The following shall qualify as Inspectors.

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

109.4.2 Professional Engineer. An individual licensed by the State Board for Professional Engineers pursuant to Title 14 Subtitle 3 of the Business Occupations and Professions Article of the Annotated Code of Maryland.

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.

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

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

[Modify] **109.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *code official* and/or *building inspector*. The *code official* and/or *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 an agent of the permit holder wherein the same fails to comply with this code. Any portion that do not shall be corrected and such portion shall not be covered or concealed until authorized by the *code official* and/or *building inspector*.

SECTION 112

[Modify] BUILDING CODE BOARD OF APPEALS

[Modify] **112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *code official* and/or *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.

SECTION 113

VIOLATIONS [OMIT]

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SECTION 202 GENERAL DEFINITIONS

[Modify] APPROVED. Acceptable to the *code official* and/or *building inspector*, as appropriate.

[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.

Sec. 203-8. Modifications to the International Swimming Pool and Spa Code.

A. The 2021 International Swimming Pool and Spa Code is further amended as set forth below:

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

[Modify] **101.1 Title.** These regulations shall be known as the Swimming Pool and Spa Code of St. Mary's County, hereinafter referred to as "this code."

SECTION 103 CODE COMPLIANCE AGENCY [OMIT]

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

[Modify] **104.1 General.** The *code official* shall be appointed by the Director of the *Department*. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[Modify] **104.4 Inspections.** The *code official* and/or *building inspector* shall make or cause to be made the required inspections. The *code official* and/or *building inspector* shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing

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and be certified by the applicable inspector. The *code official* and/or *building inspector* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject the approval of the appointing authority.

SECTION 105 PERMITS

[Modify] **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 *code official* 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.

[Modify] **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.

SECTION 110 INSPECTIONS

[Modify] **110.1 General.** Construction or work for which a permit is required shall be subject to inspection by the *code official* and/or the *building inspector* and such construction or work shall remain visible and able to be accessed for inspection purposes until *approved*. Approval as the 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 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 visible and able to be accessed for inspection purposes. The *code official*, *building inspector* and/or St. Mary's County shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

[Modify] **110.7 Inspection agencies.** Test reports submitted to the *code official* for consideration shall be developed by *approved* agencies that have satisfied the requirements as set forth in the 2021 International Building Code as amended herein and/or the 2021 International Residential Code as amended herein.

Requested by: Office of the County Attorney
Department of Land Use and
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LIBRARY 031 FOLIO 042

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SECTION II. 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 III. The requirements of this Ordinance shall not apply to any building, structure or appurtenances that are constructed, altered, moved, enlarged, replaced, repaired, located, removed and/or demolished pursuant to a valid building permit issued: (a) after the effective date of this Ordinance provided that (b) the application for the building permit has been filed before the effective date of this Ordinance and (c) that some manifest commencement of work is undertaken and evidenced within 12 months after the effective date of this Ordinance.

SECTION IV. Chapter 223, Article IV of the Code of St. Mary's County, Maryland, entitled "Inspection Fees" is hereby repealed.

0031 043

Requested by: Office of the County Attorney
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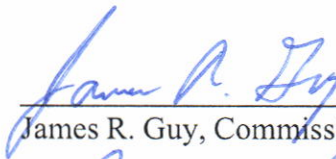
Those voting Aye: 4
Those voting Nay: 0
Those Abstaining: 0
Date of Adoption: June 25, 2024
Effective Date: July 9, 2024

ATTEST:

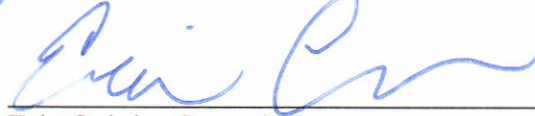


David A. Weiskopf
County Administrator

COMMISSIONERS OF ST. MARY'S COUNTY



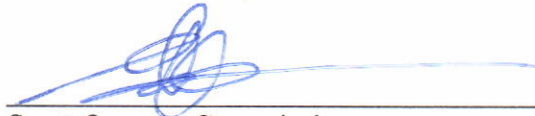
James R. Guy, Commissioner President



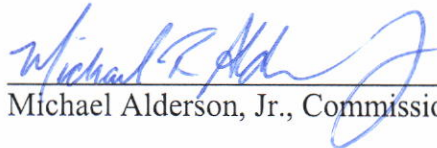
Eric Colvin, Commissioner

-Not Present-

Michael L. Hewitt, Commissioner

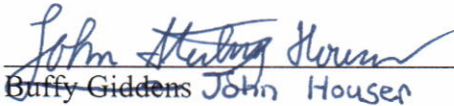


Scott Ostrow, Commissioner



Michael Alderson, Jr., Commissioner

Approved as to form and legal
sufficiency


Buffy Giddens John Houser

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DOCUMENT VALIDATION

LR - Government
Instrument 0.00
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Co Commissioners
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