



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

## Office of Audits and Investigations


October 8, 2021

### MEMORANDUM

TO: Robert J. Williams, Jr.  
Council Administrator

William M. Hunt  
Deputy Council Administrator

THRU: Josh Hamlin   
Senior Legislative Budget and Policy Analyst

FROM: Warren E. Burris, Sr.   
Senior Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Note  
CB-095-2021 – Building Code of Prince George's County

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**CB-095-2021** (*Proposed by the Chair by request of the County Executive*)  
Assigned to Committee of the Whole (COW)

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AN ACT CONCERNING BUILDING CODE OF PRINCE GEORGE'S COUNTY FOR THE PURPOSE of amending the International Building and Residential Codes regarding the placement and construction of guard rails.

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### Fiscal Summary

**Direct Impact:**

*Expenditures:* None

*Revenues:* None

**Indirect Impact:**

Potentially Positive.

14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772  
VOICE (301) 952-3431; FAX (301) 780-2097; TDD (301) 925-5167

### **Legislative Summary:**

CB-095-2021, proposed by the Chair at the request of the County Executive, was presented on September 28, 2021 and referred to the Committee of the Whole (COW). The purpose of this Bill is to amend Subtitle 4 of the County Code to add guidelines for the placement and construction of guardrails. If approved, CB-095-201 would:

- ✓ Add Section 4-172(b) providing that guards shall not have an ornamental pattern that would provide a ladder effect<sup>1 2</sup> for any of the following uses: (A) Assembly, (E) Education, (M) Mercantile, (R) Residential, or any other uses open to the public.
  - ✓ Add Section 4-172(c) Exceptions: Section (b) above shall not apply where A, E, M, and R are accessory uses only.
  - ✓ Add Section 4-243(c) Ladder Effect, guard rails where required shall not be constructed so as to have an ornamental pattern that would provide a ladder effect.
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### **Background/Current Law:**

With this legislation, the Department of Permitting, Inspection and Enforcement (DPIE) is including language regarding railings and guardrails that was included in the updated International Building and Residential Codes. This language should have been included with CB-056-2021 and this legislation seeks to remedy the previous omission.

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### **Resource Personnel:**

Council Administration  
DPIE Staff

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### **Discussion/Policy Analysis:**

Enactment CB-095-2021 will update the County Code to add the protocols for construction and placement of guardrails, rectifying a previous omission. It would prohibit, in many instances, the use of stairway or deck guardrail constructed with horizontal balusters or cables that could be climbed like a ladder. The prohibition is a safety measure intended to prevent accidental injuries

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<sup>1</sup> (2005) International Code Council. “The study of climbable guards will focus on determining the need for appropriate measures to prevent or inhibit an individual from utilizing the elements of a guard system, including rails, balusters and ornamental patterns, to climb the guard, thereby subjecting that person to the falling hazard which the guard system is intended to prevent...”

<sup>2</sup> In railing, the term “ladder effect” refers to a child hazard that pertains to any type of guardrail or stair guardrail using horizontal members, such as an additional 3rd rail or pickets. The ladder effect became the discussion of multiple hearings and debates among the members of the International Code Council (ICC).

from falls, often by children, on rails not designed to function as ladders. Enactment of CB-095-2021 will require no additional costs for implementation.

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**Fiscal Impact:**

*Direct Impact*

Enactment of CB-095-2021 will likely result in no fiscal impact.

*Indirect Impact*

Enactment of CB-095-2021 will provide the necessary safety protocols as conveyed by the International Building Code to add safety value and prevent future incidents to residents.

*Appropriated in the Current Fiscal Year Budget*

No.

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**Effective Date of Proposed Legislation:**

The proposed legislation shall take effect forty-five (45) calendar days after it becomes law.

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If you require additional information, or have questions about this fiscal impact statement, please call me.