

# Prince George's County Council

## Agenda Item Summary

---

**Meeting Date:** 9/22/2009  
**Reference No.:** CB-013-2009  
**Draft No.:** 3  
**Proposer(s):** County Executive  
**Sponsor(s):** Harrison, Turner, Dean  
**Item Title:** An Act amending sections of Subtitle 4, the Building Code, to adopt the latest version of the International Building Codes and to adopt local amendments to the County's construction regulations

---

**Drafter:** Amir Asghari & Karen Spears, Department of Environmental Resources  
**Resource Personnel:** Russell A. King Jr., Office of Law  
Sarah Bouldin-Carr, Department of Environmental Resources

---

### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	3/31/2009	<b>Executive Action:</b>	10/6/2009 S
<b>Committee Referral:</b>	3/31/2009 - PZED	<b>Effective Date:</b>	11/23/2009

**Committee Action:** 5/13/2009 - HELD  
7/7/2009 - FAV(A)

**Date Introduced:** 7/14/2009  
**Public Hearing:** 9/9/2009 - 1:30 AM

**Council Action (1)** 9/22/2009 - ENACTED  
**Council Votes:** MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:A, EO:A, IT:A  
**Pass/Fail:** P  
**Remarks:**

---

### AFFECTED CODE SECTIONS:

04-101, 04-102, 04-103, 04-106, 04-111, 04-112, 04-113, 04-116, 04-118, 04-121, 04-123, 04-125, 04-140, 04-141, 04-142, 04-151, 04-153, 04-158, 04-164, 04-165, 04-172, 04-185, 04-188, 04-189, 04-191, 04-202, 04-203, 04-208, 04-209, 04-210, 04-211, 04-218, 04-224, 04-244, 04-245, 04-249, 04-250, 04-251, 04-252, 04-253, 04-254, 04-255, 04-352

---

### COMMITTEE REPORTS:

#### PZED Committee Report

**Date 7/7/2009**

Committee Vote: Favorable with Amendments, 5-0 (In favor: Council Members Dean, Olson, Bland, Dernoga and Exum)

Staff presented a Draft-2 (DR-2) prepared by Department of Environmental (DER) staff as requested by the committee at the meeting held on May 13, 2009. DER staff also provided a summary of changes as follows:

I.

Sec. 4-101. Code- Adopted by Reference;

Sec. 4-102. Building, Mechanical, and Code Official;  
Sec. 4-103. Public inspection; and  
Sec. 4-105. Amendments, additions, and deletions.

2003 International Energy Conservation Code designated as “IECC” instead of “Energy Code.”

II.

Sec. 4-111. Administration; Section 105, Permits.

Subsection (c), Section 105.2.2.1, “Repairs to Residential Structures: Language was modified to clearly identify which use groups this requirement applies to. This Section (105.2.2.1) does not apply to single family homes and townhomes. Also, the reference to reconstruction was deleted from this Section as it is addressed in Subsection (c), Section 4-245, which applies to single family homes and townhomes.

III.

Sec. 4-245. Building Planning; Section R-325, Fire Protection Systems.

Subsection (a) was clarified by including language for both modular and manufactured homes that will be used as new single family dwellings.

Subsection (c), Section R325.2 was modified to clarify the requirement and specify the definition of square footage.

Subsection (d), Section R325.4 was modified to include language for both modular and manufactured homes.

IV.

Sec. 4-352. Fee Schedule.

Modified Subsection (g), Refunds, to add “Except for stormwater management facilities.”

Modified Subsection (i) on Miscellaneous Permit fees to: require a yearly adjustment, to reflect a minimum adjustment based on the CPI, and to allow adjustment based on an alternative method that has been approved by the International Code Council.

Removed the deletion of the permit fees that are associated with site grading, stormwater management, drainage, erosion control, bonds, and soil conservation and reinserted those fees, starting at Subsection (j).

Russell King, representing the Office of Law noted two additional amendments as follows: page 18, line 19, change the word “Industrial” to “Industrialized” and on page 34, line 4, after “Miscellaneous”, insert “Building”.

The committee voted favorably on DR-2 as provided by DER as well as the additional amendments suggested by the Office of Law.

Held in committee. 5/13/2009

Staff summarized the purpose of the legislation and informed the committee of written referral comments that were received.

DER staff was present to respond to committee members' questions.

The Office of Law reviewed CB-13-2009 and found it to be in proper legislative form. Based on discussions with DER officials, the Office of Audits and Investigations (A&I) determined that enactment of CB-13-2009 will not have an adverse fiscal impact on Prince Georges County. As reflected in A&I's Fiscal Impact Statement for CR-13-2009, which is contingent on the enactment of CB-13-2009, the proposed new miscellaneous permit fees will generate between \$500,000 and \$600,000 in additional revenue for the County over the first full year of applicability (assuming FY 2010).

Council Member Olson inquired about the proposed increase to 100% from 50% on page 4, line 8 for increases in total dwelling floor area requiring an automatic sprinkler system.

The Legislative Officer noted that stormwater management and woodland conservation fees are in the Department of Public Works and Transportation (DPW&T) Code and therefore should not be deleted as proposed in CB-13-2009 until a new DPW&T Code is adopted.

The committee requested that staff work with DER staff to prepare appropriate amendments to address issues raised during discussion of the legislation.

---

#### **BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation adopts the 2006 International Building Codes and provides local amendments to be used for construction in Prince George's County. The Maryland Department of Housing and Community Development requires the adoption of the latest version of the International Codes under COMAR, 05.02.07, Maryland Building Performance Standards. The adoption of the International Building Codes is needed in anticipation of construction permits for several important County projects. The new Codes will assure that construction is performed under the most recent life safety regulations and construction standards. Additionally, the miscellaneous building permit fees are being adjusted according to the annual average increase in the Consumer Price Index (CPI) for all urban consumers published by the United States Department of Labor, as they have not been increased since 1983. The Director of the Department of Environmental Resources, starting in Fiscal Year 2009 and every third fiscal year thereafter, will submit an updated schedule of miscellaneous building permit fees to the County Council for adoption by resolution.

9/22/2009: CB-13-2009 (DR-2) was amended on the floor as follows: On page 18, line 22, after "and manufactured homes" add ", installed as manufactured homes after December 31, 2010. CB-13-2009 (DR-3) enacted.

---

#### **CODE INDEX TOPICS:**

---

#### **INCLUSION FILES:**

---