

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2004 Legislative Session

Bill No. CB-37-2004

Chapter No. _____

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Building Code – Grading, Drainage, and Pollution Control – Administrative Provisions

3 For the purpose of amending the Building Code, Grading, Drainage, and Pollution Control, and
 4 Administrative Provisions portions of the County Building Ordinance.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 4. BUILDING.

7 Sections 4-111, 4-112, 4-113, 4-118,
 8 4-189, 4-245, 4-247, 4-289, and 4-346,

9 The Prince George's County Code
 10 (1999 Edition, 2002 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 12 Maryland, that Sections 4-111, 4-112, 4-113, 4-118, 4-189, 4-245, 4-247, 4-289, and 4-346 of
 13 the Prince George's County Code be and the same are hereby repealed and reenacted with the
 14 following amendments:

15 SUBTITLE 4. BUILDING.

16 DIVISION 1. BUILDING CODE.

17 Subdivision 2. Amendments to the International Building Code.

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

19 (a) Section 105.2 is amended to read as follows: "Work Exempt from Permit."
 20 Notwithstanding the foregoing, except for classified historic sites and property located within
 21 Chesapeake Bay Critical Area Overlay Zones, permits shall not be required for the following,

provided that the construction does not result in any violation of this Subtitle: buildings on one- and two-family dwelling properties with less than one hundred fifty (150) square feet of floor space not designed or intended for occupation or habitation and limited to one building only per property; concrete and asphalt paving of less than five hundred (500) square feet except for driveways and parking surfaces; a retaining wall not greater than two (2) feet in height; fence not greater than four (4) feet in height; [and satellite dishes not greater than two (2) feet in diameter in height;] and satellite dishes not greater than two (2) feet in diameter. Except for classified Historic Sites, permits shall not be required for installation of siding, roofing, storm doors or windows, or retrofit insulations, provided that no construction is involved.

* * * * *

(h) Section 105.5 is amended to read as follows: "Expiration." Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within [one hundred eighty (180) days] twelve (12) months after the issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. The Code Official is authorized to grant, in writing, one or more extensions of time, for periods not more than one hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause shall be demonstrated. Any permit issued for property within the area of a pending Sectional Map Amendment (as provided for in the County Zoning Ordinance) that is rezoned to a less intense zone, shall expire on its own terms upon approval of the Sectional Map Amendment by the District Council if a completed building foundation for a use not permitted in the less intense zone has not been completed. The Building Official shall notify the permit holder of the expiration of the permit.

[(i) Section 105.5.1 is added to read as follow: "Expiration of Permit and Correction of Code Violations." Any permit issued for residential property to correct a building code or housing code violation issued pursuant to Subtitle 4 or Subtitle 13 of the County Code shall be issued only for a period of time reasonably necessary to correct the violation, not to exceed ninety (90) days. The initial period of the permit shall be established by the Building Official based upon the extent of the work required to correct the violation. The permit may be extended or renewed for an additional period of one hundred eighty (180) days if, in the opinion of the Building Official, the applicant has demonstrated substantial progress to complete the work in accordance with the permit and has demonstrated substantial justification for failure to complete

the work within the period of the permit. The Board of Administrative Appeals shall have no authority to grant an extension to the period of the permit.]

Sec. 4-112. Administration; Section 105, Permits.

* * * * *

(c) Section 105.6 is amended to read as follows: "Suspension or Revocation and Reissuance of Permits." The Building Official is authorized to suspend or revoke a permit issued under the provisions of this Code as follows, or whenever the permit is issued in error, incorrectly, inaccurately, in an incomplete manner, or in violation of any ordinance, regulation or any of the provisions of this Code. In addition, the failure to have utility lines located on site through the Utility Service Protection Center ("Miss Utility") and any nonmember utilities prior to starting any excavation deeper than twelve (12) inches will result in permit revocation.

(1) A permit under which no work is commenced within [one hundred eighty (180) days] twelve months after issuance shall expire and become null and void; provided, however, that the Building Official may extend the time herein not to exceed an additional one hundred eighty (180) days upon sufficient justification shown.

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Sec. 4-113. Administration; Section 106, Construction Documents.

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(c) Section 106.3.4.3 is added to read as follows: "Fire Protection Engineering Design Evaluation (FPEDE)." All plans and specifications for which a building permit is required for buildings of the Use Groups listed in this Section shall be evaluated in accordance with the requirements of this Section for design compliance with adopted fire related code requirements concerning:

* * * * *

(12) Compliance with applicable NFPA Codes and Standards for specific processes, materials, or hazards which are referenced within the IBC or the NFPA 101, Life Safety Code. A written Fire Protection Engineering Design Evaluation (FPEDE) concerning these items shall be submitted with the plans accompanying the application for a building permit. It shall be in a format established by the Fire Code Official and shall be signed and sealed by the preparer. If, in the course of performing the FPEDE, the evaluating fire protection engineer determines that there are fire related code deficiencies in the drawing or specifications, all such deficiencies shall

1 be remedied prior to the submittal of the FPEDE and the building permit application and
 2 drawings. The FPEDE must include a signed and sealed statement by both the evaluating fire
 3 protection engineer and the engineer or architect of record attesting: "These drawings and
 4 specifications are in full compliance with the fire safety provisions of all adopted State and local
 5 Building Code, Fire Codes, Mechanical Codes, local amendments and referenced codes and
 6 standards to the best of [their] my knowledge and belief."

7 * * * * *

8 **Sec. 4-118. Administration; Section 110, Certificate of Use and Occupancy.**

9 (a) Section 110.1 is amended to read as follows: "Issuance of Certificates of Use and
 10 Occupancy." "No certificate of use and occupancy for any building or structure, erected, altered,
 11 repaired or changed to a different use group shall be issued unless such building or structure was
 12 erected, altered, or repaired and is otherwise in compliance with the provisions of this Division
 13 and other provisions of State or local laws, ordinances, and regulations. Issuance of a certificate
 14 of use and occupancy shall not be construed as an approval of a violation of the provisions of this
 15 Division and other provisions of State or local laws, ordinances, and regulations."

16 (b) Section 110.1.1 is added to read as follows: "New One-Family Dwelling Units." Prior
 17 to the consummation of the sale (settlement) of any new, one-family dwelling, including the sale
 18 of a new condominium unit which is offered for sale for the first time, there shall be an
 19 inspection of the unit and premises by the Building Official and a certificate of use and
 20 occupancy issued or a list of the violations or deficiencies requiring correction prior to issuance
 21 of such certificate. At the time of consummation of such sale, the certificate of use and
 22 occupancy, or a list of the deficiencies or violation which remain to be corrected prior to
 23 issuance of such certificate, shall be presented to the buyer. Unless contractually relieved of
 24 such responsibility, the seller shall be responsible for correction of any violations or deficiencies
 25 necessary for the certificate to be issued. When a certificate of use and occupancy has not been
 26 issued prior to consummation of the sale, there shall be required a separate, written contractual
 27 agreement indicating responsibility for correction of all deficiencies or violations cited by the
 28 Department of Environmental Resources by a date certain. The provisions of this Section are not
 29 applicable when a new dwelling unit is purchased for resale as a new dwelling unit.

30 (1) Nothing herein shall be construed to relieve a builder or seller of a dwelling unit
 31 from any responsibility for correction of building code violations which were caused, created, or

constructed by the builder or seller, and the transfer of title to the property to a subsequent owner shall not relieve the builder or seller of the responsibility for making such corrections.

[(b) Section 110.1.2. is added to read as follows" Issuance of Certificates of Use and Occupancy." "No certificate of use and occupancy for any building or structure, erected, altered, repaired, changed to a different use group, or transferred to a new owner or occupant shall be issued unless such building or structure was erected, altered, or repaired and is otherwise in compliance with the provisions of this Division and other provisions of State or local laws, ordinances, and regulations.

Exception: All buildings which undergo a change of owner or tenant only with no change of intended use group are not required to meet the fire safety requirements for a new building in order to obtain a Use and Occupancy Certificate. Such buildings are required to comply with the provisions of state and local laws, ordinances, and regulations with respect to fire safety for existing buildings.]

(c) Section 110.2.1 is added to read as follows: "Change of [Use Group,] Owner or Tenant." No change in [use group,] owner, or tenant of a building, structure, or land shall be permitted, wholly or in part, until a new use and occupancy permit has [been] received administrative approval and is issued by the Building Official certifying compliance with applicable parts of this Subtitle and other applicable State or local laws, ordinances, and regulations. This provision shall not apply to a change of tenant for R-2, change of owner or tenant for R-3, or change of tenant for R-4 structures. All buildings which undergo a change of owner or tenant only with no change of intended use group are not required to meet the fire safety requirements for a new building in order to obtain a use and occupancy certificate. The owners and tenants of such buildings are required to comply with the provisions of State and local laws, ordinances, and regulations with respect to fire safety for existing buildings.

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Sec. 4-189. Soils and Foundations; Section 1805, Footings and Foundations.

(a) Section 1805.2.1 is amended to read as follows: "Frost Protection." Except when erected upon solid rock or otherwise protected from frost, foundation walls, piers, and other permanent supports of all buildings and structures shall extend thirty (30) inches below finished grade, and spread footings of adequate size shall be provided when necessary to properly distribute the load within the allowable bearing value of the soil, or such structures shall be

supported on piles when solid earth to rock is not available. Footings shall not be founded on frozen soils unless such frozen condition is of a permanent character.

Exception: Foundation walls, piers and other permanent supports for decks and uninhabitable accessory buildings shall extend no less than twenty-four (24) inches below finished grade.

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Subdivision 4. International Residential Code for One- and Two- Family Dwellings.

Sec. 4-245. [Building Planning; Section R-317, Smoke Alarms.] Reserved.

[Section R-317.3 is added to read as follows: "Smoke Alarms Not Required." Smoke alarms are not required in sleeping rooms where the dwellings are equipped throughout with an approved automatic sprinkler system as prescribed in Chapter 9 of the IBC.]

Sec. 4-247. Foundations; Section R-403, Footings.

Section R-403.1.4 is amended to read as follows: "Minimum Depth." All exterior footings and foundation systems shall extend below the frost line. All exterior footings shall be placed at thirty (30) inches below the undisturbed ground.

Exception: Foundation walls, piers and other permanent supports for decks and uninhabitable accessory buildings shall extend no less than twenty-four (24) inches below finished grade.

Exception: Frost-protected footings constructed in accordance with Section R-403.3 and footings and foundations erected on solid rock shall not be required to extend below the frost line. In Seismic Design Categories D1 and D2, interior footings supporting bearing or bracing walls and cast monolithically with a slab on grade shall extend to a depth of not less than eighteen (18) inches below the top of the slab.

DIVISION 3. GRADING, DRAINAGE, AND POLLUTION CONTROL.

Sec. 4-289. Time Limits.

* * * * *

(b) [Extension.] Extensions. Prior to the expiration of a grading permit, the permittee may present a written request for an extension to the Director. If, in the opinion of the Director, an extension is warranted, [a one-time extension, not to exceed one (1) year,] no more than two (2) extensions, not to exceed five (5) years for each extension, may be granted. Extension fees shall be calculated at the same rate as permit fees, and based on the amount of site area that has not

received a final inspection approval. The applicability of bonding requirements shall be adjusted accordingly.

DIVISION 5. ADMINISTRATIVE PROVISIONS.

Sec. 4-346. [Issuance of Certificates of Occupancy.] Reserved.

[No certificates of occupancy for any building or structure erected, repaired, changed to a different use, or transferred to a new owner or occupant shall be issued unless such building or structure was erected, altered, or repaired and is otherwise in compliance with the provisions of this Division and other provisions of State or local laws, ordinances, and regulations.]

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this _____ day of _____, 2004.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Tony Knotts
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.