

## Prince George's County Council

### Agenda Item Summary

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**Meeting Date:** 11/23/2004  
**Reference No.:** CB-087-2004  
**Draft No.:** 3  
**Proposer(s):** County Executive  
**Sponsor(s):** Knotts, Dernoga  
**Item Title:** An Act amending the Building Code, adopting certain amendments to the 2000 International Building Code and the International Residential Code for 1 and 2 Dwellings and amending sections of Building Code pertaining to the Grading, Drainage and Pollution Control Ordinance

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**Drafter:** Stan Wildesen, DER  
**Resource Personnel:** Donna M.P. Wilson, Esquire

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#### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	9/28/2004	<b>Executive Action:</b>	12/8/2004 S
<b>Committee</b>	9/28/2004 - THE	<b>Effective Date:</b>	1/24/2005
<b>Referral:</b>			
<b>Committee Action:</b>	10/28/2004 - FAV(A)		

**Date Introduced:** 11/1/2004  
**Public Hearing:** 11/23/2004 - 10:00 AM

**Council Action (1)** 11/23/2004 - ENACTED  
**Council Votes:** MB:A, SHD:A, TD:A, CE:A, DCH:A, TH:-, TK:A, DP:A  
**Pass/Fail:** P  
**Remarks:** Pursuant to Section 4 of CB-87-2004 (DR-3), this Act shall be abrogated and of no further force and effect on 12/8/2005

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#### AFFECTED CODE SECTIONS:

04-191, 04-248, 04-249, 04-250, 04-251, 04-271, 04-277, 04-297, 04-298, 04-308, 04-310

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#### COMMITTEE REPORTS:

##### TRANSPORTATION, HOUSING & THE ENVIRONMENT COMMITTEE

**Date 10/28/2004**

Committee Vote: Favorable as Amended, 4-0 (In favor: Council Members Harrington, Peters, Dean and Hendershot).

Staff summarized the bill and referral comments that were received. CB-87-2004 amends the Building Code, and adopts certain amendments to the 2000 International Building Code and International Residential Code for 1 and 2 Dwellings and amends sections of the Building Code pertaining to the Grading, Drainage and Pollution Control Ordinance. The code changes are required to reduce basement flooding, improve residential drainage and minimize yard ponding.

The Department of Environmental Resources (DER) representative indicated that these changes were recommended by an ad-hoc Drainage Improvement Committee comprised of DER reviewers, inspectors and citizen specialists who

are familiar with the current drainage problems in the County. The code changes are required to minimize the future occurrence of the unusual volume of drainage complaints that DER received last year.

The Maryland-National Capital Building Industry Association provided written comments expressing concern with the legislation. The concerns dealt with the requirements for a battery back-up or water-powered back-up sump pump, prohibition of wood materials for foundations and walls, and foundation drainage lines for developments on fairly flat sites. The Building Industry representative indicated his willingness to work with the DER staff in a collaborative effort to resolve these and other concerns.

The Committee recommended a one (1) year sunset provision allowing time for review and evaluation of future amendments by the DER staff, Building Industry and citizens. The Committee recommended changing the subsoil drains and sump pump point of discharge from ten (10) feet to five (5) feet from any property line or Building Restriction Line (BRL). Those amendments are included in Draft 2.

The Office of Law has provided an amendment sheet with DER's proposed technical amendments and finds it to be in proper legislative form. Those amendments are included in Draft 2.

The Office of Audits and Investigations determined that there should not be any negative fiscal impact on the County as a result of enacting CB-87-2004.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

The changes to Subtitle 4, Divisions 1 and 3, are needed to establish enforceable Code requirements to improve residential drainage, reduce basement flooding, and minimize yard ponding. The Code changes are required to minimize future occurrences of the unusual volume of drainage concerns.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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