

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2020 Legislative Session

Reference No.:	CB-056-2020
Draft No.:	2
Committee:	COMMITTEE OF THE WHOLE
Date:	10/15/2020
Action:	FAV (A)

REPORT:

Committee Vote: Favorable 11-0 (In favor: Council Members Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras.

The Committee of the Whole (COW) convened on September, 24, 2020 and October 15, 2020 to consider CB-56-2020, legislation to update the provisions of the Building Code of Prince George's County to conform to the 2018 editions of the International Building Code, the International Mechanical Code, the International Energy Conservation Code and the International Residential Code for One-and Two-Family Dwellings. Every three years, the Department of Permitting, Inspections and Enforcement (DPIE) is required to review the International Code Council (ICC Codes) in accordance with Maryland State Code cycle for review and adoption in Prince George's County.

During the September 24, 2020 COW meeting, the Planning, Housing and Economic Development (PHED) Committee Director summarized the purpose of the legislation and informed the committee of comments received on referral. DPIE Director Melinda Bolling, Associate Director Behdad Kashanian, and Lori Parris, Senior Advisor to the Director were present to provide background information and respond to questions. Ms. Parris gave an overview of the "Top 10" changes to Subtitle 4, Building Code as proposed in CB-56-2020.

1. Section 105.1.3 "Requirement of After Hours Permit." The proposed change requires an After Hours permit for any permitted construction done outside the allowable working hours of 7 am to 9 pm. Any construction that is done outside of the permitted allowable working hours is subject to a fine.
2. Section 4-112 (c) "Post Construction Permits." This new permit is required when construction has been started or completed without the required permit. After the issuance of a Stop Work Order, the applicant will be required to apply for a post construction permit to show the construction done. There are additional building permits that may be needed.

3. Section 4-118 (b) “Transfer of Ownership.” This section requires an owner to provide notice to a buyer of any Notice of Violations issued by DPIE to the property/owner. This new requirement applies to all residential construction.
4. Section 4-123 “Family Home Daycare” This section allows up to 12 children/clients to be cared for within the care providers’ home.
5. Section 4-254 “Interior Residential Bathroom Facilities” which had limited the number of bathrooms in residences to five (5) is being deleted.
6. Section 105.3.2, “Time Limitation of an Application”. This change limits the time a permit application can remain valid. The permit application will expire in 6 months if no activity occurs. The current requirement is 24 months.
7. Section 105.1.3, “Noise regulations” set forth in COMAR Title 26 are adopted in Prince George’s County Code.
8. Section 4-248 (5) “Sprinklers for Repair, Renovation, or Replacement of Structures.” This change requires construction over 50% of a structure to include installation of an automatic sprinkler system if the construction is due to fire, explosion, or lack of maintenance.
9. Section 4-125 “Use and Occupancy Classification; Section 302; Classification.” The A-3 occupancy classification for roof top spaces such as amenity and recreational areas is changed. This change will allow for Occupancy Classification of roof top spaces to better aid in the review of submitted plans.
10. Section 4-158 (k) “Fire Protection Systems; Section 903, Automatic Sprinkler Systems.” Water supply for Automatic Sprinklers now requires a “plus 10% safety factor” as opposed to the prior requirement of 5%. This increased safety factor will ensure adequate water supply/pressure for the required fire suppression systems.

The Office of Law reviewed CB-56-2020 and found it to be in proper legislative form with no legal impediments to its enactment. The Office of Audits and Investigations provided a September 23, 2020 Policy Analysis and Fiscal Impact Statement indicating a minimal direct impact and a likely positive indirect impact on expenditures.

During discussion, Council Members requested additional information on Building Code

provisions concerning bathrooms, family home day cares, noise regulations, lodging/boarding houses and fire protection systems in relation to the Zoning Ordinance provisions. The bill was held in committee to allow time for DPIE staff to provide a crosswalk comparison between the proposed Building Code revisions and Subtitle 27, Zoning Ordinance.

The COW discussion continued on October 15, 2020 with Director Bolling and Ms. Parris summarizing the changes made in a Proposed DR-2 of the legislation to address Council Members' requests and concerns. The agency's responses and changes were also outlined in an October 14, 2020 memorandum from Director Bolling to Council Chair Turner.

1. Section 4-123 "Family Home Daycare" This section allows up to 12 children/clients to be cared for within the care providers' home. Is there a conflict with Zoning Regulations?

No, there is no zoning conflict. Park & Planning does not oppose the proposed amendment to the Family Home Day increase up to 12 children/clients.

2. Section 4-254 "Interior Residential Bathroom Facilities" which had limited the number of bathrooms in residences to five (5) is being deleted.

Based on the feedback DPIE received regarding the amendment, DPIE will remove this amendment.

3. Section 105.1.3, "Noise regulations" set forth in COMAR Title 26 are adopted in Prince George's County Code and Subtitle 19 Pollution. Is there a conflict with the COMAR, Subtitle 19 and Subtitle 4?

After review of Code and the comments received by the County Council, DPIE determined that the noise level and noise disturbance in Subtitle 19 is broader than the COMAR. As such, DPIE proposes an amendment as follows:

Section 105.1.3, After Hours Permit. Any request to work pursuant to a permit beyond permitted construction hours shall be made by application to the Code Official and shall be subject to noise regulations of Prince George's County.

4. Height of Townhomes (Section 4-106) – 4 Story. Is there a conflict with the Zoning Regulations?

There is a zoning conflict in residential zoned areas. Due to the conflict, DPIE will remove the amendment.

5. Lodging Houses – Section 4-125 (page 22 Line 14/17). Is there a conflict with the Zoning Regulations?

There is no zoning conflict. "Boarding Houses" and "Lodging Houses" are defined differently in the International Building Code (IBC) and the

Zoning Regulations. The amendment proposed in the Building Code is aligned with the Zoning Regulations.

The 2018 IBC defines Lodging Houses as follows:

Lodging House: A one family dwelling where one or more occupants are primarily permanent in nature and rent is paid for guest rooms.

The Zoning Regulations define “Boarding Houses” as follows:

Boardinghouse: A “Dwelling Unit” in which (for compensation) lodging and meals are furnished by the inhabitants to four (4) or more, but not exceeding nine (9), guests. The “Dwelling Unit” shall contain not more than five (5) “Guest Rooms.” A Boardinghouse shall not be considered a “Bed-and-Breakfast Inn.”

In addition to the changes in Proposed DR-2, Ms. Parris noted an additional change as requested by the Washington Suburban Sanitary Commission (WSSC) as follows:

On page 3 on line 9 after “Updated Standards” language:

Conflict with the Washington Suburban Sanitary Commission Plumbing and Fuel Gas Code: If a conflict exists between the standards or requirements set forth in the adopted Codes and the standards and requirements for plumbing and gasfitting as set forth in the Washington Suburban Sanitary Commission Plumbing and Fuel Gas Code, the standards or requirements set forth in the latter shall govern.

Guy Andes, WSSC Government Affairs Manager, testified indicating appreciation to DPIE staff in working with WSSC to incorporate the requested amendment.

On a motion by Council Member Davis, and second by Council Member Hawkins, the Committee of the Whole voted favorable, by unanimous vote, on CB-56-2020 Proposed DR-2 including the WSSC requested amendment.