

ORDINANCE NO. 96- 08

A BILL ENTITLED

AN ACT CONCERNING the enactment of Ordinance Number 96- 08 of the Code of Public Laws of Queen Anne's County, Maryland.

For the purpose of establishing minimum regulations governing the design, construction, alteration, enlargement, repair, demolition, removal, maintenance and use of all buildings and structures; known as the Building Code and repealing all other building codes adopted by the County Commissioners of Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS FOR QUEEN ANNE'S COUNTY, MARYLAND.

SECTION II

BE IT FURTHER ENACTED that except as amended by Section III herein, the following codes are hereby adopted as the Building Code for Queen Anne's County as if the Codes were set out in full in this Ordinance:

1. The BOCA National Building Code, 1993 edition (published by the Building Officials and Code Administrators International, Inc.), hereafter referred to as "this Code"; and
2. The BOCA National Mechanical Code, 1993 edition (published by the Building Officials and Code Administrators International, Inc.); and
3. The CABO One and Two Family Dwelling Code, 1992 edition, including the 1993 amendment/supplement thereto, as published by the Council of American Building Officials, Chapters 1 through 9 and 26 and Appendix A, B and C only.
4. The BOCA National Energy Conservation Code, 1993 edition as published by the Building Officials and Code Administrators International, Inc.
5. The Life Safety Code, 1994 edition as published by the National Fire Protection Association.
6. The National Electrical Code, 1996 Edition, and as amended.
7. The Maryland Accessibility Code for the handicapped, Code of Maryland Regulations 05.02.02.

SECTION III

AND BE IT FURTHER ENACTED, that the following amendments modify, delete, substitute and add to certain provisions of the BOCA National Building Code, 1993 edition.

1. (a) The term "Code official" as used in this Code means

the Zoning Administrator of the Department of Planning and Zoning.

(b) Where the name of the jurisdiction is to be indicated in any section of this Code, insert "Queen Anne's County, Maryland".

(c) The term "Department of building inspection" as used in this Code means the Department of Planning and Zoning.

Chapter 1

2. Subsection 102.1. Exemptions - Farm Buildings.
At the end of subsection 102.1, add the following:
The provisions of this Code shall not apply to the construction, alteration, addition, repair, removal, demolition, use, location, or maintenance of farm buildings. This provision does not exempt the owner from obtaining required electrical or plumbing permits nor from complying with all other applicable local, state and federal regulations, laws and ordinances.
3. Subsection 102.1.1. Farm Buildings Defined.
Add a new subsection 102.1.1 to read as follows:
The term "farm buildings" shall mean a structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals. Such structure shall not include *habitable* or *occupiable spaces*, spaces in which agricultural products are processed, treated or packaged; nor shall an agricultural building be a place of occupancy by the general public.
4. Subsection 102.5. Other Regulations.
Amend subsection 102.5 to read as follows:
When this Code and any other referenced Code have conflicting technical requirements which address the same provisions specified for either health, safety or welfare, the most rigid requirement of either shall apply;
Exception #1.
Alternative features which are accepted by the Code official shall be considered as conforming with all Codes, provided that the overall level of health, safety and welfare is not diminished.
Exception #2.
When the Queen Anne's County amendments to the 1993 BOCA National Building Code are in conflict with the 1992 edition of the CABO one- and two-family Dwelling Code, the Queen Anne's County amendment shall apply.
5. Subsection 104.2. Appointment.
Amend subsection 104.2 by deleting the following:
and the code official shall not be removed from office except for cause and after full opportunity to be heard

on specific and relevant charges by and before the appointing authority.

6. Subsection 107.3. By Whom Application Is Made.

Amend subsection 107.3 to read as follows:

The owner or lessee of the building or structure, or agent of either, or the licensed engineer or architect employed by the owner in connection with the proposed work shall apply for a permit. The full names and addresses of the owner, lessee, applicant and the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

7. Subsection 107.5. Plans and specifications.

Amend subsection 107.5 and substitute the following:

The application for the building permit shall be accompanied by plans and specifications as follows:

1. Detached one- and two-family dwellings:
 - 2 sets of drawings drawn to scale with sufficient clarity and detail to show the nature and character of the work to be performed, including, but not limited to:
 - a. Floor plans each floor level, 2 elevations and typical cross section:
 - b. 4 copies of plot plans or 2 copies of formal approved site plan as required by Queen Anne's County Zoning Ordinance, if applicable;
2. Detached one- and two-family dwellings-alterations, small additions, miscellaneous structures:

2 sets of drawings as in 1. above. However, the Code official may waive the requirements for plan submittal for alterations, 1-story additions less than 600 square feet total area and miscellaneous structures accessory to one- and two-family dwellings, provided that the application for such additions and accessory structures shall be accompanied by 4 copies of the plot plan or 2 copies of the formally approved site plan when required by the Queen Anne's County Zoning Ordinance.
3. New Buildings, additions and alterations to buildings other than detached one- and two-family dwellings:

3 complete sets of architectural, structural, mechanical (heating, ventilation, air conditioning-HVAC), plumbing and electrical plans, drawn to scale with sufficient clarity and detail to show the nature and character of work to be performed. The plans shall be prepared in compliance with this Code, and shall have the seal and signature of a Maryland state professional engineer or architect affixed to each and every sheet of all sets at least one of which shall bear the original (not

- reproduced) seal and signature.
8. Subsection 112.1.1. Reinspection Fees.
 Add new subsection 112.1.1 to read as follows:
 A reinspection fee may be charged for each reinspection if the work has to be reinspected because:
 - a. The work was not ready for inspection at the pre-arranged time for inspection;
 - b. The inspector did not have access to the work at the pre-arranged time for inspection; or
 - c. The inspector discovers a flagrant noncompliance during a requested inspection.
 9. Subsection 112.3.1. Fee Schedule.
 Delete subsection 112.3.1 and substitute the following:
 Permit fees shall be paid in accordance with current Queen Anne's County fees schedules adopted by resolution of the County Commissioners of Queen Anne's County and as amended from time to time.
 10. Subsection 112.5. Refunds.
 Delete subsection 112.5 and substitute the following:
 When an unissued permit has been denied by the building official or withdrawn by property owner or agent a 50% refund is due on building code and zoning fees paid. No refund will be given on issued permits.
 11. Subsection 113.2.3. Purpose of Inspections.
 Add new subsection 113.2.3 to read as follows:
 All inspections conducted by the Department of Planning and Zoning or its designee are performed for the protection and promotion of public safety, health and welfare. The inspections, which are purely governmental in nature, are made solely for the public benefit, and are not to be construed as providing any warranty of construction to individual members of the public.
 12. Subsection 114.2. Special Inspections.
 Amend subsection 114.2 by changing "shall" to "may" in the first sentence.
 13. Subsection 116.4. Violation Penalties.
 Amend subsection 116.4 by deleting all the text after the words "guilty of a" and substituting the words:
 Civil zoning violation as identified in Section 9830 of the Queen Anne's County Zoning Ordinance and Subdivision Regulations.
 14. Subsection 116.6. Withholding of Inspections and permits.
 Add new subsection 116.6 to read as follows:
 If the Code official finds that a contractor, developer or owner has violated the provisions of this Code, this title or rules and regulations which implement this title in connection with the construction, maintenance, alteration or repair of any buildings, structures, equipment or land within Queen Anne's County, the Building Official, after written notice to the violator and a hearing on the allegations, may refuse to grant

further inspections or further permits of any kind to the contractor, developer or owner until all violations have been corrected and all fees have been paid.

15. Subsection 117.1.1. Stop Work Order-Conspicuously Posted at the Job Site.

Add new subsection 117.1.1 to read as follows:

The posting of a stop work order at the job site shall constitute adequate notification by the Code Official which shall be followed by a phone call, if possible, and, within 24 hours of the job site posting, a letter to the contractor of record.

16. Subsection 117.2. Stop Work Order-Unlawful Continuance.

Amend subsection 117.2 by deleting all the words beginning with "liable to" and substituting the following:

Civil zoning violation as identified in Section 9830 of the Queen Anne's County Zoning Ordinance and Subdivision Regulations.

17. Subsection 118.4. Contents of certificate.

Amend subsection 118.4 by changing the word "shall" in the last sentence of the first paragraph to "may".

18. Section 121.0. Means of Appeal.

Delete section 121.0 and substitute the following:

An applicant for a building permit who has had the application denied may appeal the denial to the Building Official. If the matter is not resolved at this level, the application may appeal the denial to the Building Board of Appeals.

Chapter 3

20. Subsection 308.3.1. Child Care Facility.

Amend subsection 308.3.1 to read as follows:

A child care facility which accommodates more than 5 children 2.5 years of age or less on a 24-hour basis shall be classified as use group I-2. Refer to subsections 305.1.1 and 310.5.1 for other requirements concerning child care facilities.

Chapter 4

21. Section 421.0 Swimming Pools.

Delete section 421 in its entirety.

Chapter 5

22. Subsection 507.1. Unlimited Areas-Smoke Venting.

Amend subsection 507.1 by adding the following exception:

5. Buildings of use group S-1, S-2, and F shall be provided with an approved manually operable means for venting smoke for fire Department use. Such

venting method shall be in accordance with NFPA #204M, latest edition.

Chapter 7

23. Subsection 707.5.2. Combustible Roofs.
Amend item #2 in subsection 707.5.2 by adding, at the beginning of the sentence:
Except in sprinklered buildings.

Chapter 9

24. Subsection 904.1. Automatic fire suppression systems.
Amend subsection 904.1 by adding the following to the end of the first paragraph:
Section 17.109 "Automatic fire protection sprinkler systems" of Subtitle 1 "Fire protection" of Title 17 "Public protection services", of the Queen Anne's County Code requires additional fire suppression system requirements which exceed the requirements of this building code for all buildings and structures of all use groups.
25. Subsection 904.4. Fire Suppression Systems-Use Group "E".
Delete subsection 904.4 and substitute the following:
An automatic fire suppression system shall be provided throughout all buildings use group "E" in accordance with subsection 906.2.1. Exception: Where all student-occupied areas in use group "E" have their own exit directly to the outside at ground level. (Student-occupied areas do not include toilet rooms, mechanical rooms, areas used solely for administrative purposes, and similar spaces.)
26. Subsection 904.6. Fire Suppression System-Use Group "I".
Delete the exception to subsection 904.6.
27. Subsection 904.7.1. Hose connections-Use Groups "M", "S-1" and "F-1".
Add new subsection 904.7.1 to read as follows:
The automatic sprinkler system shall be provided with 2.5" hose connections for use by the Department of Fire and Rescue Services. Hose connections shall be placed at exterior exit doors where there is no access within 100 feet for a vehicle of the Department of Fire and Rescue Services. The hose connections shall be located at exterior door such that the distance between hose connections does not exceed 200 feet. Exterior exit doors shall be placarded on the outside to indicate the locations of hose connections for access by the Department of Fire and Rescue Services.

28. Subsection 904.8. Fire suppression system-(use group "R-1").
Amend Subsection 904.8 by deleting the exception in its entirety.
29. Subsection 922.4. Manually operable venting-use groups "S-1", "F" and "M".
Add new subsection 922.4 to read as follows:
All buildings in use group classification "S-1" (storage), "F" (factory) and "M" (mercantile) which are 50,000 gross square feet or more in area shall be provided with an approved manually operable means of venting smoke for use by the Department of Fire and Rescue Services. This venting shall be in accordance with Section 922.0 of this Code, NFPA 204M (latest edition), or any other equivalent means approved by the County.
Exception: Buildings of use group classification "M" (mercantile) with a story height of less than 20 feet shall be exempt from the smoke venting requirements of this subtitle.
30. Subsection 904.9. Fire suppression systems-(use groups 'R-2' and 'R-3').
Amend subsection 904.9 by deleting the exception in its entirety and by adding use group 'R-3' and the following:
An automatic fire suppression system shall be provided throughout all buildings with an occupancy in use group 'R-3' in accordance with the requirements of subsection 906.2.3.
31. Subsection 907.6.2. Limited area sprinkler systems.
Amend subsection 907.6.2 by deleting the words "listed in chapter 35".
32. Subsection 917.4.4. Fire Protective Signaling Systems-Use Group "I".
At the end of subsection 917.4.4, add the following exception:
Exception: A fire protective signaling system is not required in sprinklered buildings of use group "I-1" having an occupant load of less than 9 clients.
33. Subsection 918.4.1. Automatic Fire Detection Systems-Use Group "I-1".
At the end of subsection 918.4.1, add the following exception:
Exception: An automatic fire detection system is not required in sprinklered buildings of use group "I-1" having an occupant load of less than 9 clients.
34. Subsection 919.5. Smoke detectors-battery backup.
Amend subsection 919.5 by deleting the exception in its entirety.

Chapter 10

35. Subsection 1011.2. Access Passageways and Corridors-Dead Ends.
Amend subsection 1011.2 by adding the following exception:
Exception #5
In buildings of use group "B", equipped throughout with an automatic sprinkler system in accordance with section 906.2.1, dead-ends shall not exceed 50 feet.
36. Subsection 1014.11. Interior Stairway Enclosures.
Amend subsection 1014.11 by adding the following exception:
Exception #6
Stairways are not required to be enclosed in sprinklered buildings of use group "I-1" having an occupant load of less than 9 clients.

Chapter 11

37. Section 1101.0. Physically handicapped.
Delete section 1101.0 in its entirety and substitute the following:
All buildings and portions thereof shall comply with the provisions of the Maryland Building Code for the Handicapped, Code of Maryland Regulations 05.02.02.

Chapter 16

38. Subsection 1608.2.4. Live Load Reductions.
Add new subsection 1608.2.4 to read as follows:
Live load reductions allowed by section 1608.0 shall not apply to roofs.
39. Subsection 1609.3. Minimum Roof Loads.
Delete subsection 1609.3 and substitute the following:
Roofs, either flat, pitched or curved, shall be designed for a minimum live load of 30 pounds per square foot or designed for the minimum snow load, whichever is greater. In buildings of use group "U", the roof shall be designed for a minimum live load of 30 pounds per square foot.

Chapter 18

40. Subsection 1804.1. Soil report.
Amend subsection 1804.1 by adding the following exceptions:
Exception #1
Soil reports are not required for attached or detached single family dwellings, unless unsatisfactory bearing material is encountered through field inspection.
Exception #2

The Code official may waive the requirement for a soil report for the support of lightweight and temporary structures when the load bearing capacity of the soil is deemed adequate by the Code official.

41. Subsection 1806.1.1. Footings-Frost Line.
Add new subsection 1806.1.1 to read as follows:
The frost line shall be at least 24 inches below finished grade.
42. Subsection 1813.5.2.1. Foundation Drain-Single-Family Dwellings.
Add new subsection 1813.5.2.1 to read as follows:
3" minimum diameter subsoil drains or other approved drains of equivalent cross sectional area shall be provided around foundations enclosing usable spaces located below grade. Drains shall be installed on the exterior of the foundation or on the interior of the foundation with pipes of at least 2" diameter leading to the exterior every 4 feet around the perimeter. In each case, the top of the drains shall be below the bottom of slab. The drains for poured concrete foundations may be placed on top of the footing. All subsoil drains shall be covered with a minimum of 4 inches depth of gravel or washed stone and building paper, filter cloth or other approved material. All ends of subsoil drains shall discharge by gravity or by mechanical means to an approved drainage outfall.

Chapter 29

43. Subsection 2909.0. Roof Drainage.
Add new subsection 2909.0 entitled "Roof Drainage".
44. Subsection 2909.1. Roof Drainage-Design and Installation.
Add new subsection 2909.1 to read as follows:
The design and installation of roof drainage systems shall comply with the sections of the Queen Anne's County Plumbing Code dealing with roof drains and the size of leaders and storm drains.

Chapter 31

45. Subsection 3101.1. Signs-Scope.
Amend section 3101.1 to read as follows:
The design and installation of signs shall be in accordance with the Queen Anne's County Zoning Ordinance and Subdivision Regulations.
46. Section 3107.0. Flood-Resistant Construction.
Delete Section 3107 in its entirety.
47. Subsection 3109.3.1. Dish antenna permits.
Amend subsection 3109.3.1 by changing "2 feet" to "3 feet" in each instance.

48. Subsection 3109.3.2. Dish antenna-structural provisions.
Amend subsection 3109.3.2 by changing "2 feet" to "3 feet" in the first sentence.

Chapter 33

49. Subsection 3306.2. Accessibility During Construction Operations.

Add new subsection 3306.2 to read as follows:

During construction operations the contractor shall maintain at all times a vehicular roadway that will permit the unimpeded movement of emergency vehicles from the improved street to within 200 feet of the most remote building under construction on the site. The vehicular access roadway surface shall be either crusher run, stone base, blacktop, or other suitable compacted surface material approved by the department.

50. Section 3316.0. Construction Site Grading.

Add a new section 3316.0 to read as follows:

Lot improvements will provide:

1. Suitable access from abutting street to dwelling and accessory buildings.
2. Grading which will divert water away from buildings, preventing standing water and soil saturation detrimental to structures and lot use.
3. Disposal of water from lot, except as necessary for controlled irrigation.
4. Grades for safe and convenient access to and around buildings and lots for use and maintenance.
5. Certification.

Grading which requires a grading permit shall be completed and drainage courses constructed and certified by a registered land surveyor to be in compliance with the approved site development plan or, if none, the approved erosion and sediment control plan and grading plan as required in the Queen Anne's County Erosion and Sediment Control Ordinance.

51. Subsection 3316.2. Minimum Gradient.

Add a new subsection 3316.2 to read as follows:

Minimum gradient for concrete or other impervious surfaces shall be 1/16 inch per foot (1/2%). Minimum gradient for previous surfaces shall be 1/4 inch per foot (2%).

52. Subsection 3316.3. Maximum Gradient.

Add a new subsection 3316.3 to read as follows:

The maximum gradient shall be 2 1/2 inches (21%) for a minimum of 4 feet away from all building walls, except where restricted by property lines. Slopes not exceeding 30 inches shall be 1 1/2 to 1. Slopes exceeding 30

inches shall be 2 to 1. The top and bottom of banks at the swales shall be rounded for convenient maintenance.

53. Subsection 3316.4. Finish Grading.

Add a new subsection 3316.4 to read as follows:

For areas where installation of lawn or planting is required, the surface layers of the soil shall be workable, free of debris and lot finished graded to comply with grading design. Finish grading shall be done when ground is frost-free and weather is favorable. Lawn covers shall be provided to prevent erosion of swales and slopes.

54. Section 3317.0. Burial of Construction Debris.

Add a new section 3317.0 to read as follows:

Burial of construction debris or organic material on residential lots equal to or smaller than 1/2 acre shall not be permitted. Burial of construction debris or organic material on residential lots greater than 1/2 acre may be permitted by the building official provided such debris is generated from on-site construction only and such burial is no closer than 50 feet to existing or proposed buildings.

SECTION IV

AND BE IT FURTHER ENACTED that the following amendments modify, delete, substitute and add to certain provisions of CABO One and Two Family Dwelling Code, 1992 edition, including the 1993 supplement/amendment thereto.

1. **CHAPTER 1 - ADMINISTRATIVE.**

Except for Sections R-101, R-102, R-103, R-104, R-105, R-108, R-113 and R-118; Chapter 1 of the CABO One and Two Family Dwelling Code is hereby deleted in its entirety and replaced with Chapter 1 of the BOCA National Building Code 1993 as amended herein this Ordinance.

2. **CHAPTER 2 - BUILDING PLANNING.**

Section R-201.2 Climatic Criteria shall be amended so that Table No. R-201.2 shall read as follows:

**Table No. R-201.2
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

ROOF LIVE LOAD ¹ (Lbs. per Sq. Ft.)	ROOF SNOW LOAD ¹ (Lbs. per Sq. Ft.)	WIND PRESSURE (Lbs. per Sq. Ft.)	SEPTIC CONDITION BY ZONE	SUBJECT TO DAMAGE FROM ² Frost Weathering Depth Termite Decay	SUBJECT TO DAMAGE FROM ²	WINTER DESIGN TEMP. FOR HTG. FACILITIES
See Appendix B	20	30	0	24"		10° F

¹Roof live and snow loads are not additive.

²Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy structural requirements of the code. The weathering column shall be filled in with the weathering index (i.e. "negligible", "moderate", or "sever") for concrete as determined from the Weathering Probability Map in Appendix A. The grade of masonry units shall be determined from ASTM C34, C35, C55, C62, C73, C90, C129, C145, C216, or C652 listed in Section S-26.201. the frost line depth may require deeper footings than indicated in Figure No. R-303. The jurisdiction shall fill in the frost line depth column with "yes" or "no" including minimum depth of footing below finish grade.

³The jurisdiction shall fill in this part of the table with "yes" or "no" depending on whether there has been a history of local damage.

⁴The jurisdiction shall fill in this portion of the table with wind design loads determined from the Wind Probability Map in Appendix A, or ASCE7 listed in Section S-26.201.

⁵If heating facilities are not required in this climate enter "None Required."

SECTION V

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth day following its passage.

Introduced By: Commissioner Michael F. Zimmer, JR.
Date of Introduction: June 18, 1996
Hearing Scheduled: July 9, 1996 8:30 A.M. ~~P.M.~~
Action: 3 Yea 0 Nay
Date: July 16, 1996