

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND
2007 Legislative Session

Bill No. 2007-08
Chapter. No. 224
Introduced by County Commissioners of Charles County
Date of Introduction July 18, 2007

BILL

AN ACT concerning

Charles County Building Code

FOR the purpose of

Adopting the International Building Code 2006 and the International Residential Code 2006, collectively as the Building Code for Charles County, with certain insertions, additions, deletions, and changes.

BY repealing

Chapter 224 - Building Construction
Sections 224-1 through 224-6
Code of Charles County, Maryland
(1994 Edition, 2000 Supplement)

BY adding to

Chapter 224 - Building Construction
Sections 224-1 through 224-5
Code of Charles County, Maryland
(1994 Edition, 2000 Supplement)

1
2 **SECTION 1.** BE IT ENACTED BY THE COUNTY COMMISSIONERS OF
3 CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as
4 follows:
5

6 **§ 224-1. Adoption of [2003] 2006 Standards; insertions, additions, deletions, changes.**
7

8 The International Building Code [2003] 2006 (IBC) and the International Residential Code
9 [2003] 2006 (IRC) published by the International Codes Council, Inc., copies of which are
10 attached hereto and made part hereof by incorporation, are hereby adopted as written,
11 collectively, as the Building Code for Charles County, with the following insertions, additions,
12 deletions, and changes.

- 13 A. IBC Section 101.1,IRC SECTION R101.1, insert: “Charles County, Maryland”.
14
- 15 B. IBC Section 101.2 “Scope”, [remove] ADD: “Exception 2” [and replace with]:
16 “Existing buildings undergoing repair, alterations or additions and changes of
17 occupancy shall be permitted to comply with the Maryland Building
18 Rehabilitation Code SET FORTH IN COMAR TITLE 5, SUBTITLE 16.”
19
- 20 C. IBC Section 101.4.1 “Electrical”, remove the words: “ICC Electrical Code” and
21 replace with:[“National Electrical Code”] “THE CURRENT CHARLES
22 COUNTY ELECTRICAL CODE AND AMENDMENTS”.
23
- 24 D. IBC Section 101.4.2 “Gas”, remove the words: “International Fuel Gas Code” and
25 replace with: “[Maryland State Plumbing Code”.] THE CURRENT VERSION
26 OF THE CHARLES COUNTY PLUMBING CODE.”
27
- 28 E. IBC Section 101.4.4 “Plumbing”, remove the words: “International Plumbing
29 Code” and replace with: “ THE CURRENT VERSION OF THE CHARLES
30 COUNTY PLUMBING CODE [Maryland State Plumbing Code”]. Delete

- 1 without replacement the sentence: “The provisions of the International Private
2 Sewage Disposal Code shall apply to private sewage disposal systems.”
3
- 4 F. Remove without replacement “Section 101.4.5 Property Maintenance”.
- 5
- 6 G. IBC Section 101.4.6 “Fire prevention” is removed and replaced as follows: “Fire
7 protection and safety practices shall be deemed to include the requirements of the
8 Fire Code of the State of Maryland. The provisions of the Fire Code of the State
9 of Maryland shall govern in all matters in which they are applicable and shall
10 supercede the requirements of the IBC in all cases.”
11
- 12 H. IBC Section 105.2 “Work exempt from permit”, add under “Building”: “[14] 10.
13 Outbuildings (non-habitable) for verifiable agricultural use on agriculturally
14 zoned parcels of five acres or more.”
15
- 16 I. IRC Section R105.2 “Work exempt from permit”, add under “Building”:
17 “[15] 11. Radio and television towers for one and two family dwellings may be
18 erected without a building permit.”
19
- 20 J. IBC Section 105.2 “Work exempt from permit”, add under “Building”: “[16.]14.
21 Tents and membrane structures that are open sided, with no cooking facilities
22 contained within, for use less than 180 days, up to 2,400 square feet are exempt
23 from permits”.
24
- 25 K. IRC Section R110, add:
26 R110.6 “Sale of One or Two Family Dwelling.”
27 “Prior to the consummation of the same (settlement) of any new one or two
28 family dwelling, there shall be an inspection of the unit and premises by the code
29 official and a Certificate of Use and Occupancy issued or a list of the violations or
30 deficiencies requiring correction prior to issuance of such certificate. At the time

1 of consummation of such sale, the Certificate of Use and Occupancy, or a list of
2 the deficiencies or violations which remain to be corrected prior to issuance of
3 such certificate, shall be presented to the buyer. Unless contractually relieved of
4 such responsibility, the seller shall be responsible for correction of any violations
5 or deficiencies necessary for the certificate to be issued. When a Certificate of
6 Use and Occupancy has not been issued prior to consummation of the sale, there
7 shall be required a separate written contractual agreement indicating
8 responsibility for correction of all deficiencies or violations cited by the code
9 official by a date certain. The provisions of this subsection are not applicable
10 when a new dwelling unit is purchased for resale as a new dwelling unit.”]

- 11
12 L. [Remove without replacement the entire Section 112 “Board of Appeals”].
13 REMOVE THE ENTIRE IBC SECTION 112 “BOARD OF APPEALS” AND
14 REPLACE WITH:

15 SECTION 112 APPEALS

16
17 112.1 GENERAL. IN ORDER TO HEAR AND DECIDE THE APPEALS OF
18 ORDERS, DECISIONS, OR DETERMINATIONS OF THE CODE OFFICIAL
19 RELATIVE TO THE APPLICATION AND INTERPRETATION OF THIS
20 CODE, THERE SHALL BE AN ADMINISTRATIVE POLICY CREATED FOR
21 SUCH AN APPEAL BY THE DEPARTMENT OF PLANNING AND
22 GROWTH MANAGEMENT. THIS POLICY AND PROCEDURE WILL BE
23 MAINTAINED BY THE DEPARTMENT OF PLANNING AND GROWTH
24 MANAGEMENT.

25
26 112.2 A WRITTEN APPLICATION FOR APPEAL SHALL BE BASED ON A
27 CLAIM THAT THE TRUE INTENT OF THIS CODE OR THE RULES
28 LEGALLY ADOPTED THEREUNDER HAVE BEEN INCORRECTLY
29 INTERPRETED BY THE CODE OFFICIAL. THE APPEAL OF THE ORDER,
30 DECISION, OR DETERMINATION OF THE CODE OFFICIAL WILL BE

1 PROCESSED IN WRITING THROUGH THE CHIEF, PERMIT
2 ADMINISTRATION TO THE DIRECTOR OF PLANNING AND GROWTH
3 MANAGEMENT. IF THE APPEAL IS TO CONTINUE, IT WILL PROCEED
4 TO THE COUNTY ADMINISTRATOR AND TO THE COUNTY
5 COMMISSIONERS.

6
7 M. IBC Section 113.0, add a new Subsection 113.5 entitled “Public Utility
8 Easement”, to read as follows: “No building or structure shall be erected upon any
9 public utility easement. For the purpose of this subsection a public utility
10 easement shall be a parcel of land on which a limited right-of-way is provided for
11 one or more designated purposes, such as but not limited to water, sewer, gas,
12 electric or telephone, without including title to the land.”

13
14 N. IBC Section 504.2 “Automatic sprinkler systems”, delete first paragraph and
15 replace with the following:

16
17 504.2 Automatic sprinkler increase. For buildings protected throughout with an
18 approved automatic sprinkler system installed in accordance with Section
19 903.3.1.1, the value specified in Table 503 for maximum height is increased by 20
20 feet (6096 mm), and the maximum number of stories is increased by one story.
21 THESE INCREASES ARE PERMITTED IN ADDITION TO AN AREA
22 INCREASE IN ACCORDANCE WITH SECTIONS 506.2 AND 506.3. When
23 the building is equipped throughout with an automatic sprinkler system installed
24 in accordance with Section 903.3.1.2 for Groups R-1, R-2, and R-4, and in
25 accordance with Section 903.3.1.3 for Group R-3, the building height limitations
26 specified in Table 503 are increased one story and 20 feet (6096 mm) but may not
27 exceed a height of four stories and 60 feet (18288 mm) above the grade plane.
28 These increases are permitted in addition to the area increase.”

29
30 O. IBC Section 705.6 “Vertical continuity”, add: item 6 of “Exceptions” with the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

following:

6.0 In Groups R-2 and R-3 as applicable in Section 101.2, walls are permitted to terminate at the roof sheathing or deck in Types III, IV, and V construction, if:

6.1 The roof sheathing or deck is constructed of approved noncombustible materials or of fire-retardant- treated wood for a distance of 4 feet (1220 mm) on both sides of the wall, or

6.2 The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 for Group R-2, and 903.3.1.1, 903.3.1.2, or 903.3.1.3 for Group R-3, or 6.3 OR [All the following]

6.3 ALL OF THE FOLLOWING:

6.3.1 The roof is protected with 5/8inch (15.9 mm) Type X gypsum board directly beneath the underside of the roof sheathing or deck, supported by a minimum of 2-inch (51 mm) ledgers attached to the sides of the roof framing members, for a minimum distance of 4 feet (1220 mm) on both sides of the fire wall, and

6.3.2 Openings in the roof are not located within 4 feet (1220 mm) of the fire wall, and

6.3.3 The roof is covered with a minimum Class C roof covering.

P. IBC Section 901.1 “Scope”, add: “Fire protection system requirements of Chapter 9 may be concurrently covered in the State Fire Code, PUBLIC SAFETY

1 ARTICLE, §§6 – 101-6-202 ANNOTATED CODE OF MARYLAND [Article
2 38A, §§3 - 67], and COMAR 29.06.01. The State Fire Code is enforced by the
3 State Fire Marshal or authorized fire official.”
4

5 Q. IBC Section 1001.1 “General”, add: “Means of egress requirements of Chapter 10
6 may be concurrently covered in the State Fire Code, [Article 38A, §§3 - 67,]
7 PUBLIC SAFETY ARTICLE ,§§6-101-6-602,ANNOTATED CODE OF
8 MARYLAND and COMAR 29.06.01. The State Fire Code is enforced by the
9 State Fire Marshal or authorized official.”
10

11 R. IBC Section 1009.3. “Stair treads and risers”, delete Exception [5] 4 and replace
12 with the following:
13 “In occupancies in Group R-3 as applicable in Section 101.2, within dwelling
14 units in occupancies in Group R-2, AS APPLICABLE IN SECTION 101.2 and
15 in occupancies in Group U which are accessory to an occupancy in Group R-3,
16 the maximum riser height shall be 8-1/4 inches (210 mm) and the minimum tread
17 depth shall be 9 inches (229 mm) THE MINIMUM WINDER TREAD DEPTH
18 AT THE WALK LINE SHALL BE 9 INCHES (229 MM), AND THE
19 MINIMUM WINDER TREAD DEPTH SHALL BE 6 INCHES (152 MM). A
20 nosing not less than 3/4inch (19 mm) but not more than 1-1/4 inches (32 mm)
21 shall be provided on stairways with solid risers where the tread depth is less than
22 11 inches (279 mm).”
23

24 S. IBC Section [1009.11.3] 1012.3 “Handrail graspability”, add: “Exception: For
25 occupancies in Group R-3 as applicable in Section 101.2 and within dwelling
26 units in occupancies Group R-2 as applicable in Section 101.2, the grip portion of
27 handrails shall have a circular cross section of 1.25 inches (32 mm) minimum to
28 2.625 inches (66.7 mm) maximum. Other shapes that provide an equivalent
29 grasping surface are permissible. Edges shall have a minimum radius of .125
30 inches (3.2 mm).”

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

- T. Section 1301.1.1 “Criteria ”, remove section and replace with: “The requirements concerning energy conservation for buildings and structures are governed by Energy Conservation Building Standards, Public Utility Companies Article, §§7-401 - 7-408, Annotated Code of Maryland, as amended. In the event of a conflict between the Annotated Code of Maryland and the IBC, the requirements of the Public Utility Companies Article, §§7-401 - 7-408, Annotated Code of Maryland, prevail.”

- U. IBC Section 2401.1 “Scope”, add: “The requirements for safety glazing set forth in [Article 83B, §§6-301 - 6-306,] PUBLIC SAFETY ARTICLE TITLE 12 SUBTITLE 4, Annotated Code of Maryland, are in addition to Chapter 24, Section 2406 of the IBC related to safety glazing. In the event of a conflict between Chapter 24 of the IBC and the Annotated Code of Maryland, the requirements of the Annotated Code of Maryland prevail.”

- V. IBC Section 2701.1 “Scope”, remove section and replace with: “[The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards.] For the applicable electrical requirements, refer to the [local electrical code and] the National Electrical Code as adopted and enforced by the State Fire Marshal, authorized fire officials, or building official[s] pursuant to the [Article 38A, §§3 and 58-66] PROVISIONS OF PUBLIC SAFETY ARTICLE, TITLE 12, SUBTITLE 6, Annotated Code of Maryland AND KNOWN AS THE CHARLES COUNTY ELECTRICAL CODE. ”

- W. IBC Section 2801.1 “Scope”, remove section and replace with: “[The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards.] For the applicable requirements concerning the mechanical systems, refer to [THE LOCAL MECHANICAL CODE AND]the mechanical code adopted pursuant to the provisions of Business Regulation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Article, § 9A-205, Annotated Code of Maryland AND KNOWN AS THE CHARLES COUNTY MECHANICAL CODE.”

- X. IBC Section 2901.1 “Scope”, remove section and replace with: “[The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards.] for the applicable requirements concerning the plumbing systems, refer to the[LOCAL PLUMBING CODE AND THE] plumbing code adopted pursuant to the provisions of Business Occupations and Professions Article, title 12, Annotated Code of Maryland AND KNOWN AS THE CHARLES COUNTY PLUMBING CODE.”

- Y. IBC Section 3001.1 “Scope”, add: “The provisions of Chapter 30 of the IBC relate to elevators and conveying systems and are in addition to and not instead of the requirements set forth in [Article 89, §49B] PUBLIC SAFETY ARTICLE, TITLE 12 SUBTITLE 8, Annotated Code of Maryland. In the event of a conflict between the IBC and the Annotated Code of Maryland, the provisions of the Annotated Code of Maryland prevail.”

- Z. IBC Section 3101.1 “General”, remove the sentence: “Those erected for a shorter period of time shall comply with the State Fire Code.”

- AA. IRC Section R101.2 Scope “Exception”, remove and replace with: “Existing buildings undergoing repair, alteration or additions, and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code.”

- BB. IRC Section R105.2 Work exempt from permit, add:
 - 10. Pre-made residential-use storage sheds for non-automotive storage that are delivered totally assembled shall not be required to provide footings and foundations below the frost line.

- CC. IRC Section R202, Definitions”, add:

1 “COMPLETE LOAD PATH. A system of wood structural panels, metal
2 connectors, tie rods or engineered design that provides a continuous connection of
3 all exterior framing components from the roof of the building to the foundation
4 capable of resisting wind uplift forces generated by the design wind speed as
5 adjusted for the exposure category.”
6

7 DD. IRC Section R301.2 Climatic and geographic design criteria”, add the following to

8 “Table R301.2(1) Climatic and geographic design criteria”:

9 [ROOF] GROUND SNOW LOAD = 25 p.s.f.

10 WIND = 90 m.p.h.

11 SEISMIC DESIGN CRITERIA = [C] B

12 WEATHERING = Severe

13 FROST LINE DEPTH = 24 inches

14 TERMITE = Moderate to Heavy

15 DECAY = Slight to Moderate

16 WINTER DESIGN TEMP = 13 degrees F

17 ICE BARRIER UNDERLAYMENT REQUIRED = NO

18 FLOOD HAZARDS = September 27, 1988

19 AIR FREEZING INDEX = 308

20 MEAN ANNUAL TEMP = 55.8

21
22 EE. Section R310.1 “Emergency escape and rescue required”, remove and replace
23 with:

24 “R310.1 Emergency escape and rescue required. Every sleeping room
25 shall have at least one operable emergency escape and rescue window or exterior
26 door opening for emergency escape and rescue. If openings are provided as a
27 means of escape and rescue they shall have a sill height of not more than 44 inches
28 (1118 mm) above the adjacent interior standing surface. If a door opening having
29 a threshold below the adjacent ground elevation serves as an emergency escape
30 and rescue opening and is provided with a bulkhead enclosure, the bulkhead

1 enclosure shall comply with Section R310.3. The net clear opening dimensions
2 required by this section shall be obtained by the normal operation of the window or
3 door opening from the inside. Escape and rescue window openings with a finished
4 sill height below the adjacent ground elevation shall be provided with a window
5 well in accordance with Section R310.2.”

6
7 FF. IRC Section R311.5.3 “Stair treads and risers”, remove and replace with:

8
9 “R311.5.3 Treads and risers. The maximum riser height shall be 8-1/4 inches
10 (210 mm) and the minimum tread depth shall be 9 inches (299 mm). The riser
11 height shall be measured vertically between leading edges of the adjacent treads.
12 The tread depth shall be measured horizontally between the vertical planes of the
13 foremost projection of adjacent treads and at a right angle to the tread's leading
14 edge. The walking face of treads and landings of a stairway shall be sloped no
15 steeper than one unit vertical in 48 units horizontal (2 percent slope). The greatest
16 riser height within any flight of stairs shall not exceed the smallest by more than
17 3/8inch (9.5 mm). The greatest tread depth within any flight of stairs shall not
18 exceed the smallest by more than 3/8inch (9.5 mm). WINDER TREADS SHALL
19 HAVE A MINIMUM TREAD DEPTH OF 9 INCHES (229MM) MEASURED
20 AS ABOVE A POINT 12 INCHES (305MM) FROM THE SIDE WHERE THE
21 TREADS ARE NARROWER. WINDET TREADS SHALL HAVE A
22 MINIMUM TREAD DEPTH OF 6 INCHES (152MM) AT ANY POINT.

23
24 GG. IRC Section R311.5.3.3 “Profile”, delete Exception “1” and replace with: “1. A
25 nosing is not required if the tread depth is a minimum of 10 inches (254 mm).”

26
27 HH. IRC Section R311.5.6 “Handrails”, remove and replace with:

28
29 “311.5.6 Handrails. Handrails shall be provided on at least one side
30 of stairways consisting of three or more risers. Handrails shall have a minimum

1 height of 34 inches (864 mm) and a maximum height of 38 inches (965 mm)
2 measured vertically from the nosing of the treads. All required handrails shall be
3 continuous the full length of the stairs from a point directly above the top riser to
4 a point directly above the lowest riser of the stairway. The ends of the handrail
5 shall be returned into a wall or shall terminate in newel posts or safety terminals.
6 A minimum clear space of 1-1/2 inches (38 mm) shall be provided between the
7 wall and the handrail.

8 Exceptions:

- 9 1. Handrails shall be permitted to be interrupted by a newel post at a turn.
- 10 2. The use of a volute, turnout, or starting easing shall be allowed over the
11 lowest tread.”

12
13 II. Section R321.3.2 “Membrane penetrations”, remove and replace with:

14 “R321.3.2 R317.3.2 Membrane penetrations. Membrane
15 penetrations shall comply with Section R321.3.1.R317.3.1 If walls are required to
16 have a minimum 1-hour fire resistance rating, recessed light fixtures shall be so
17 installed that the required fire resistance will not be reduced.

18 Exceptions:

19 1. Steel electrical boxes that do not exceed 16 square inches (0.0103 square
20 meters) in area if the total area of the openings does not exceed 100 square inches
21 (0.0645) for any 100 square feet (9.29 square meters) of wall area. Outlet boxes
22 on opposite sides of the wall shall be separated as follows:

- 23
- 24 1.1 By a horizontal distance of not less than 24 inches (610 mm), or
- 25 1.2 By a horizontal distance of not less than the depth of the wall cavity when
26 the wall cavity is filled with cellulose loose-fill or mineral fiber insulation,
27 or
- 28 1.3 By solid fire blocking in accordance with Section R602.8, or
- 29 1.4 By other listed materials and methods.

30 2. Membrane penetrations for listed electrical outlet boxes of any materials are

- 1 permitted if the boxes have been tested for use in fire resistance rated assemblies
2 and are installed in accordance with the instructions included in the listing.
- 3 3. The annular space created by the penetration of a fire sprinkler if it is covered by
4 a metal escutcheon plate.”
- 5
- 6 JJ. IRC Section M1201.1 “Scope”, add : “The subject matter of the chapters 12
7 through 24 is not within the scope of the [Maryland Building Performance
8 Standards] CHARLES COUNTY BUILDING CODE. For the applicable
9 requirements concerning the mechanical systems, refer to the state mechanical
10 code adopted pursuant to the provisions of Business Regulation Article, § 9A-205,
11 Annotated Code of Maryland AND KNOWN AS THE CHARLES COUNTY
12 MECHANICAL CODE.”
- 13
- 14 KK. IRC Section P2501.1 Scope” add: “The subject matter of the chapters 25 through
15 32 is not within the scope of the [Maryland Building Performance Standards]
16 CHARLES COUNTY BUILDING CODE. For the applicable requirements
17 concerning the plumbing systems, refer to the state plumbing code adopted
18 pursuant to the provisions of Business Occupations and Professions Article, Title
19 12, Annotated Code of Maryland AND KNOWN AS THE CHARLES COUNTY
20 PLUMBING CODE.”
- 21
- 22 LL. IRC Section E 3301.1 Applicability”, add “The subject matter of the chapters 33
23 through 42 is not within the scope of the [Maryland Building Performance
24 Standards] CHARLES COUNTY BUILDING CODE. For the applicable
25 electrical requirements, refer to the NATIONAL ELECTRICAL CODE AS
26 ADOPTED AND ENFORCED BY THE STATE FIRE MARSHAL AND
27 BUILDING CODE OFFICIAL PURSUANT TO THE PROVISIONS PUBLIC
28 SAFETY ARTICLE, TITLE 12, SUBTITLE 6, ANNOTATED CODE OF
29 MARYLAND AND KNOWN AS THE Charles County electrical code.”
- 30

1 MM. Appendix E “Manufactured Housing used as Dwellings” of the IRC is incorporated
2 into the Charles County Building Code as modified: Section AE304 Fees is
3 removed without replacement.

4
5 NN. IBC PROVISIONS IN IBC APPENDIX C, GROUP U – AGRICULTURAL
6 BUILDINGS; Appendix F “Rodent Proofing” , APPENDIX G, FLOOD
7 RESISTANT CONSTRUCTION, APPENDIX I , PATIO COVERS, ARE [is]
8 adopted [in its entirety].

9
10 OO. IBC Appendix H “Signs” is adopted with the following section changed: Remove
11 in entirety without replacement Section H108, Section H110, and Section H114;
12 Section H106.2, remove: “ICC Electrical Code” and replace with: “Charles
13 County Electric Code”.

14
15 PP. Remove Chapter 11 of the IBC related to accessibility requirements and replace
16 with the Maryland Accessibility Code set forth in COMAR 05.02.02.

17
18 QQ. Add the following to [Chapter 4 “Foundations”] IBC CHAPTER 18 “SOILS
19 AND FOUNDATIONS”, 1801.2.2.2 EXPANSIVE SOIL, IRC Section 401
20 “General, [R401.5] R401.4.2 “Compressible or shifting soil” “In the portion of
21 Charles County designated as the ‘Area of Special Geotechnical Consideration’
22 per the attached map, all soils for foundation support shall be removed to a
23 minimum depth of four feet (4') below the final finished grade. The minimum
24 footing depths shall be as determined by this Code. Soil removed shall not be
25 used as backfill for foundation walls or other structural fill. No large trees or
26 woody vegetation with large root systems shall be located such that the drip zone
27 for the tree is within five feet (5') of the foundation wall.

28
29 Applicants may provide a geotechnical report prepared by a Professional
30 Engineer licensed in the state of Maryland in lieu of complying with [(a)] the

1 above requirements. All recommendations provided in the geotechnical report
2 shall be incorporated as part of the permit and becomes a permit condition.”

3
4 RR. Add the following to [Chapter 4 “Foundations”, Section R403 “General”] IBC
5 CHAPTER 18 “SOILS AND FOUNDATIONS”, 1805.2.3 SHIFTING OR
6 MOVING SOILS ;, [R403.1.4] IRC R403.1.4 “Minimum Depth”:
7 “All exterior footings or foundations located in the portion of Charles County
8 designated as the 'area of special geotechnical consideration' per the Planning and
9 Growth Management map entitled 'Area of Geotechnical Concern' shall extend to
10 a minimum of four feet (4') below final finished grade.

11
12 Applicants may provide a geotechnical report prepared by a Professional Engineer
13 licensed in the state of Maryland in lieu of complying with (a) the above
14 requirements. All recommendations provided in the geotechnical report shall be
15 incorporated as part of the permit and becomes a permit condition.

16
17 SS. Add the following to [Chapter 4 to “Foundations”] IBC CHAPTER 18 “SOILS
18 AND FOUNDATIONS”, 1807.4.3 DRAINAGE DISCHARGE., IRC Section
19 R405 “Foundation Drainage”, R405.1 “Concrete or Masonry foundations”:

20
21 In the portion of Charles County designated as “areas of special geotechnical
22 consideration”, foundation drains shall be installed and shall discharge at a
23 minimum of ten feet (10') away from all foundation walls or at the property line,
24 whichever is less.

25
26 TT. Remove the contents of IBC Chapter 34 in its entirety and replace with:

27
28 **“SECTION 3401 GENERAL**

29
30 **3401.1 Scope:** The provisions of the Maryland Building Rehabilitation

1 Code shall control the repairs, modifications, reconstructions, additions, and
2 changes in occupancy to existing buildings.

3
4 **SECTION 3402 VACANT COMMERCIAL STRUCTURES**

5
6 **3402.1 Scope:** This section is to protect the public health, safety and
7 welfare in all existing vacant commercial structures; fixing the responsibility of
8 *owners* and providing for administration, enforcement and penalties.

9
10 **3402.2 Intent:** Existing structures and *premises* that do not comply with
11 these provisions shall be altered or repaired to provide a minimum level of health
12 and safety as required herein. All vacant structures and *premises* thereof or vacant
13 land shall be maintained in a clean, safe, secure and sanitary condition as
14 provided herein so as not to cause a blighting problem or adversely affect the
15 public health and safety.

16
17 **3402.3 Existing remedies:** The provisions in this code shall not be
18 construed to abolish or impair existing remedies of the jurisdiction or its officers
19 or agencies relating to the removal or demolition of any structure which is
20 dangerous, unsafe and unsanitary.

21
22 **3402.4 Saving clause:** This code shall not affect violations of any other
23 ordinance, code or regulation existing prior to the effective date hereof, and any
24 such violation shall be governed and shall continue to be punishable to the full
25 extent of the law under the provisions of those ordinances, codes or regulations in
26 effect at the time the violation was committed.

27
28 **SECTION 3403 NOTICES AND ORDERS**

29
30 **3403.1 Notice to owner or to person or persons responsible:** Whenever the

1 code official determines that there has been a violation of this code or has grounds
2 to believe that a violation has occurred, notice shall be given to the *owner* or the
3 *person* or *persons* responsible.

4
5 **3403.2 Form:** Such notice shall:

- 6 1. Be in writing
- 7 2. Include a description of the real estate sufficient for identification;
- 8 3. Include a statement of the reason or reasons why the notice is being
9 issued; and
- 10 4. Include a correction order allowing a reasonable time for the repairs and
11 improvements required to bring the structure into compliance with the
12 provisions of the code.

13 **3403.3 Method of Service:** Such notice shall be deemed to be properly served if
14 a copy thereof is (a) delivered to the *owner* personally; or (b) sent by certified or
15 registered mail addressed to the *owner* at the last known address with return
16 receipt requested. If the certified or registered letter is returned showing that the
17 letter was not delivered, a copy thereof shall be posted in a conspicuous place in
18 or about the structure affected by such notice. Service of such notice in the
19 foregoing manner upon the *owner's* agent or upon the *person* responsible for the
20 structure shall constitute service of notice upon the *owner*.

21
22 **3403.4 Transfer of ownership:** It shall be unlawful for the *owner* of any
23 structure who has received a compliance order or upon whom a notice of violation
24 has been served to sell, transfer, mortgage, lease or otherwise dispose of to
25 another until the provisions of the compliance order or notice of violation have
26 been complied with, or until such *owner* shall first furnish the grantee, transferee,
27 mortgagee or lessee a true copy of any compliance order or notice of violation
28 issued by the code official and shall furnish to the code official a signed and
29 notarized statement from the grantee, transferee, mortgagee or lessee,
30 acknowledging the receipt of such compliance order or notice of violation and

1 fully accepting the responsibility without condition for making the corrections or
2 repairs required by such compliance order or notice of violation.

3
4 **3403.5 Closing of vacant structures:** If the structure is vacant and unfit for
5 human habitation and *occupancy*, and is not in danger of structural collapse, the
6 code official is authorized to post a placard of *condemnation* on the *premises* and
7 order the structure closed up so as not to be an attractive nuisance. Upon failure
8 of the *owner* to close up the *premises* within the time specified in the order, the
9 code official shall cause the *premises* to be closed through any available public
10 agency or by contract or arrangement by private *persons* and the cost thereof shall
11 be charged against the real estate upon which the structure is located and shall be
12 a lien upon such real estate.

13
14 **3403.6 Notice:** Whenever the code official has *condemned* a structure under the
15 provisions of this section, notice shall be posted in a conspicuous place in or
16 about the structure affected by such notice and served on the *owner* or the *person*
17 or *persons* responsible for the structure.

18
19 **3403.7 Placarding:** Upon failure of the *owner* or *person* responsible to comply
20 with the notice provisions within the time given, the code official shall post on the
21 *premises* a placard bearing the word "Condemned" and a statement of the
22 penalties provided for occupying the *premises*, or removing the placard.

23
24 **3403.8 Prohibited occupancy:** Any *person* who shall occupy a placarded
25 *premises* and any *owner* or any *person* responsible for the *premises* who shall *let*
26 anyone occupy a placarded *premises* shall be liable for the penalties provided by
27 this code.

28
29 **3403.9 Removal of placard:** The code official shall remove the *condemnation*
30 placard whenever the defect or defects upon which the *condemnation* and

1 placarding action were based have been eliminated. Any *person* who defaces or
2 removes a *condemnation* placard without the approval of the code official shall be
3 subject to the penalties provided by this code.
4

5 SECTION 3404 DEMOLITION

6
7 **3404.1 General:** The code official shall order the *owner* of any *premises* upon
8 which is located any structure , which in the code official's judgement is so old,
9 dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary,
10 or otherwise unfit for human habitation or *occupancy*, and such that it is
11 unreasonable to repair the structure, to raze and remove such structure within 90
12 (ninety) days; or if such structure is capable of being made safe by repairs, to
13 repair and make safe and sanitary within 90 days of the notice or to raze and
14 remove at the *owner's* option; or where there has been a cessation of normal
15 construction of any structure for a period of more than 6 (six) months, to raze and
16 remove such structure within 90 days of the date of the notice.
17

18 **3404.2 Order:** All notices and orders shall comply with Section 3410.
19

20 **3404.3 Failure to comply:** If the *owner* of a *premises* fails to comply with a
21 demolition order within the time prescribed , the code official shall cause the
22 structure to be razed and removed, either through an available public agency or by
23 contract or arrangement with private *persons*, and the cost of such razing and
24 removal shall be charged against the real estate upon which the structure is
25 located and shall be a lien upon such real estate.
26

27 **3404.4 Salvage materials:** When any structure has been ordered razed and was
28 removed through the code official due to the owner's failure to comply, the
29 governing body or other designated officer under said contract or arrangement
30 aforesaid shall have the right to sell the salvage and valuable materials at the

1 highest price obtainable. The net proceeds of such sale, after deducting the
2 expenses or such razing and removal, shall be promptly remitted with a report of
3 such sale or transaction, including the items of expense and the amounts
4 deducted, for the *person* who is entitled thereto, subject to any order of a court. If
5 such surplus does not remain to be turned over, the report shall so state.

6
7 **SECTION 3405 EXTERIOR STRUCTURE**

8
9 **3405.1 General:** The exterior of a structure shall be maintained in good repair,
10 structurally sound and sanitary so as not to pose a threat to the public health,
11 safety or welfare.

12
13 **3405.2 Failure to comply:** If the *owner* of a *premises* fails to comply with a
14 repair order within 90 (ninety) days , the code official shall cause the structure to
15 be repaired, either through an available public agency or by contract or
16 arrangement with private *persons*, and the cost of such repair shall be charged
17 against the real estate upon which the structure is located and shall be a lien upon
18 such real estate.

19
20 **3405.3 Exterior painting:** All wood and metal surfaces, including but not
21 limited to, window frames, doors, door frames, cornices, porches and trim shall be
22 maintained in good condition. Peeling, flaking and chipped paint shall be
23 eliminated and surfaces repainted.

24
25 **3405.4 Street numbers:** Each structure to which a street number has been
26 assigned shall have such number displayed in a position easily observed and
27 readable from the public right-of-way.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

3405.5 Structural members: All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

3405.6 Foundation walls: All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

3405.7 Exterior walls: All exterior walls shall be free from holes, breaks, loose or rotting materials; an maintained weatherproof and properly surface coated where required to prevent deterioration.

3405.8 Roofs and drainage: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a *public nuisance*.

3405.9 Decorative features: All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

3405.10 Overhang extensions: All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

3405.11 Stair and walking surfaces: Every stair, ramp, balcony, porch, deck or other walking surface shall be kept in a sound condition.

3405.12 Stairways, decks, porches and balconies: Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto,, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

3405.13 Chimneys and towers: All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

3405.14 Handrails and guards: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

3405.15 Window and door frames: Every window, door and frame shall be kept in sound condition, good repair and weather tight.

3405.15.1 Glazing: All glazing materials shall be maintained free from cracks and holes.

3405.15.2 Openable windows: Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

3405.16 Doors: All exterior doors and hardware shall be maintained in good condition.

1 **3405.17 Basement hatchways:** Every basement hatchway shall be maintained to
2 prevent the entrance of rats, rain and surface drainage water.

3
4 **3405.18 Guards for basement windows:** Every basement window that is
5 openable shall be supplied with ratproof shields, storm windows or other
6 approved protection against the entry of rats.”

7
8 UU. IBC SECTION 1009.3. “STAIR TREADS AND RISERS”, DELETE
9 EXCEPTION 5 AND REPLACE WITH THE FOLLOWING:

10
11 “EXCEPTION 5. SEE THE MARYLAND BUILDING REHABILITATION
12 CODE SET FORTH IN COMAR TITLE 5, SUBTITLE 16 FOR THE
13 REPLACEMENT OF EXISTING STAIRWAYS.”

14
15 VV. IBC SECTION 3401.3 “COMPLIANCE WITH OTHER CODES” REMOVE
16 THE ENTIRE PARAGRAPH AND REPLACE WITH: “EXISTING
17 BUILDINGS UNDERGOING REPAIR, ALTERATION OR ADDITIONS, AND
18 CHANGE OF OCCUPANCY SHALL BE PERMITTED TO COMPLY WITH
19 THE MARYLAND BUILDING REHABILITATION CODE.”

20
21 WW. IRC SECTION R101.2 SCOPE ADD “EXCEPTION”: “EXISTING
22 BUILDINGS UNDERGOING REPAIR, ALTERATION OR ADDITIONS, AND
23 CHANGE OF OCCUPANCY SHALL BE PERMITTED TO COMPLY WITH
24 THE MARYLAND BUILDING REHABILITATION CODE.”

25
26 XX. IN IRC SECTION R103 REMOVE THE WORD “DEPARTMENT” AND
27 REPLACE WITH “OFFICE” WHEREVER IT APPEARS.

28

- 1 YY. IRC SECTION R105.2 WORK EXEMPT FROM PERMIT, BUILDING 1.
2 REMOVE “120 SQUARE FEET (11.15M²) “ AND REPLACE WITH “MORE
3 THAN 200 SQUARE FEET MEASURED BY OUTSIDE DIMENSIONS.”
4
- 5 ZZ. IRC SECTION 106.3.1 REMOVE THE WORDING, “APPROVED PLANS PER
6 IRC SECTION R106.3.1" AND REPLACE WITH “APPROVED TO ISSUE”.
7
- 8 AAA. IRC APPENDIX G “SWIMMING POOLS, SPAS AND HOT TUBS” OF THE
9 IRC IS INCORPORATED INTO THE CHARLES COUNTY BUILDING
10 CODE. SECTION AG 105.2 REQUIREMENT 6 ADD, “THE WIRE SHALL
11 NOT BE LESS THAN 12 GAUGE.”
12
- 13 BBB. IRC APPENDIX H “PATIO COVERS” OF THE IRC IS INCORPORATED
14 INTO THE CHARLES COUNTY BUILDING CODE.
15
- 16 CCC. IRC APPENDIX P “SPRINKLING” OF THE IRC IS INCORPORATED INTO
17 THE CHARLES COUNTY BUILDING CODE.
18
- 19 DDD. IN IBC SECTION 103 REMOVE THE WORD “DEPARTMENT” AND
20 REPLACE WITH “OFFICE” WHEREVER IT APPEARS.
21
- 22 EEE. IBC CHAPTER 34 EXISTING STRUCTURES ADD THE FOLLOWING
23 EXCEPTION TO SECTION 3401.1 SCOPE: EXCEPTION: ANY
24 REHABILITATION WORK UNDERTAKEN IN AN EXISTING BUILDING
25 AS DEFINED IN COMAR TITLE 05, SUBTITLE 16 SHALL COMPLY WITH
26 THE REQUIREMENTS OF THE MARYLAND BUILDING
27 REHABILITATION CODE SET FORTH IN COMAR TITLE 05, SUBTITLE
28 16.
29
- 30 FFF. IRC SECTION R406 FOUNDATION WATERPROOFING AND

1 DAMPPROOFING. REMOVE SECION R406.1 CONCRETE AND
2 MASONRY FOUNDATION DAMPPROOFING WITHOUT REPLACEMENT.
3 SECTION 402.2 CONCRETE AND MASONRY FOUNDATION
4 WATERPROOFING. REMOVE THE WORDS “IN AREAS WHERE A HIGH
5 WATER TABLE OR OTHER SEVERE SOIL-WATER CONDITIONS ARE
6 KNOWN TO EXIST,” AND REPLACE WITH “ALL”.

7
8 GGG. IRC SECTION R110.1 USE AND OCCUPANCY REMOVE EXCEPTION 2
9 WITHOUT REPLACEMENT.

10
11 HHH. IRC R109.1.5 OTHER INSPECTIONS ADD “R109.5.3 ENERGY
12 EFFICIENCY. THE DWELLING SHALL BE INSPECTED TO DETERMINE
13 COMPLIANCE WITH THE MARYLAND ENERGY CONSERVATION
14 BUILDING STANDARDS AND COMPLIANCE WITH CHAPTER 11
15 ENERGY EFFICIENCY.

16
17 **§ 224-2. Amendments.** The periodic supplements and amendments adopted by the
18 International Codes Council, Inc. and amendments to the [2003] 2006 Edition of the
19 International Building Code and International Residential Code shall become a part of the
20 Charles County Building Code as and when the same shall be adopted by the International Codes
21 Council, Inc.

22
23 **§ 224-3. Additional Provisions.**

24
25 The following shall be made a part of this chapter relating to on-site drainage certification, first
26 floor elevation certification, and foundation wall location certification.

27

1 A. On-Site Drainage. The following provisions apply to the conveyance and
2 disposal of stormwater runoff, not otherwise classed as, or qualified to be part of
3 the Charles County Stormwater Management, Road, Grading and Sediment
4 Control Ordinances.

5 (1) Drainage. Drainage conveyance systems shall be provided to
6 safely discharge surface and ground water in such a manner to prevent
7 erosion, overflow, ponding or nuisance of any kind to the nearest practical
8 street, storm drain or other adequate conveyance system in accordance
9 with applicable design criteria, standards and procedures as contained
10 herein and as required by approved standards and regulations of the
11 County Ordinance listed above.

12 (2) Ponding. The ponding of water shall not be permitted
13 particularly above cut or fill slopes or on drainage terraces, nor shall water
14 be impounded on adjacent property. Adequate grading/drainage shall be
15 provided to prevent such ponding.

16 (3) Improvements. All drainage improvements such as interceptors, diversion
17 berms, swales and ditches shall be designed and constructed in accordance
18 with standards contained elsewhere herein. When required, ditches/swales
19 shall be piped or paved or otherwise improved. Drainage discharging into
20 natural watercourses may require that such natural watercourses be
21 protected from erosion by an adequate amount of riprap or by other
22 acceptable measures as dictated by the County.

23 (4) Ground Water. Springs and surface seeps and other ground waters shall
24 be capped with porous gravel and/or sand with interlaced tile drains or
25 perforated pipes connecting into a piped outfall to a public storm drainage
26 system, or natural watercourse.

27
28 B. Certification for New Residential Construction.

29 (1) Written certification, as to compliance to the approved site plan dealing
30 with the Foundation Wall Location and First Floor Elevation shall be

1 submitted to the Charles County Permit Administration by a registered
2 Land Surveyor and/or Professional Engineer according to subsection [(1)]
3 2 listed below.

4 (2) Written certification, as to compliance to County Ordinances dealing with
5 on-site grading/drainage shall be submitted to the Charles County Permit
6 Administration by the general contractor or permit applicant.

7 (a) Foundation Wall Location and First Floor Elevation Certification
8 for all new residential dwelling construction [on lots of one (1)
9 acre or less. For lots greater than one (1) acre Foundation Wall
10 Location will only be required.] This must be submitted prior to
11 completion of framing/wall construction. Failure to comply will
12 result in inspection disapproval and/or issuance of a Stop Work
13 Order until such time as certification is received.

14 (b) On-site Grading/Drainage Certification for all new residential
15 dwelling construction [on lots of one (1) acres or less.] This must
16 be submitted prior to the issuance of a Use and Occupancy.
17 Failure to comply will constitute grounds for issuance of a stop
18 work order which will not be released until such time as
19 certification is received. On residential dwelling construction, the
20 Charles County Code Official may issue a Certificate of Use and
21 Occupancy upon the homeowner's acceptance of responsibility for
22 lot stabilization and for obtaining On-site Drainage Certification as
23 soon as weather conditions allow.

24
25 **§ 224-3. New Editions.**

26
27 Whenever new Editions of the International Building Code and International Residential Code
28 are published by the International Codes Council, Inc., the new Edition shall become the adopted
29 Building Code of Charles County effective the first day of October following the publication
30 date.

1
2
3
4
5
6
7
8
9
10
11

SECTION 2. BE IT FURTHER ENACTED that if any clause, sentence, article, section, part, or parts of this Act shall be held unconstitutional or invalid for any reason whatsoever, such unconstitutionality or invalidity shall not affect the validity of the remaining parts of this Act or any section thereof. The County Commissioners of Charles County, Maryland, hereby declare that they would have adopted the remaining parts of this Act or any section thereof if they had known any such clause, sentence, article, section, part, or parts of this Act would be declared unconstitutional or invalid.

SECTION 3. BE IT FURTHER ENACTED, that this Act shall take effect FORTY-FIVE (45) calendar days after it becomes law.