

ORDINANCE NO. 67  
BUILDING CODES

AN ORDINANCE TO ADOPT MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL, MAINTENANCE AND USE OF CERTAIN BUILDINGS AND STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES AND MAKING INSPECTIONS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Annotated Code of Maryland authorizes local jurisdictions to adopt, amend and enforce a building code; and,

WHEREAS, the Mayor and Council appointed a Building Code Committee to examine the need for the adoption of a Building Code in Leonardtown; and,

WHEREAS, the Building Code Committee recommends the adoption of such codes to promote the health, safety and general welfare of the citizens of Leonardtown; and

WHEREAS, the derived benefit of adoption of a Building Code would,

1. Greater universality of standards with neighboring jurisdiction;
2. Minimum health and safety standards for contractors;
3. Construction guidelines for the protection of consumers and builders; and
4. Increased insurance benefits and enhanced mortgage opportunities for many people; and,

WHEREAS, public hearings were held by the Mayor and Council on the adoption of the BOCA National Building Code, 1987, Article Twelve of the BOCA National Mechanical Code, 1987, and the CABO One and Two Family Dwelling Code, 1989; and

WHEREAS, the Mayor and Council has determined that the various inspection required by the BOCA National Building Code, 1987, and the CABO One and Two Family Dwelling Code, 1989, would better serve and protect the citizens of Leonardtown as well as the contractors involved in such construction.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Council of Leonardtown, Maryland this 8th day of April, 1991, after due consideration and deliberation, that the BOCA National Building Code, 1987, and Article Twelve of the BOCA National Mechanical Code, 1987 as published by the Building Officials and Code Administrators International, Inc. (B.O.C.A.) and the CABO One and

Two Family Dwelling Code, 1989, as published by the Council of American Building Officials (C.A.B.O.) be and hereby adopted collectively as the Building Code of Leonardtown, Maryland, for the construction, modification and repair of buildings and structures as herein provided and each and all of the regulations, provisions, conditions and terms of said Building Code are hereby referred to adopted and made a part hereof as if fully set out in this Ordinance, subject to certain provisions as set forth below; and,

BE IT ORDAINED AND ENACTED as well as those subsequent amendments of the aforementioned codes upon review and acceptance by the Town Zoning Administrator; and,

BE IT FURTHER ORDAINED AND ENACTED, that pursuant to the recommendation of the Building Code Committee the following special provisions shall apply and shall supersede any contrary provisions in the Building Code as otherwise adopted:

1. The following minimum inspections shall be required for all buildings and structures governed by the Building Code:

- a. Footers and foundations
- b. Framing
- c. Insulation
- d. Final

2. Inspections conducted in the administration and enforcement of the Building Code shall, in the first instance, be arranged through the Leonardtown Office of Planning and Zoning by contract with an independent inspecting agency. Such inspections may also be conducted by various personnel employed by or assigned to the Office of Planning and Zoning, or as provided for in Section 115.2.1 of the BOCA National Building Code, 1987. There shall be designated within the Office of Planning and Zoning a Building Code Official for the purpose of administering and enforcing the Building Code.

3. Costs for administering and enforcing the Building Code shall be financed through that portion of the user fee schedule associated with the issuance of building permits.

4. The Office of Planning and Zoning shall periodically conduct public information sessions concerning the provisions, administration and enforcement of the Building Code for contractors and other members of the public.

5. Section R-110 of the CABO One and Two Family Dwelling Code, 1989 is hereby deleted. A plot plan or construction plan shall not be required for construction of one and two family dwellings, except as may be required by the Building Code, notwithstanding any such provision to the contrary therein.

6. A plot plan or construction plan for the construction of other dwellings, and the construction of commercial and industrial buildings and structures, shall not be required by the Building Code, notwithstanding any such provision to the contrary therein.

7. With respect to one and two family dwellings (defined as Use Group R-4 structures in Section 309.5 of the BOCA National Building Code, 1987) the provision of the CABO One and Two Family Dwelling Code, 1989 shall govern, except as otherwise provided herein.

8 Single-family owner occupied dwellings and accessory buildings thereto may use ungraded lumber, provided the materials are cut full size. Such lumber shall be capable of accommodating all loads imposed by Section R-201 of the CABO One and Two Family Dwelling Code, 1989 and all other load requirements for such dwellings under the Building Code.

9. The construction of buildings for agricultural purposes (defined as barns, equipment storage structures, crop storage and processing structures and livestock housing storage structures) shall be required to conform to the provisions of the Building Code. However, electrical and plumbing service for such structures shall be installed in conformance with the appropriate provisions of the state and county electrical and plumbing codes.

10. Section R-112 of the CABO One and Two Family Dwelling Code, 1989, shall govern construction of prefabricated and manufactured one and two family dwellings, except that framing and insulation inspections shall be required where the manufacturer provides a certification from either the State of Maryland or the U.S. Department of Housing and urban Development that the dwelling meets all stat or federal requirements. Any subsequent modifications or additions to such dwellings shall conform in all respects with the CABO One and Two Family Dwelling Code, 1989, including, but not limited to, inspection requirements. The provisions contained in Appendix C of the CABO One and Two Family Dwelling Code, 1989 are specifically adopted hereby for such prefabricated and manufactured buildings and structures.

11. With the exception of those requirements imposed by Article Twelve of the BOCA National Mechanical Code, 1987, the Building Code shall not apply to heating, ventilation and air conditioning systems installed in residential, commercial or industrial buildings and structures.

12. Article 27 (Electric Wiring, Equipment and Systems), Article 28 (Plumbing Systems) and Article 29 (Signs) of the BOCA National Building Code, 1987 are hereby deleted.

13. Part 5 (Plumbing) of the CABO One and Two Family Dwelling Code, 1989 is hereby deleted.

14. The following additions, insertions and changes are hereby adopted for the BOCA National Building Code, 1987:

a. Section 100.1 (page 1, second line). Insert: "The Town of Leonardtown, St. Mary's County, Maryland."

b. Section 103.4 (page 3, first line). Insert: "April 8, 1991."

c. Section 114.3.1 (page 11) is deleted. Insert: "A fee for each inspection shall be paid in accordance with a user fee schedule adopted by the Mayor and Council of Leonardtown."

d. Section 117.4 (page 13) is deleted. Insert: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of a directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a civil violation punishable by a fine of not more than \$100.00 (one hundred dollars). Each day that a violation continues shall be deemed a separate offense."

e. Section 118.2 (page 13, fourth and fifth lines). Insert: "\$100.00" and "\$1,000.00" respectively.

f. Section 123.3 (page 17, second line). Insert: "\$100.00".

15. The provisions of the Building Code shall not apply to those residential, commercial and industrial buildings and structures for which a valid building permit has been issued prior to the effective date of this Ordinance. However, compliance with the Leonardtown Electrical, Plumbing and Zoning Codes for such buildings and structures shall be required.


16. Where there shall be any conflict between the Building Code and any other federal, state or municipal laws, rules or regulations, the more strict law, rule or regulation shall be applicable.

17. Nothing in this Ordinance or in this Building Code shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any ordinance hereby repealed, nor shall any legal or equitable right or remedy of any character be lost, impaired or affected by this Ordinance or the Building Code.

This Ordinance shall take effect on July 1, 1991.


ATTEST:

COMMISSIONERS OF LEONARDTOWN

  
Tom Shea  
Town Administrator


  
J. Maquire Mattingly Jr.  
Mayor

  
A. Shane Mattingly  
Town Attorney

  
James W. Densford, III

  
Norman A. Norris

  
Ruth W. Proffitt

  
Stephen L. Raley

  
Wayne L. Vincent