

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2003 Legislative Session**

**Legislative Day # 17**

**BILL NO. 2003-14**

**Introduced by: Charles County Commissioners**

**AN ACT concerning**

**Charles County Building Code**

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**Date introduced: 12/15/2003**

**Public Hearing: 01/05/2004**

**Commissioners Action: 01/05/2004      Enact**

**Commissioner Votes: WC: Y, RF: Absent, ML: Y, DM: Y, AS: Y**

**Pass/Fail: Pass**

**Effective Date: 02/19/2004**

**Remarks: Commissioner Fuller was absent.**

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**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2003 Legislative Session**

Bill No. 2003-14

Chapter. No. \_\_\_\_\_

Introduced by \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**BILL**

1 AN ACT concerning  
2 Charles County Building Code  
3  
4 FOR the purpose of  
5 Adopting the International Building Code 2003 and the International Residential Code  
6 2003, collectively as the Building Code for Charles County, with certain insertions,  
7 additions, deletions, and changes.  
8  
9 BY repealing  
10 Chapter 224 - Building Construction  
11 Sections 224-1 through 224-6  
12 *Code of Charles County, Maryland*  
13 (1994 Edition, 2000 Supplement)  
14  
15 BY adding to  
16 Chapter 224 - Building Construction  
17 Sections 224-1 through 224-5  
18 *Code of Charles County, Maryland*  
19 (1994 Edition, 2000 Supplement)  
20

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

4  
5                   **§ 224-1.           Adoption of 2003 Standards; insertions, additions, deletions, changes.**

6  
7                   The International Building Code 2003 (IBC) and the International Residential Code 2003 (IRC),  
8 published by the International Codes Council, Inc., copies of which are attached hereto and  
9 made part hereof by incorporation, are hereby adopted as written, collectively, as the Building  
10 Code for Charles County, with the following insertions, additions, deletions, and changes.

- 11
- 12                   A.       Section 101.1, insert: “Charles County, Maryland”.
  - 13
  - 14                   B.       Section 101.2 “Scope”, remove: “Exception 2” and replace with: “Existing  
15 buildings undergoing repair, alterations or additions and changes of occupancy  
16 shall be permitted to comply with the Maryland Building Rehabilitation Code.”
  - 17
  - 18                   C.       Section 101.4.1 “Electrical”, remove the words: “ICC Electrical Code” and  
19 replace with: “National Electrical Code”.
  - 20
  - 21                   D.       Section 101.4.2 “Gas”, remove the words: “International Fuel Gas Code” and  
22 replace with: “Maryland State Plumbing Code”.
  - 23
  - 24                   E.       Section 101.4.4 “Plumbing”, remove the words: “International Plumbing Code”  
25 and replace with: “Maryland State Plumbing Code”. Delete without replacement  
26 the sentence: “The provisions of the International Private Sewage Disposal Code  
27 shall apply to private sewage disposal systems.”
  - 28
  - 29                   F.       Remove without replacement “Section 101.4.5 Property Maintenance”.

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- G. Section 101.4.6 “Fire prevention” is removed and replaced as follows: “Fire protection and safety practices shall be deemed to include the requirements of the Fire Code of the State of Maryland. The provisions of the Fire Code of the State of Maryland shall govern in all matters in which they are applicable and shall supercede the requirements of the IBC in all cases.”
  
- H. Section 105.2 “Work exempt from permit”, add under “Building”: “14. Outbuildings (non-habitable) for verifiable agricultural use on agriculturally zoned parcels of five acres or more.”
  
- I. Section 105.2 “Work exempt from permit”, add under “Building”: “15. Radio and television towers for one and two family dwellings may be erected without a building permit.”
  
- J. Section 105.2 “Work exempt from permit”, add under “Building”: “16. Tents and membrane structures that are open sided, with no cooking facilities contained within, for use less than 180 days, up to 2,400 square feet are exempt from permits”.
  
- K. Section 110, add:  
Subsection 110.6 “Sale of One or Two Family Dwelling.”  
“Prior to the consummation of the same (settlement) of any new one or two family dwelling, there shall be an inspection of the unit and premises by the code official and a Certificate of Use and Occupancy issued or a list of the violations or deficiencies requiring correction prior to issuance of such certificate. At the time of consummation of such sale, the Certificate of Use and Occupancy, or a list of the deficiencies or violations which remain to be corrected prior to issuance of such certificate, shall be presented to the buyer. Unless contractually

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

9  
10 L. Remove without replacement the entire Section 112 “Board of Appeals”.

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

18  
19 N. Section 504.2 “Automatic sprinkler systems”, delete first paragraph and replace  
20 with the following:

21  
22 504.2 Automatic sprinkler increase. For buildings protected throughout with an  
23 approved automatic sprinkler system installed in accordance with Section  
24 903.3.1.1, the value specified in Table 503 for maximum height is increased by  
25 20 feet (6096 mm), and the maximum number of stories is increased by one  
26 story. When the building is equipped throughout with an automatic sprinkler  
27 system installed in accordance with Section 903.3.1.2 for Groups R-1, R-2, and  
28 R-4, and in accordance with Section 903.3.1.3 for Group R-3, the building  
29 height limitations specified in Table 503 are increased one story and 20 feet

1 (6096 mm) but may not exceed a height of four stories and 60 feet (18288 mm)  
2 above the grade plane. These increases are permitted in addition to the area  
3 increase.”

4  
5 O. Section 705.6 “Vertical continuity”, add: item 6 of “Exceptions” with the  
6 following:

7  
8 6.0 In Groups R-2 and R-3 as applicable in Section 101.2, walls are permitted  
9 to terminate at the roof sheathing or deck in Types III, IV, and V  
10 construction, if:

11  
12 6.1 The roof sheathing or deck is constructed of approved noncombustible  
13 materials or of fire-retardant- treated wood for a distance of 4 feet (1220  
14 mm) on both sides of the wall, or

15  
16 6.2 The building is equipped throughout with an automatic sprinkler system  
17 installed in accordance with Section 903.3.1.1 or 903.3.1.2 for Group R-  
18 2, and 903.3.1.1, 903.3.1.2, or 903.3.1.3 for Group R-3, or 6.3 All of the  
19 following:

20  
21 6.3.1 The roof is protected with 5/8inch (15.9 mm) Type X gypsum board  
22 directly beneath the underside of the roof sheathing or deck, supported by  
23 a minimum of 2-inch (51 mm) ledgers attached to the sides of the roof  
24 framing members, for a minimum distance of 4 feet (1220 mm) on  
25 both sides of the fire wall, and

26  
27 6.3.2 Openings in the roof are not located within 4 feet (1220 mm) of the fire  
28 wall, and  
29

1                   6.3.3 The roof is covered with a minimum Class C roof covering.

2  
3                   P.       Section 901.1 “Scope”, add: “Fire protection system requirements of Chapter 9  
4                   may be concurrently covered in the State Fire Code, Article 38A, §§3 - 67, and  
5                   COMAR 29.06.01. The State Fire Code is enforced by the State Fire Marshal or  
6                   authorized fire official.”

7  
8                   Q.       Section 1001.1 “General”, add: “Means of egress requirements of Chapter 10  
9                   may be concurrently covered in the State Fire Code, Article 38A, §§3 - 67, and  
10                  COMAR 29.06.01. The State Fire Code is enforced by the State Fire Marshal or  
11                  authorized official.”

12  
13                  R.       Section 1009.3. “Stair treads and risers”, delete Exception 5 and replace with the  
14                  following:

15  
16                                “In occupancies in Group R-3 as applicable in Section 101.2, within dwelling  
17                                units in occupancies in Group R-2, and in occupancies in Group U which are  
18                                accessory to an occupancy in Group R-3, the maximum riser height shall be 8-1/4  
19                                inches (210 mm) and the minimum tread depth shall be 9 inches (229 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.       Section 1009.11.3 “Handrail graspability”, add: “Exception: For occupancies in  
25                                Group R-3 as applicable in Section 101.2 and within dwelling units in  
26                                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

1 inches (3.2 mm).”

2  
3 T. Section 1301.1.1 “Criteria ”, remove section and replace with: “The requirements  
4 concerning energy conservation for buildings and structures are governed by  
5 Energy Conservation Building Standards, Public Utility Companies Article, §§7-  
6 401 - 7-408, Annotated Code of Maryland, as amended. In the event of a conflict  
7 between the Annotated Code of Maryland and the IBC, the requirements of the  
8 Public Utility Companies Article, §§7-401 - 7-408, Annotated Code of  
9 Maryland, prevail.”

10  
11 U. Section 2401.1 “Scope”, add: “The requirements for safety glazing set forth in  
12 Article 83B, §§6-301 - 6-306, Annotated Code of Maryland, are in addition to  
13 Chapter 24, Section 2406 of the IBC related to safety glazing. In the event of a  
14 conflict between Chapter 24 of the IBC and the Annotated Code of Maryland,  
15 the requirements of the Annotated Code of Maryland prevail.”

16  
17 V. Section 2701.1 “Scope”, remove section and replace with: “The subject matter of  
18 this chapter is not within the scope of the Maryland Building Performance  
19 Standards. For the applicable electrical requirements, refer to the local electrical  
20 code and the National Electrical Code as adopted and enforced by the State Fire  
21 Marshal, authorized fire officials, or building officials pursuant to the provisions  
22 of Article 38A, §§3 and 58 -66, Annotated Code of Maryland.”

23  
24 W. Section 2801.1 “Scope”, remove section and replace with: “The subject matter of  
25 this chapter is not within the scope of the Maryland Building Performance  
26 Standards. For the applicable requirements concerning the mechanical systems,  
27 refer to the local mechanical code and the mechanical code adopted pursuant to  
28 the provisions of Business Regulation Article, § 9A-205, Annotated Code of  
29 Maryland.”

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- X. 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.”
  
- Y. 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, 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. Section 3101.1 “General”, remove the sentence: “Those erected for a shorter period of time shall comply with the State Fire Code.”
  
- AA. Section R101.2 “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. 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. 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  
3 of all exterior framing components from the roof of the building to the  
4 foundation capable of resisting wind uplift forces generated by the design wind  
5 speed as adjusted for the exposure category.”  
6

7 DD. Section R301.2 Climatic and geographic design criteria”, add the following to  
8 “Table R301.2(1) Climatic and geographic design criteria”:  
9

10 ROOF SNOW LOAD = 25 p.s.f.

11 WIND = 90 m.p.h.

12 SEISMIC DESIGN CRITERIA = C

13 WEATHERING = Severe

14 FROST LINE DEPTH = 24 inches

15 TERMITE = Moderate to Heavy

16 DECAY = Slight to Moderate

17 WINTER DESIGN TEMP = 13 degrees F

18 FLOOD HAZARDS = September 27, 1988  
19

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

23 “R310.1 Emergency escape and rescue required. Every sleeping room shall have  
24 at least one openable emergency escape and rescue window or exterior door  
25 opening for emergency escape and rescue. If openings are provided as a means of  
26 escape and rescue they shall have a sill height of not more than 44 inches (1118  
27 mm) above the adjacent interior standing surface. If a door opening having a  
28 threshold below the adjacent ground elevation serves as an emergency escape  
29 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  
3 or door opening from the inside. Escape and rescue window openings with a  
4 finished sill height below the adjacent ground elevation shall be provided with a  
5 window well in accordance with Section R310.2.”

6  
7 FF. 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  
16 greatest riser height within any flight of stairs shall not exceed the smallest by  
17 more than 3/8inch (9.5 mm). The greatest tread depth within any flight of stairs  
18 shall not exceed the smallest by more than 3/8inch (9.5 mm).”

19  
20 GG. Section R311.5.3.3 “Profile”, delete Exception “1” and replace with: “1. A  
21 nosing is not required if the tread depth is a minimum of 10 inches (254 mm).”

22  
23 HH. Section R311.5.6 “Handrails”, remove and replace with:

24  
25 “311.5.6 Handrails. Handrails shall be provided on at least one side of stairways  
26 consisting of three or more risers. Handrails shall have a minimum height of 34  
27 inches (864 mm) and a maximum height of 38 inches (965 mm) measured  
28 vertically from the nosing of the treads. All required handrails shall be  
29 continuous the full length of the stairs from a point directly above the top riser to

1 a point directly above the lowest riser of the stairway. The ends of the handrail  
2 shall be returned into a wall or shall terminate in newel posts or safety terminals.  
3 A minimum clear space of 1-1/2 inches (38 mm) shall be provided between the  
4 wall and the handrail.

5 Exceptions:

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

9  
10 II. Section R321.3.2 “Membrane penetrations”, remove and replace with:

11  
12 “R321.3.2 Membrane penetrations. Membrane penetrations shall comply with  
13 Section R321.3.1. If walls are required to have a minimum 1-hour fire resistance  
14 rating, recessed light fixtures shall be so installed that the required fire resistance  
15 will not be reduced.

16 Exceptions:

- 17 1. Steel electrical boxes that do not exceed 16 square inches (0.0103 square  
18 meters) in area if the total area of the openings does not exceed 100  
19 square inches (0.0645) for any 100 square feet (9.29 square meters) of  
20 wall area. Outlet boxes on opposite sides of the wall shall be separated as  
21 follows:
  - 22 1.1 By a horizontal distance of not less than 24 inches (610 mm), or
  - 23 1.2 By a horizontal distance of not less than the depth of the wall  
24 cavity when the wall cavity is filled with cellulose loose-fill or  
25 mineral fiber insulation, or
  - 26 1.3 By solid fire blocking in accordance with Section R602.8, or
  - 27 1.4 By other listed materials and methods.
- 28 2. Membrane penetrations for listed electrical outlet boxes of any materials  
29 are permitted if the boxes have been tested for use in fire resistance rated

1 assemblies and are installed in accordance with the instructions included  
2 in the listing.

3 3. The annular space created by the penetration of a fire sprinkler if it is  
4 covered by a metal escutcheon plate.”

5  
6 JJ. Section M1201.1 “Scope”, add: “The subject matter of the chapters 12 through  
7 24 is not within the scope of the Maryland Building Performance Standards. For  
8 the applicable requirements concerning the mechanical systems, refer to the  
9 state mechanical code adopted pursuant to the provisions of Business Regulation  
10 Article, § 9A-205, Annotated Code of Maryland.”

11  
12 KK. Section P2501.1 “Scope”, add: “The subject matter of the chapters 25 through 32  
13 is not within the scope of the Maryland Building Performance Standards. For the  
14 applicable requirements concerning the plumbing systems, refer to the state  
15 plumbing code adopted pursuant to the provisions of Business Occupations and  
16 Professions Article, Title 12, Annotated Code of Maryland.”

17  
18 LL. Section E 3301.1 Applicability”, add: “The subject matter of the chapters 33  
19 through 42 is not within the scope of the Maryland Building Performance  
20 Standards. For the applicable electrical requirements, refer to the Charles County  
21 electrical code.”

22  
23 MM. Appendix E “Manufactured Housing used as Dwellings” of the IRC is  
24 incorporated into the Charles County Building Code as modified: Section AE304  
25 Fees is removed without replacement

26  
27 NN. IBC Appendix F “Rodent Proofing” is adopted.

28  
29 OO. IBC Appendix H “Signs” is adopted with the following section changed: Remove

1 in entirety without replacement Section H108, Section H110, and Section H114;  
2 Section H106.2, remove: “ICC Electrical Code” and replace with: “Charles  
3 County Electric Code”.

4  
5 PP. Remove Chapter 11 of the IBC related to accessibility requirements and replace  
6 with the Maryland Accessibility Code set forth in COMAR 05.02.02.

7  
8 QQ. Add the following to Chapter 4 “Foundations”, Section 401 “General”, R401.5  
9 “Compressible or shifting soil”:

10  
11 “In the portion of Charles County designated as the ‘Area of Special  
12 Geotechnical Consideration’ per the Planning and Growth Management map  
13 entitled ‘Area of Geotechnical Concern,’ all soils for foundation support shall be  
14 removed to a minimum depth of four feet (4') below the final finished grade. The  
15 minimum footing depths shall be as determined by this Code. Soil removed shall  
16 not be used as backfill for foundation walls or other structural fill. No large trees  
17 or woody vegetation with large root systems shall be located such that the drip  
18 zone for the tree is within five feet (5') of the foundation wall.

19  
20 Applicants may provide a geotechnical report prepared by a Professional  
21 Engineer licenced in the state of Maryland in lieu of complying with (a) the  
22 above requirements. All recommendations provided in the geotechnical report  
23 shall be incorporated as part of the permit and becomes a permit condition.”

24  
25 RR. Add the following to Chapter 4 “Foundations”, Section R403 “General”,  
26 R403.1.4 “Minimum depth”:

27  
28 “All exterior footings or foundations located in the portion of Charles County  
29 designated as the ‘area of special geotechnical consideration’ per the Planning

1 and Growth Management map entitled ‘Area of Geotechnical Concern,’ shall  
2 extend to a minimum of four feet (4') below the final finished grade.

3  
4 Applicants may provide a geotechnical report prepared by a Professional  
5 Engineer licenced in the state of Maryland in lieu of complying with (a) the  
6 above requirements. All recommendations provided in the geotechnical report  
7 shall be incorporated as part of the permit and becomes a permit condition.”  
8

9 SS. Add the following to Chapter 4 “Foundations”, Section R405 “Foundation  
10 Drainage”, R405.1 “Concrete or Masonry foundations”:

11  
12 In the portion of Charles County designated as “areas of special geotechnical  
13 consideration” per the Planning and Growth Management map entitled ‘Area of  
14 Geotechnical Concern,’ foundation drains shall be installed and shall discharge at  
15 a minimum of ten feet (10') away from all foundation walls or at the property  
16 line, whichever is less.

17  
18 TT. Remove the contents of IBC Chapter 34 in its entirety and replace with:

19  
20 **“SECTION 3401 GENERAL**

21  
22 **3401.1 Scope:** The provisions of the Maryland Building Rehabilitation Code  
23 shall control the repairs, modifications, reconstructions, additions, and changes in  
24 occupancy to existing buildings.

25  
26 **SECTION 3402 VACANT COMMERCIAL STRUCTURES**

27  
28 **3402.1 Scope:** This section is to protect the public health, safety and welfare in  
29 all existing vacant commercial structures; fixing the responsibility of *owners* and

1 providing for administration, enforcement and penalties.

2  
3 **3402.2 Intent:** Existing structures and *premises* that do not comply with these  
4 provisions shall be altered or repaired to provide a minimum level of health and  
5 safety as required herein. All vacant structures and *premises* thereof or vacant  
6 land shall be maintained in a clean, safe, secure and sanitary condition as  
7 provided herein so as not to cause a blighting problem or adversely affect the  
8 public health and safety.

9  
10 **3402.3 Existing remedies:** The provisions in this code shall not be construed to  
11 abolish or impair existing remedies of the jurisdiction or its officers or agencies  
12 relating to the removal or demolition of any structure which is dangerous, unsafe  
13 and unsanitary.

14  
15 **3402.4 Saving clause:** This code shall not affect violations of any other  
16 ordinance, code or regulation existing prior to the effective date hereof, and any  
17 such violation shall be governed and shall continue to be punishable to the full  
18 extent of the law under the provisions of those ordinances, codes or regulations  
19 in effect at the time the violation was committed.

20  
21 **SECTION 3403 NOTICES AND ORDERS**

22  
23 **3403.1 Notice to owner or to person or persons responsible:** Whenever the  
24 code official determines that there has been a violation of this code or has  
25 grounds to believe that a violation has occurred, notice shall be given to the  
26 *owner* or the *person* or *persons* responsible.

27  
28 **3403.2 Form:** Such notice shall:

- 29 1. Be in writing

2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why the notice is being issued; and
4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the structure into compliance with the provisions of the code.

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

**3403.4 Transfer of ownership:** It shall be unlawful for the *owner* of any structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

**3403.5 Closing of vacant structures:** If the structure is vacant and unfit for

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

9  
10 **3403.6 Notice:** Whenever the code official has *condemned* a structure under the  
11 provisions of this section, notice shall be posted in a conspicuous place in or  
12 about the structure affected by such notice and served on the *owner* or the *person*  
13 or *persons* responsible for the structure.

14  
15 **3403.7 Placarding:** Upon failure of the *owner* or *person* responsible to comply  
16 with the notice provisions within the time given, the code official shall post on  
17 the *premises* a placard bearing the word "Condemned" and a statement of the  
18 penalties provided for occupying the *premises*, or removing the placard.

19  
20 **3403.8 Prohibited occupancy:** Any *person* who shall occupy a placarded  
21 *premises* and any *owner* or any *person* responsible for the *premises* who shall *let*  
22 anyone occupy a placarded *premises* shall be liable for the penalties provided by  
23 this code.

24  
25 **3403.9 Removal of placard:** The code official shall remove the *condemnation*  
26 placard whenever the defect or defects upon which the *condemnation* and  
27 placarding action were based have been eliminated. Any *person* who defaces or  
28 removes a *condemnation* placard without the approval of the code official shall  
29 be subject to the penalties provided by this code.



1 deducted, for the *person* who is entitled thereto, subject to any order of a court.  
2 If such surplus does not remain to be turned over, the report shall so state.  
3  
4

5 **SECTION 3405 EXTERIOR STRUCTURE**  
6

7 **3405.1 General:** The exterior of a structure shall be maintained in good repair,  
8 structurally sound and sanitary so as not to pose a threat to the public health,  
9 safety or welfare.  
10

11 **3405.2 Failure to comply:** If the *owner* of a *premises* fails to comply with a  
12 repair order within 90 (ninety) days , the code official shall cause the structure to  
13 be repaired, either through an available public agency or by contract or  
14 arrangement with private *persons*, and the cost of such repair shall be charged  
15 against the real estate upon which the structure is located and shall be a lien upon  
16 such real estate.  
17

18 **3405.3 Exterior painting:** All wood and metal surfaces, including but not  
19 limited to, window frames, doors, door frames, cornices, porches and trim shall  
20 be maintained in good condition. Peeling, flaking and chipped paint shall be  
21 eliminated and surfaces repainted.  
22

23 **3405.4 Street numbers:** Each structure to which a street number has been  
24 assigned shall have such number displayed in a position easily observed and  
25 readable from the public right-of-way.  
26

27 **3405.5 Structural members:** All structural members shall be maintained free  
28 from deterioration, and shall be capable of safely supporting the imposed dead  
29 and live loads.

1                   **3405.6 Foundation walls:** All foundation walls shall be maintained plumb and  
2 free from open cracks and breaks and shall be kept in such condition so as to  
3 prevent the entry of rats.

4  
5                   **3405.7 Exterior walls:** All exterior walls shall be free from holes, breaks, loose  
6 or rotting materials; an maintained weatherproof and properly surface coated  
7 where required to prevent deterioration.

8  
9                   **3405.8 Roofs and drainage:** The roof and flashing shall be sound, tight and not  
10 have defects that admit rain. Roof drainage shall be adequate to prevent  
11 dampness or deterioration in the walls or interior portion of the structure. Roof  
12 drains, gutters and down spouts shall be maintained in good repair and free from  
13 obstructions. Roof water shall not be discharged in a manner that creates a  
14 *public nuisance*.

15  
16                   **3405.9 Decorative features:** All cornices, belt courses, corbels, terra cotta trim,  
17 wall facings and similar decorative features shall be maintained in good repair  
18 with proper anchorage and in a safe condition.

19  
20                   **3405.10 Overhang extensions:** All canopies, marquees, signs, metal awnings,  
21 fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be  
22 maintained in good repair and be properly anchored so as to be kept in a sound  
23 condition. When required, all exposed surfaces of metal or wood shall be  
24 protected from the elements and against decay or rust by periodic application of  
25 weather-coating materials, such as paint or similar surface treatment.

26  
27                   **3405.11 Stair and walking surfaces:** Every stair, ramp, balcony, porch, deck or  
28 other walking surface shall be kept in a sound condition.  
29

1                   **3405.12 Stairways, decks, porches and balconies:** Every exterior stairway,  
2 deck, porch and balcony, and all appurtenances attached thereto,, shall be  
3 maintained structurally sound, in good repair, with proper anchorage and capable  
4 of supporting the imposed loads.

5  
6                   **3405.13 Chimneys and towers:** All chimneys, cooling towers, smoke stacks,  
7 and similar appurtenances shall be maintained structurally safe and sound, and in  
8 good repair. All exposed surfaces of metal or wood shall be protected from the  
9 elements and against decay or rust by periodic application of weather-coating  
10 materials, such as paint or similar surface treatment.

11  
12                   **3405.14 Handrails and guards:** Every handrail and guard shall be firmly  
13 fastened and capable of supporting normally imposed loads and shall be  
14 maintained in good condition.

15  
16                   **3405.15 Window and door frames:** Every window, door and frame shall be  
17 kept in sound condition, good repair and weather tight.

18  
19                   **3405.15.1 Glazing:** All glazing materials shall be maintained free from cracks  
20 and holes.

21  
22                   **3405.15.2 Openable windows:** Every window, other than a fixed window, shall  
23 be easily openable and capable of being held in position by window hardware.

24  
25                   **3405.16 Doors:** All exterior doors and hardware shall be maintained in good  
26 condition.

27  
28                   **3405.17 Basement hatchways:** Every basement hatchway shall be maintained  
29 to prevent the entrance of rats, rain and surface drainage water.

1                   **3405.18 Guards for basement windows:** Every basement window that is  
2                   openable shall be supplied with ratproof shields, storm windows or other  
3                   approved protection against the entry of rats.”  
4

5                   **§ 224-2.       Amendments.**  
6

7                   The periodic supplements and amendments adopted by the International Codes Council, Inc. and  
8                   amendments to the 2003 Edition of the International Building Code and International  
9                   Residential Code shall become a part of the Charles County Building Code as and when the  
10                  same shall be adopted by the International Codes Council, Inc.  
11

12                  **§ 224-3.       Additional Provisions.**  
13

14                  The following shall be made a part of this chapter relating to on-site drainage certification, first  
15                  floor elevation certification, and foundation wall location certification.  
16

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

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

28                               (2)       Ponding. The ponding of water shall not be permitted  
29                               particularly above cut or fill slopes or on drainage terraces,

1 nor shall water be impounded on adjacent property.  
2 Adequate grading/drainage shall be provided to prevent  
3 such ponding.

4 (3) Improvements. All drainage improvements such as  
5 interceptors, diversion berms, swales and ditches shall be  
6 designed and constructed in accordance with standards  
7 contained elsewhere herein. When required,  
8 ditches/swales shall be piped or paved or otherwise  
9 improved. Drainage discharging into natural watercourses  
10 may require that such natural watercourses be protected  
11 from erosion by an adequate amount of riprap or by other  
12 acceptable measures as dictated by the County.

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

18  
19 B. Certification for New Residential Construction.

20 (1) Written certification, as to compliance to the approved site  
21 plan dealing with the Foundation Wall Location and First  
22 Floor Elevation shall be submitted to the Charles County  
23 Permit Administration by a registered Land Surveyor  
24 and/or Professional Engineer according to subsection (1)  
25 listed below.

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

- 1 (a) Foundation Wall Location and First Floor  
2 Elevation Certification for all new residential  
3 dwelling construction on lots of one (1) acre or  
4 less. For lots greater than one (1) acre Foundation  
5 Wall Location will only be required. This must be  
6 submitted prior to completion of framing/wall  
7 construction. Failure to comply will result in  
8 inspection disapproval and/or issuance of a Stop  
9 Work Order until such time as certification is  
10 received.
- 11 (b) On-site Grading/Drainage Certification for all new  
12 residential dwelling construction on lots of one (1)  
13 acres or less. This must be submitted prior to the  
14 issuance of a Use and Occupancy. Failure to  
15 comply will constitute grounds for issuance of a  
16 stop work order which will not be released until  
17 such time as certification is received. On  
18 residential dwelling construction, the Charles  
19 County Code Official may issue a Certificate of  
20 Use and Occupancy upon the homeowner's  
21 acceptance of responsibility for lot stabilization  
22 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  
29 adopted Building Code of Charles County effective the first day of April following the

1 publication date.

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

10  
11 **SECTION 3.** BE IT FURTHER ENACTED, that this Act shall take effect FORTY-  
12 FIVE (45) calendar days after it becomes law.