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1999 Regular Session
9lr2376

By: Senator Stoltzfus

Introduced and read first time: February 18, 1999

Assigned to: Rules

A BILL ENTITLED

	4 T T	4 000	
1	AN	A("I"	concerning

2	Maryland Building Performance Standards - Adoption of State Building
3	Code

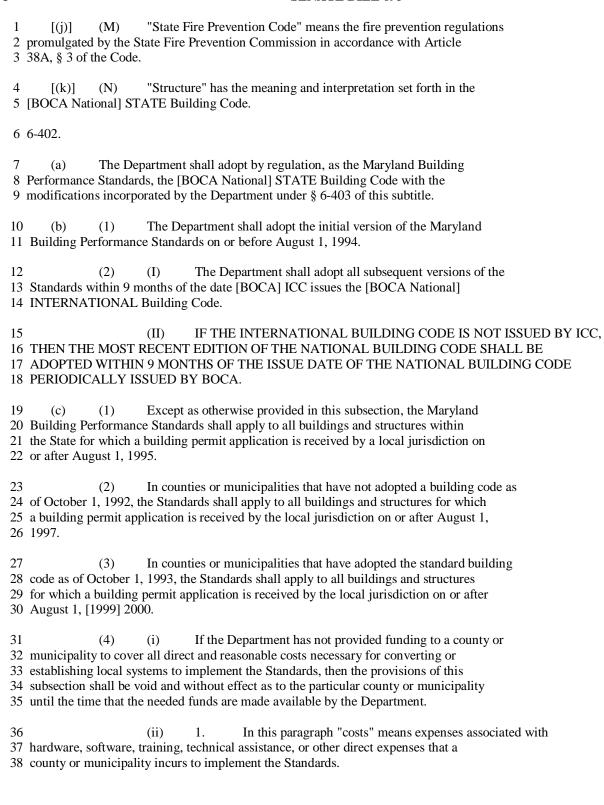
- 4 FOR the purpose of requiring the Department of Housing and Community
- 5 Development to adopt by regulation the State Building Code as the Maryland
- 6 Building Performance Standards; altering the time in which the Maryland
- 7 Building Performance Standards shall apply to certain buildings and structures
- 8 within certain counties and municipalities; requiring the Department to review
- 9 the State Building Code to determine whether certain modifications should be
- incorporated into the Maryland Performance Standards; prohibiting the
- Department from adopting as part of the Maryland Building Performance
- 12 Standards a modification of a building code requirement that is more stringent
- than the requirement in the State Building Code; requiring the Department to
- notify local jurisdictions of changes in the State Building Code and the impact
- the changes will have on the local amendments in each local jurisdiction;
- authorizing the Department to compile and include in a central database certain
- interim amendments to the State Building Code; defining certain terms; and
- generally relating to the incorporation of the State Building Code into the
- 19 Maryland Building Performance Standards.
- 20 BY repealing and reenacting, with amendments,
- 21 Article 83B Department of Housing and Community Development
- 22 Section 6-401, 6-402, 6-403, and 6-405
- 23 Annotated Code of Maryland
- 24 (1998 Replacement Volume)
- 25 BY repealing and reenacting, without amendments,
- 26 Article 83B Department of Housing and Community Development
- 27 Section 6-404 and 6-406
- 28 Annotated Code of Maryland
- 29 (1998 Replacement Volume)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

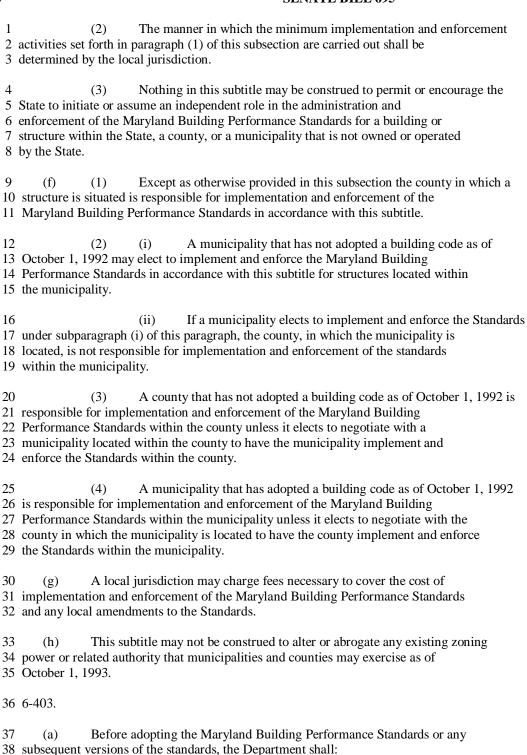
31 MARYLAND, That the Laws of Maryland read as follows:

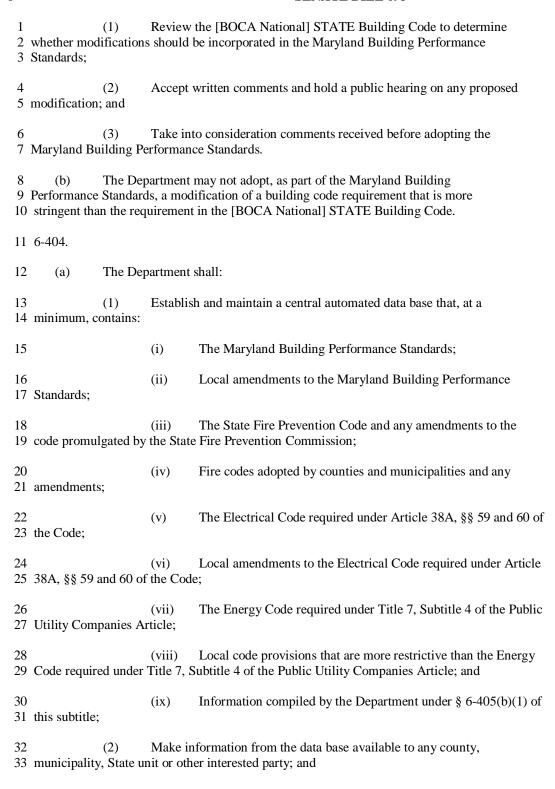
1 Article 83B - Department of Housing and Community Development

- 2 6-401.
- 3 (a) In this subtitle the following words have the meanings indicated.
- 4 (b) "BOCA" means the organization known as the Building Officials and Code
- 5 Administrators International, Inc.
- 6 (c) (1) "BOCA National Building Code" means the first printing of the most 7 recent edition of the National Building Code periodically issued by BOCA.
- 8 (2) "BOCA National Building Code" does not include interim
- 9 amendments or subsequent printings of the most recent edition.
- 10 (d) "Building" has the meaning and interpretation set forth in the BOCA
- 11 National Building Code.
- 12 (e) "County" means any of the 23 counties of the State and the Mayor and City
- 13 Council of Baltimore.
- 14 (F) "ICC" MEANS THE ORGANIZATION KNOWN AS THE INTERNATIONAL CODE
- 15 COUNCIL.
- 16 (G) (1) "INTERNATIONAL BUILDING CODE" MEANS THE FIRST PRINTING OF
- 17 THE MOST RECENT EDITION OF THE INTERNATIONAL BUILDING CODE TO BE ISSUED
- 18 PERIODICALLY BY ICC.
- 19 (2) "INTERNATIONAL BUILDING CODE" DOES NOT INCLUDE INTERIM
- 20 AMENDMENTS OR SUBSEQUENT PRINTINGS OF THE MOST RECENT EDITION.
- 21 [(f)] (H) "Local jurisdiction" means the county or municipality responsible for
- 22 implementation and enforcement of the Maryland Building Performance Standards
- 23 as more specifically provided in § 6-402(f) of this subtitle.
- 24 [(g)] (I) "Maryland Building Performance Standards" or "Standards" means
- 25 the [BOCA National] STATE Building Code adopted by the Department under §
- 26 6-402 of this subtitle.
- 27 [(h)] (J) "Municipality" means a municipal corporation subject to the
- 28 provisions of Article XI-E of the State Constitution.
- 29 [(i)] (K) "Standard Building Code" means the standard building code issued
- 30 by the Southern Building Code Congress International, Inc.
- 31 (L) (1) "STATE BUILDING CODE" MEANS THE FIRST PRINTING OF THE MOST
- 32 RECENT EDITION OF THE INTERNATIONAL BUILDING CODE ISSUED BY ICC.
- 33 (2) IF THE INTERNATIONAL BUILDING CODE IS NOT ISSUED BY ICC,
- 34 THEN THE MOST RECENT EDITION OF THE NATIONAL BUILDING CODE
- 35 PERIODICALLY ISSUED BY BOCA WILL PREVAIL.

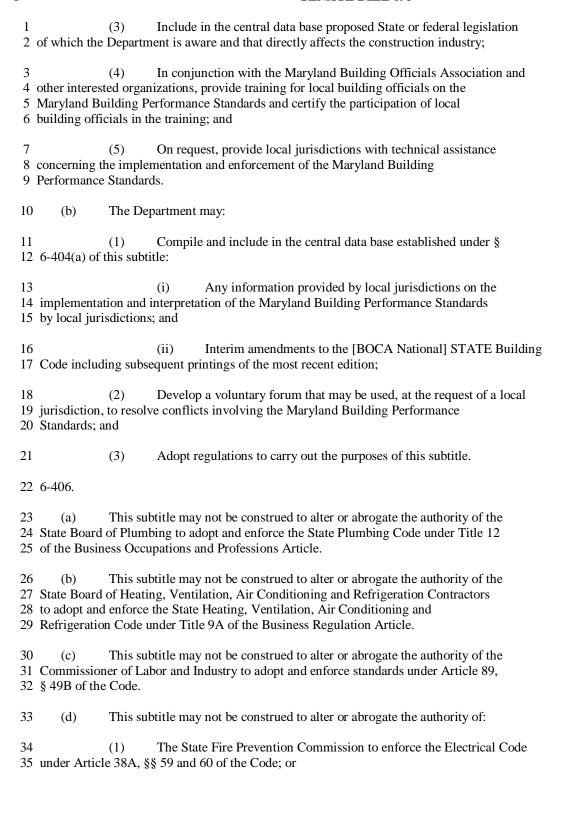


1 2	2. In this paragraph "costs" does not include expenses that a county or municipality would incur without implementation of the Standards.
	(5) A local jurisdiction may implement and enforce the Maryland Building Performance Standards and any local amendment on or before the dates specified in this subsection for application of the Standards.
8	(d) (1) A local jurisdiction may adopt local amendments to the Maryland Building Performance Standards provided that the amendments may not prohibit the minimum implementation and enforcement activities set forth in subsection (e) of this section.
	(2) If a local jurisdiction adopts a local amendment to the Maryland Building Performance Standards, the Standards as amended by the local jurisdiction shall apply within the local jurisdiction.
	(3) If a local amendment conflicts with the provisions of the Maryland Building Performance Standards, the provisions of the local amendment shall prevail in the local jurisdiction.
16 17	(4) In adopting a local amendment to the Maryland Building Performance Standards a local jurisdiction shall:
18 19	(i) Ensure that the amendment is adopted in accordance with applicable local laws and regulations; and
	(ii) In order to enable the central data base established under § 6-404 of this subtitle to remain current, furnish a copy of the amendment to the Department:
23 24	1. At least 15 days before the effective date of the amendment; or
25 26	2. In the case of an emergency adoption of a local amendment, within 5 days of its adoption.
29 30	(e) (1) In accordance with the provisions of subsection (c) of this section local jurisdictions shall implement and enforce the Maryland Building Performance Standards and, if adopted by the local jurisdiction, any local amendments to the Standards. At a minimum, a local jurisdiction shall ensure that implementation and enforcement includes:
32	(i) Review and acceptance of appropriate plans;
33	(ii) Issuance of building permits;
34	(iii) Inspection of the work authorized by the building permits; and
35	(iv) Issuance of appropriate use and occupancy certificates.





	hardware or central auton	software t	Purchase or otherwise provide a local jurisdiction with the necessary to enable the local jurisdiction to access the information in the a base.
6 7	municipalitie not revert to	cept that a es. If any t the Gener	The Department may charge a fee for information provided from the fee may not be charged to State units, counties, or fees are unexpended at the end of the fiscal year, the fees shall ral Fund of the State, but instead shall be maintained as special Department for carrying out the purposes of this subtitle.
9 10	cover or sup		The Department may not charge a fee to a county or municipality to engoing maintenance or upkeep of the data base.
11	(c)	A local j	urisdiction shall furnish to the Department:
12 13	code; and	(1)	On or before December 31, 1993, a copy of its duly adopted local fire
14 15	code.	(2)	Within 15 days of its effective date, any amendment to the local fire
16	(d)	A local j	urisdiction shall furnish to the Department:
			On or before January 1, 1997, a copy of its duly adopted local ectrical Code required under Article 38A, §§ 59 and 60 of the
20 21			Within 15 days of its effective date, any additional amendment to the red under Article 38A, §§ 59 and 60 of the Code.
22	(e)	A local j	urisdiction shall furnish to the Department:
		hat are mo	On or before January 1, 1997, a copy of its duly adopted local code ore restrictive than the Energy Code required under Title 7, ic Utility Companies Article; and
	local code p	rovisions	Within 15 days of its effective date, any additional amendment to that is more restrictive than the Energy Code required under he Public Utility Companies Article.
29	6-405.		
30	(a)	The Dep	artment shall:
		ocal fire o	Coordinate with local building officials, the State Fire Marshal's officials in compiling information for the central data base 404 of this subtitle;
		de and th	Notify local jurisdictions of changes to the [BOCA National] STATE e impact such changes will have on the local amendments in a;



- 1 (2) The Public Service Commission to enforce the Energy Code required 2 under Title 7, Subtitle 4 of the Public Utility Companies Article.
- 3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 4 October 1, 1999.