

SENATE BILL 638

L2, E4

5lr2662
CF HB 800

By: **Washington County Senators**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 18, 2015

CHAPTER _____

1 AN ACT concerning

2 **Washington County – Maryland Building Performance Standards –**
3 **Modifications – Local Enforcement**

4 FOR the purpose of requiring Washington County to implement and enforce certain
5 modifications of the Maryland Building Performance Standards adopted by the State
6 no later than a certain period of time for certain portions of the Standards starting
7 with modifications that are effective on a certain date and at a certain frequency
8 thereafter; making stylistic changes; and generally relating to Washington County
9 and local implementation and enforcement of modifications to the Maryland
10 Building Performance Standards.

11 BY repealing and reenacting, with amendments,
12 Article – Public Safety
13 Section 12–505
14 Annotated Code of Maryland
15 (2011 Replacement Volume and 2014 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Public Safety**

19 12–505.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) (1) **EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION,**
2 **EACH LOCAL JURISDICTION SHALL IMPLEMENT AND ENFORCE:**

3 (i) [Each local jurisdiction shall implement and enforce] the most
4 current version of the Standards and any local amendments to the Standards[.]; AND

5 (ii) [Any] ANY modification of the Standards adopted by the State
6 after December 31, 2009, [shall be implemented and enforced by a local jurisdiction] no
7 later than 6 months after the modifications are adopted by the State.

8 (2) At a minimum, the local jurisdiction shall ensure that implementation
9 and enforcement of the Standards includes:

10 (i) review and acceptance of appropriate plans;

11 (ii) issuance of building permits;

12 (iii) inspection of the work authorized by the building permits; and

13 (iv) issuance of appropriate use and occupancy certificates.

14 (3) Each local jurisdiction shall determine the manner in which the
15 minimum implementation and enforcement activities of this subsection are carried out.

16 (4) **STARTING WITH ANY MODIFICATIONS THAT ARE EFFECTIVE ON**
17 **JANUARY 1, 2015, AND EVERY 6 YEARS THEREAFTER AS TO THE MOST CURRENT**
18 **VERSION OF THE STANDARDS, WASHINGTON COUNTY SHALL IMPLEMENT AND**
19 **ENFORCE MODIFICATIONS OF THE STANDARDS ADOPTED BY THE STATE NO LATER**
20 **THAN 6 MONTHS AFTER THE MODIFICATIONS ARE ADOPTED BY THE STATE FOR THE**
21 **PORTIONS OF THE STANDARDS CONCERNING:**

22 (I) **THE INTERNATIONAL BUILDING CODE; OR**

23 (II) **THE INTERNATIONAL RESIDENTIAL CODE.**

24 (b) (1) Except as otherwise provided in this subsection, the county in which a
25 building or structure is located shall implement and enforce the Standards for that building
26 or structure in accordance with this subtitle.

27 (2) (i) A municipal corporation that did not adopt a building code on or
28 before October 1, 1992, may elect to implement and enforce the Standards in accordance
29 with this subtitle for buildings or structures located in the municipal corporation.

30 (ii) If a municipal corporation elects to implement and enforce the
31 Standards under this paragraph, the county in which the municipal corporation is located

1 is not responsible for implementation and enforcement of the Standards in the municipal
2 corporation.

3 (3) A county that did not adopt a building code on or before October 1, 1992,
4 shall implement and enforce the Standards in the county unless it elects to negotiate with
5 a municipal corporation in the county to have the municipal corporation implement and
6 enforce the Standards in the county.

7 (4) A municipal corporation that adopted a building code on or before
8 October 1, 1992, shall implement and enforce the Standards in the municipal corporation
9 unless it elects to negotiate with the county in which the municipal corporation is located
10 to have the county implement and enforce the Standards in the municipal corporation.

11 (c) A local jurisdiction may charge fees necessary to cover the cost of
12 implementation and enforcement of the Standards and any local amendments to the
13 Standards.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.