

HOUSE BILL 880

C2

6lr2930

By: **Delegates Rosenberg, Carr, Carter, and Oaks**

Introduced and read first time: February 8, 2016

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Demolition Work – Safety Provisions and Permitting**

3 FOR the purpose of requiring a contractor to obtain a permit for demolition work in a
4 certain manner; requiring certain contractors to obtain a demolition permit from the
5 Department of Labor, Licensing, and Regulation; requiring the demolition permit
6 applicant to submit a certain application to the Department and pay a certain fee to
7 the Department; requiring the Department to adopt certain regulations; establishing
8 a certain presumption; providing for the application of this Act; defining certain
9 terms; and generally relating to demolition permits.

10 BY adding to

11 Article – Public Safety

12 Section 12–705

13 Annotated Code of Maryland

14 (2011 Replacement Volume and 2015 Supplement)

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

17 **Article – Public Safety**

18 **12–705.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
20 **INDICATED.**

21 **(2) “CONTRACTOR” MEANS A PERSON THAT PERFORMS DEMOLITION**
22 **UNDER A CONTRACT OR SUBCONTRACT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) "DEMOLITION" MEANS AN OPERATION IN WHICH A STRUCTURE**
2 **OR MASS OF MATERIAL IS WRECKED, RAZED, RENDED, MOVED, OR REMOVED USING**
3 **ANY TOOL, EQUIPMENT, OR EXPLOSIVE.**

4 **(4) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR,**
5 **LICENSING, AND REGULATION.**

6 **(B) (1) THIS SECTION APPLIES ONLY TO DEMOLITION OF A STRUCTURE**
7 **OR MASS OF MATERIAL BUILT ON OR BEFORE DECEMBER 31, 1977.**

8 **(2) THIS SECTION DOES NOT REPLACE EXISTING STATE, COUNTY, OR**
9 **LOCAL LAWS AND REGULATIONS THAT MAY AFFECT DEMOLITION POLICIES,**
10 **PROCEDURES, AND REQUIREMENTS.**

11 **(C) IF A RESIDENTIAL UNIT WAS BUILT ON OR BEFORE DECEMBER 31, 1977,**
12 **THERE IS A PRESUMPTION THAT THERE IS LEAD-BASED PAINT IN THE UNIT.**

13 **(D) (1) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW AND**
14 **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEFORE A CONTRACTOR**
15 **PERFORMS DEMOLITION IN THE STATE, THE CONTRACTOR SHALL APPLY FOR A**
16 **DEMOLITION PERMIT.**

17 **(2) (I) IF A PERMIT IS REQUIRED BY THE LOCAL JURISDICTION IN**
18 **WHICH DEMOLITION IS SCHEDULED, THE CONTRACTOR SHALL:**

19 **1. OBTAIN THE DEMOLITION PERMIT FROM THE LOCAL**
20 **JURISDICTION; AND**

21 **2. IN ADDITION TO ANY LOCAL LAWS AND REGULATIONS**
22 **REGARDING DEMOLITION, COMPLY WITH THE NOTICE, SIGNAGE, AND LEAD HAZARD**
23 **PROVISIONS OF SUBSECTION (F) OF THIS SECTION.**

24 **(II) IF A PERMIT IS NOT REQUIRED BY THE LOCAL**
25 **JURISDICTION IN WHICH DEMOLITION IS SCHEDULED, THE CONTRACTOR SHALL**
26 **OBTAIN THE DEMOLITION PERMIT FROM THE DEPARTMENT IN ACCORDANCE WITH**
27 **THIS SECTION.**

28 **(E) TO APPLY FOR A DEMOLITION PERMIT FROM THE DEPARTMENT, AN**
29 **APPLICANT SHALL:**

30 **(1) SUBMIT TO THE DEPARTMENT AN APPLICATION UNDER OATH ON**
31 **THE FORM PROVIDED BY THE DEPARTMENT; AND**

1 **(2) PAY TO THE DEPARTMENT A NONREFUNDABLE APPLICATION FEE**
2 **ESTABLISHED BY REGULATION.**

3 **(F) THE APPLICATION SHALL REQUIRE THE APPLICANT TO SUBMIT TO THE**
4 **DEPARTMENT:**

5 **(1) PROOF THAT THE APPLICANT:**

6 **(I) SUCCESSFULLY COMPLETED A TRAINING COURSE ON**
7 **DEMOLITION PROTOCOL;**

8 **(II) HOLDS A LEAD-SAFE CERTIFICATE;**

9 **(III) PROVIDED WRITTEN NOTICE OF THE SCHEDULED**
10 **DEMOLITION TO:**

11 **1. THE OWNERS OF ALL PROPERTIES THAT**
12 **IMMEDIATELY ADJOIN THE PROPERTY SUBJECT TO DEMOLITION; AND**

13 **2. THE OWNERS OF ANY WIRED OR OTHER FACILITIES**
14 **THAT MIGHT HAVE TO BE TEMPORARILY REMOVED BECAUSE OF THE PROPOSED**
15 **DEMOLITION WORK;**

16 **(IV) DISTRIBUTED A SUFFICIENT NUMBER OF TAC MATS, OR**
17 **OTHER COMPARABLE FLOORING ADHESIVE, TO EACH RESIDENTIAL HOUSEHOLD**
18 **ADJACENT TO THE DEMOLITION SITE;**

19 **(V) IF AFTER AN INSPECTION, ANY DEMOLITION LOTS WERE**
20 **FOUND TO BE INFECTED, HAD THE LOTS TREATED WITH RODENTICIDE BY A RODENT**
21 **CONTROL PROFESSIONAL;**

22 **(VI) POSTED INFORMATION REGARDING THE SCHEDULED**
23 **DEMOLITION LOCATION, DATE, AND TIME ON-SITE AND ON ANY AVAILABLE**
24 **NEIGHBORHOOD BULLETIN BOARDS, HOTLINES, AND WEB SITES AT LEAST 5 DAYS,**
25 **BUT NOT MORE THAN 10 DAYS, BEFORE THE SCHEDULED ACTION IN THE FOLLOWING**
26 **MANNER AS APPLICABLE:**

27 **1. AT LEAST 4 FEET LONG AND 3 FEET HIGH;**

28 **2. WRITTEN IN BLACK LETTERING, AT LEAST 2 INCHES**
29 **HIGH, ON A YELLOW BACKGROUND;**

1 **3. POSTED IN A CONSPICUOUS MANNER, CLEARLY**
2 **VISIBLE AND LEGIBLE TO THE PUBLIC, NOT OVER 10 FEET ABOVE GROUND LEVEL;**
3 **AND**

4 **4. MAINTAINED IN GOOD CONDITION UNTIL THE TIME OF**
5 **THE DEMOLITION;**

6 **(VII) PROVIDED NOTIFICATION OF THE SCHEDULED DEMOLITION**
7 **TO THE LOCAL POLICE DEPARTMENT, HEALTH AGENCY, HOUSING AUTHORITY,**
8 **FIRST RESPONDERS, PUBLIC WORKS, AND INFORMATION HOTLINE SERVICE**
9 **PROVIDERS;**

10 **(VIII) IF DEMOLITION INVOLVES A RESIDENTIAL UNIT, SAFELY**
11 **DISPOSED OF ANY LEADED WINDOWS IN A LEAD-SAFE MANNER PRIOR TO**
12 **DEMOLITION; AND**

13 **(IX) EMPLOYED A PREDEMOLITION INSPECTOR AND**
14 **DEVELOPED A MAIN TRUCK ROUTE THAT MINIMIZES DISRUPTIONS TO THE**
15 **NEIGHBORING COMMUNITY; AND**

16 **(2) AN AGREEMENT BY THE APPLICANT TO:**

17 **(I) BEGIN DEMOLITION WORK WITHIN 30 DAYS OF APPROVAL**
18 **OF A DEMOLITION PERMIT AND END WITHIN 90 DAYS OF APPROVAL OF A**
19 **DEMOLITION PERMIT AND PAY TO THE DEPARTMENT 15 CENTS PER CUBIC FOOT OF**
20 **THE DEMOLITION SITE FOR A FAILURE TO ADHERE TO PERMIT REQUIREMENTS;**

21 **(II) AT LEAST 24 HOURS BEFORE BEGINNING DEMOLITION**
22 **WORK, ATTEND AN ON-SITE, PREDEMOLITION CONSULTATION WITH A DEPARTMENT**
23 **INSPECTOR TO DISCUSS AND CONFIRM:**

24 **1. APPROPRIATE HOSING AND WETTING REQUIREMENTS**
25 **AND PROCEDURES;**

26 **2. NOTIFICATION REQUIREMENTS; AND**

27 **3. ANY OTHER ISSUES THE INSPECTOR REQUIRES;**

28 **(III) HAVE ALL ARCHITECTURAL MATERIALS REMOVED FROM**
29 **THE DEMOLITION SITE BY A CERTIFIED LEAD HAZARD CONTROL WORKER;**

30 **(IV) BEGIN DEBRIS REMOVAL WITHIN 24 HOURS OF DEMOLITION**
31 **COMPLETION;**

1 **(V) REFRAIN FROM CONDUCTING DEMOLITION WORK BETWEEN**
2 **THE HOURS OF 7 P.M. AND 7 A.M. UNLESS A SPECIAL PROVISION IS PROVIDED BY THE**
3 **DEPARTMENT;**

4 **(VI) SECURE THE DEMOLITION SITE DURING THE DEMOLITION**
5 **PHASE AND AFTER DEMOLITION AND DEBRIS REMOVAL;**

6 **(VII) IF A PARTY WALL IS STRUCTURALLY UNSAFE AFTER**
7 **DEMOLITION, REMOVE ANY DANGEROUS PART AND RECONSTRUCT TO PROPERLY**
8 **ENCLOSE ADJACENT STRUCTURES;**

9 **(VIII) FOLLOW APPLICABLE STORMWATER REQUIREMENTS**
10 **UNDER APPLICABLE STATE AND LOCAL REGULATIONS, INCLUDING COMAR**
11 **26.17.02.01 THROUGH 26.17.02.11;**

12 **(IX) IDENTIFY ANY ASBESTOS, OIL TANKS, AND AIR POLLUTANTS**
13 **AND REMEDIATE THEIR EXISTENCE UNDER APPLICABLE STATE AND LOCAL**
14 **REGULATIONS; AND**

15 **(X) APPLY WATER TO THE DEMOLITION SITE IN ACCORDANCE**
16 **WITH COMAR 26.11.06.03D.**

17 **(G) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
18 **SECTION AND ESTABLISH PENALTIES FOR VIOLATIONS OF THIS SECTION.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2016.