

HOUSE BILL 1289

E4, C2

9lr2210
CF 9lr3176

By: **Delegate Carr**

Introduced and read first time: February 13, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Regulation of Demolition – Demolition Contractors**

3 FOR the purpose of requiring a demolition contractor to obtain a demolition permit
4 from a certain local designated authority before beginning demolition in the
5 State; requiring a demolition contractor to provide certain information, certain
6 evidence, and, under certain circumstances, a certain plan to the local
7 designated authority in order to obtain a demolition permit; requiring a
8 demolition contractor to comply with certain other requirements of law for
9 demolition permits; requiring a demolition contractor, before demolition begins,
10 to participate in a certain consultation, provide the local designated authority
11 with certain notice, provide certain written notice to certain owners and
12 occupants, provide certain public notice by means of a certain sign, and have the
13 building treated with rodenticide in a certain manner under certain
14 circumstances; prohibiting the use of explosives for demolition by implosion
15 except under certain circumstances; requiring the local designated authority to
16 provide a demolition contractor with certain information in a certain manner
17 about safe demolition or renovation of buildings that contain lead paint or
18 pigment; requiring demolition to begin, and to be completed, within a certain
19 number of days after obtaining a demolition permit; requiring demolition to be
20 performed only during certain hours except under certain circumstances;
21 requiring the removal of debris within a certain time period; requiring the
22 demolition site to be secured in a certain manner; requiring demolition to be
23 performed in a certain manner; requiring a demolition contractor to comply
24 with certain laws and regulations regarding water management, asbestos, oil
25 tanks, and other environmental remediation standards; requiring a certain
26 person to provide certain notice of potential exposure to lead-based paint in a
27 certain manner under certain circumstances; authorizing the local designated
28 authority to suspend or revoke a demolition permit under certain
29 circumstances; requiring a demolition contractor to obtain a new demolition
30 permit in a certain manner under certain circumstances; establishing a certain
31 fine for performing demolition in violation of this Act; providing that this Act

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 does not affect the authority of a local designated authority to enforce certain
2 laws under certain circumstances; defining certain terms; and generally
3 relating to the regulation of demolition and demolition contractors.

4 BY adding to
5 Article – Public Safety
6 Section 12–1201 through 12–1212 to be under the new subtitle “Subtitle 12.
7 Regulation of Demolition and Demolition Contractors”
8 Annotated Code of Maryland
9 (2003 Volume and 2008 Supplement)

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

12 **Article – Public Safety**

13 **SUBTITLE 12. REGULATION OF DEMOLITION AND DEMOLITION**
14 **CONTRACTORS.**

15 **12–1201.**

16 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

18 (B) “BUILDING” MEANS A STRUCTURE USED FOR SUPPORTING OR
19 SHELTERING A USE OR OCCUPANCY.

20 (C) (1) “DEMOLITION” MEANS AN OPERATION IN WHICH A BUILDING
21 IS WRECKED, RAZED, RENDED, OR REMOVED USING A TOOL, EQUIPMENT, OR AN
22 EXPLOSIVE.

23 (2) “DEMOLITION” INCLUDES MOVING A BUILDING
24 SUBSTANTIALLY INTACT FROM OR WITHIN A DEMOLITION SITE.

25 (D) (1) “DEMOLITION CONTRACTOR” MEANS A PERSON THAT
26 PERFORMS DEMOLITION.

27 (2) “DEMOLITION CONTRACTOR” INCLUDES A PERSON THAT
28 PERFORMS DEMOLITION UNDER A CONTRACT OR SUBCONTRACT.

29 (E) “DEMOLITION PERMIT” MEANS A PERMIT ISSUED BY THE LOCAL
30 DESIGNATED AUTHORITY TO PERFORM DEMOLITION.

1 (F) "LOCAL DESIGNATED AUTHORITY" MEANS THE COUNTY OR
2 MUNICIPAL AGENCY, REPRESENTATIVE, OR OTHER AUTHORITY WITH THE
3 RESPONSIBILITY TO ADMINISTER AND ENFORCE THIS SUBTITLE.

4 (G) "REMOVABLE ARCHITECTURAL MATERIAL" INCLUDES WINDOWS,
5 BANISTERS, DOORS, MANTELS, BASEBOARDS, TRIM, AND MOLDING OBTAINED
6 FROM A RESIDENTIAL UNIT CONSTRUCTED BEFORE 1978.

7 (H) "WETTING PROCEDURE" MEANS THE USE OF FIRE HOSES TO
8 SUFFICIENTLY DAMPEN THE BUILDING IMMEDIATELY BEFORE AND DURING
9 DEMOLITION AND TO SUFFICIENTLY DAMPEN DEBRIS AS IT IS TRANSFERRED TO
10 VEHICLES FOR DISPOSAL TO CONTROL EMISSIONS OF DUST.

11 **12-1202.**

12 THIS SUBTITLE DOES NOT AFFECT THE AUTHORITY OF A LOCAL
13 DESIGNATED AUTHORITY TO ENFORCE COUNTY OR MUNICIPAL LAWS,
14 REGULATIONS, OR ORDINANCES THAT GOVERN DEMOLITION PROCEDURES IF
15 THE LOCAL LAW, REGULATION, OR ORDINANCE IS AT LEAST AS RESTRICTIVE AS
16 THIS SUBTITLE.

17 **12-1203.**

18 (A) (1) BEFORE A DEMOLITION CONTRACTOR BEGINS DEMOLITION IN
19 THE STATE, THE DEMOLITION CONTRACTOR SHALL OBTAIN A DEMOLITION
20 PERMIT FROM THE LOCAL DESIGNATED AUTHORITY.

21 (2) IN A JURISDICTION THAT HAS AN EXISTING APPROVAL
22 PROCESS THAT REQUIRES COUNTY AND MUNICIPAL REVIEW, THE JURISDICTION
23 SHALL DESIGNATE THE LOCAL DESIGNATED AUTHORITY TO ISSUE DEMOLITION
24 PERMITS.

25 (B) TO OBTAIN A DEMOLITION PERMIT, A DEMOLITION CONTRACTOR
26 SHALL PROVIDE TO THE LOCAL DESIGNATED AUTHORITY:

27 (1) THE NAME AND ADDRESS OF THE DEMOLITION CONTRACTOR'S
28 BUSINESS;

29 (2) A COPY OF THE DEMOLITION CONTRACTOR'S LIABILITY
30 INSURANCE POLICY;

31 (3) EVIDENCE SATISFACTORY TO THE LOCAL DESIGNATED
32 AUTHORITY THAT THE DEMOLITION CONTRACTOR HAS OBTAINED A BOND, IF
33 APPLICABLE, FOR THE DEMOLITION TO BE PERFORMED; AND

1 (4) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF THE
2 BUILDING TO BE DEMOLISHED IS A RESIDENTIAL UNIT, A REMOVAL PLAN THAT
3 OUTLINES HOW THE DEMOLITION CONTRACTOR WILL SAFELY REMOVE AND
4 DISPOSE OF REMOVABLE ARCHITECTURAL MATERIALS FOUND IN THE
5 BUILDING.

6 (C) A REMOVAL PLAN IS NOT REQUIRED UNDER SUBSECTION (B)(4) OF
7 THIS SECTION IF THE REMOVABLE ARCHITECTURAL MATERIALS ARE CERTIFIED
8 LEAD-FREE IN ACCORDANCE WITH § 6-804 OF THE ENVIRONMENT ARTICLE
9 AND COMAR 26.16.02.02.

10 (D) TO OBTAIN A DEMOLITION PERMIT, A DEMOLITION CONTRACTOR
11 SHALL ALSO COMPLY WITH ANY REQUIREMENTS FOR DEMOLITION PERMITS
12 ESTABLISHED BY THE LOCAL DESIGNATED AUTHORITY IN LAW, REGULATION,
13 OR ORDINANCE.

14 **12-1204.**

15 **BEFORE DEMOLITION BEGINS, A DEMOLITION CONTRACTOR SHALL:**

16 (1) PARTICIPATE IN AN ON-SITE, PRE-DEMOLITION
17 CONSULTATION WITH THE LOCAL DESIGNATED AUTHORITY TO DISCUSS AND
18 CONFIRM:

19 (I) APPROPRIATE WETTING PROCEDURES IN ACCORDANCE
20 WITH COMAR 26.11.06.03D;

21 (II) PUBLIC NOTIFICATION REQUIREMENTS;

22 (III) A MAIN TRUCK ROUTE THAT MINIMIZES DISRUPTIONS
23 TO THE NEIGHBORING COMMUNITY; AND

24 (IV) ANY OTHER PRE-DEMOLITION REQUIREMENTS
25 DETERMINED BY THE LOCAL DESIGNATED AUTHORITY;

26 (2) NOTIFY THE LOCAL DESIGNATED AUTHORITY AT LEAST 24
27 HOURS BEFORE BEGINNING DEMOLITION;

28 (3) PROVIDE WRITTEN NOTICE TO:

29 (I) THE OWNERS AND OCCUPANTS OF ALL PROPERTIES
30 WITHIN 100 METERS OF THE PROPERTY SUBJECT TO DEMOLITION; AND

1 (II) THE OWNERS OF ANY WIRED OR OTHER FACILITIES
2 THAT MAY HAVE TO BE PERMANENTLY OR TEMPORARILY REMOVED BECAUSE OF
3 THE PROPOSED DEMOLITION;

4 (4) PROVIDE PUBLIC NOTICE OF THE DEMOLITION AT LEAST 5
5 DAYS AND NO MORE THAN 10 DAYS BEFORE THE SCHEDULED DEMOLITION, BY
6 MEANS OF A SIGN THAT IS:

7 (I) AT LEAST 4 FEET LONG AND 3 FEET HIGH;

8 (II) WRITTEN IN BLACK LETTERING, AT LEAST 2 INCHES
9 HIGH, ON A YELLOW BACKGROUND;

10 (III) POSTED IN A CONSPICUOUS MANNER THAT IS CLEARLY
11 VISIBLE AND LEGIBLE TO THE PUBLIC AND NOT OVER 10 FEET ABOVE GROUND
12 LEVEL; AND

13 (IV) MAINTAINED IN GOOD CONDITION UNTIL THE TIME OF
14 THE DEMOLITION; AND

15 (5) HAVE THE BUILDING TREATED WITH RODENTICIDE BY A
16 PROFESSIONAL BEFORE DEMOLITION IF THE DEMOLITION CONTRACTOR FINDS
17 THAT THE BUILDING IS INFESTED.

18 **12-1205.**

19 A DEMOLITION CONTRACTOR MAY NOT USE EXPLOSIVES FOR DEMOLITION
20 BY IMPLOSION UNLESS THE DEMOLITION CONTRACTOR OBTAINS A SPECIAL
21 PERMIT FROM THE LOCAL DESIGNATED AUTHORITY.

22 **12-1206.**

23 (A) THE LOCAL DESIGNATED AUTHORITY SHALL PROVIDE TO THE
24 DEMOLITION CONTRACTOR INFORMATION ABOUT THE SAFE DEMOLITION OR
25 RENOVATION OF BUILDINGS THAT CONTAIN LEAD PAINT OR PIGMENT.

26 (B) THE INFORMATION REQUIRED BY SUBSECTION (A) OF THIS SECTION
27 MAY BE IN THE FORM OF PAMPHLETS, VIDEO PRESENTATION, OR ANOTHER
28 APPROPRIATE MEDIA FORM AS DETERMINED BY THE LOCAL DESIGNATED
29 AUTHORITY.

30 (C) THE LOCAL DESIGNATED AUTHORITY MAY CHARGE A FEE FOR THE
31 INFORMATION PROVIDED UNDER THIS SECTION.

1 **12-1207.**

2 (A) **DEMOLITION SHALL:**

3 (1) **BEGIN WITHIN 30 DAYS AFTER OBTAINING A DEMOLITION**
4 **PERMIT FROM THE LOCAL DESIGNATED AUTHORITY; AND**

5 (2) **BE COMPLETED WITHIN 90 DAYS AFTER OBTAINING A**
6 **DEMOLITION PERMIT FROM THE LOCAL DESIGNATED AUTHORITY.**

7 (B) **A DEMOLITION CONTRACTOR SHALL PERFORM DEMOLITION ONLY**
8 **BETWEEN THE HOURS OF 7 A.M. AND 7 P.M. UNLESS THE DEMOLITION**
9 **CONTRACTOR OBTAINS A SPECIAL PERMIT FROM THE LOCAL DESIGNATED**
10 **AUTHORITY.**

11 (C) **A DEMOLITION CONTRACTOR SHALL REMOVE DEBRIS WITHIN 10**
12 **DAYS AFTER COMPLETION OF DEMOLITION OR AS INSTRUCTED BY THE LOCAL**
13 **DESIGNATED AUTHORITY.**

14 (D) **A DEMOLITION CONTRACTOR SHALL SECURE THE DEMOLITION SITE**
15 **DURING THE DEMOLITION PHASE AND AFTER THE DEMOLITION AND DEBRIS**
16 **REMOVAL BY INSTALLING TEMPORARY FENCING.**

17 (E) **A DEMOLITION CONTRACTOR SHALL REMOVE ANY DANGEROUS**
18 **PART AND RECONSTRUCT TO PROPERLY ENCLOSE AN ADJACENT STRUCTURE IF**
19 **THE STRUCTURE IS UNSAFE DUE TO THE DEMOLITION.**

20 (F) **A DEMOLITION CONTRACTOR SHALL PERFORM THE DEMOLITION IN**
21 **APPROXIMATELY THE REVERSE ORDER IN WHICH THE BUILDING WAS ERECTED**
22 **TO AVOID COLLAPSE.**

23 (G) **A DEMOLITION CONTRACTOR SHALL EMPLOY BACKFILL UNLESS**
24 **PLANS FOR NEW CONSTRUCTION WILL BE SUBMITTED WITHIN 3 MONTHS AFTER**
25 **COMPLETION OF THE DEMOLITION.**

26 **12-1208.**

27 (A) **A DEMOLITION CONTRACTOR SHALL COMPLY WITH ALL**
28 **APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS**
29 **REGARDING WATER MANAGEMENT, INCLUDING THOSE SET FORTH IN COMAR**
30 **26.17.01.01 THROUGH .11 AND 26.17.02.01 THROUGH .11.**

31 (B) **A DEMOLITION CONTRACTOR SHALL COMPLY WITH ALL**
32 **APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS**

1 REGARDING ASBESTOS, OIL TANKS, AND OTHER ENVIRONMENTAL REMEDIATION
2 STANDARDS, INCLUDING THOSE SET FORTH IN COMAR 26.11.21.01 THROUGH
3 .13 AND 26.10.01.02.

4 12-1209.

5 A PERSON THAT IS RECYCLING, SELLING, OR DISTRIBUTING ANY
6 REMOVABLE ARCHITECTURAL MATERIAL OBTAINED FROM A DEMOLITION SITE
7 SHALL PROVIDE ADEQUATE NOTICE OF POTENTIAL EXPOSURE TO LEAD-BASED
8 PAINT BY:

9 (1) PLACING THE REMOVABLE ARCHITECTURAL MATERIAL IN
10 PLASTIC BAGS AT LEAST 4 MILLIMETERS THICK; AND

11 (2) PROMINENTLY PLACING ON THE PLASTIC BAG A STATEMENT
12 THAT:

13 (I) THE REMOVABLE ARCHITECTURAL MATERIAL MAY
14 CONTAIN LEAD-BASED PAINT AND EXPOSURE COULD RESULT IN ADVERSE
15 HEALTH EFFECTS; OR

16 (II) THE REMOVABLE ARCHITECTURAL MATERIAL HAS BEEN
17 TESTED IN ACCORDANCE WITH § 6-804 OF THE ENVIRONMENT ARTICLE AND
18 COMAR 26.16.02.02 AND IS CERTIFIED LEAD-FREE.

19 12-1210.

20 THE LOCAL DESIGNATED AUTHORITY MAY SUSPEND OR REVOKE A
21 DEMOLITION PERMIT IF:

22 (1) THE DEMOLITION IS BEING PERFORMED IN VIOLATION OF THE
23 DEMOLITION PERMIT, THIS SUBTITLE, OR ANY OTHER APPLICABLE LAW OR
24 REGULATION; OR

25 (2) THE DEMOLITION PERMIT WAS ISSUED:

26 (I) IN ERROR OR ON THE BASIS OF INCORRECT,
27 INACCURATE, OR INCOMPLETE INFORMATION; OR

28 (II) IN VIOLATION OF THIS SUBTITLE OR ANY OTHER LAW OR
29 REGULATION.

30 12-1211.

1 **A DEMOLITION CONTRACTOR THAT VIOLATES THE PROVISIONS OF THIS**
2 **SUBTITLE, PERFORMS DEMOLITION OUTSIDE OR BEYOND THE SCOPE OF A**
3 **DEMOLITION PERMIT, PERFORMS DEMOLITION IN A MANNER INCONSISTENT**
4 **WITH PLANS OR DRAWINGS APPROVED AS PART OF A DEMOLITION PERMIT**
5 **PROCESS, OR PERFORMS DEMOLITION AFTER A DEMOLITION PERMIT IS**
6 **REVOKED FOR ANY REASON SHALL:**

7 **(1) OBTAIN A NEW DEMOLITION PERMIT FOR THAT DEMOLITION,**
8 **EVEN IF ALREADY COMPLETED; AND**

9 **(2) PAY THE DEMOLITION PERMIT FEE AND ANY PENALTY**
10 **ESTABLISHED BY THE LOCAL DESIGNATED AUTHORITY.**

11 **12-1212.**

12 **A DEMOLITION CONTRACTOR THAT PERFORMS DEMOLITION IN**
13 **VIOLATION OF THIS SUBTITLE IS SUBJECT TO A FINE NOT EXCEEDING \$1,000**
14 **PER DAY.**

15 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
16 **October 1, 2009.**