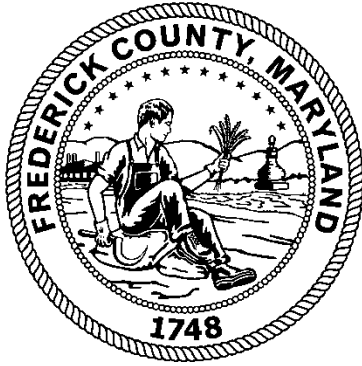




Bill No. 24-04
Concerning: Update of the Frederick County
Building Code
Introduced April 2, 2024
Revised: _____ Draft No. _____
Enacted: _____
Effective: _____
Expires: July 1, 2024
Frederick County Code, Chapter 1-6
Section(s) 18A, 18B, 20 & 23

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Brad W. Young on behalf of County Executive Jessica Fitzwater

AN ACT to: update the Frederick County Building Code to meet or exceed State Code standards.

Date Council Approved: _____ Date Transmitted to Executive: _____

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

Date returned to Council by County Executive with no action: _____

By amending:

Frederick County Code, Ch. 1-6 Section(s) 18A, 18B, 20 & 23

Other: _____

Boldface

Underlining

[Single boldface brackets]

* * *

Heading or defined term.

Added to existing law.

Deleted from existing law.

Existing law unaffected by bill.

1 Bill No. 24-04

2 The County Council of Frederick County, Maryland, finds it necessary and appropriate to
3 amend the Frederick County Code to update the Frederick County Building Code to meet or exceed
4 State Code standards.

5
6 NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF
7 FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby,
8 amended as shown on the attached Exhibit 1.

9
10
11
12 _____
13 Brad W. Young, President
14 County Council of Frederick County,
15 Maryland

CHAPTER 1-6: BUILDINGS

ARTICLE II: BUILDING CODE (§§ 1-6-16 — 1-6-30)

§ 1-6-16. ADOPTED.

The county hereby adopts the International Building Code, [2018]2021 Edition and the International Residential Code, [2018]2021 Edition, including the amendments adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07), and subject to the local amendments described below in § 1-6-18A and § 1-6-18B.

§ 1-6-17. REVISIONS.

(A) Substitute “Frederick County” for the phrase “Name of Jurisdiction” wherever it appears in the Building Code.

(B) Substitute “County Executive” for phrases “appointing authority,” “chief appointing authority,” and “chief authority” wherever they appear in the Building Code.

(C) Substitute "Director of the Frederick County Department of Permits and Inspections or Administrative Authority" for the term "building official" or "code official" wherever it appears in the Building Code.

(D) Substitute “Department of Permits and Inspections” for the term “Department of Building Safety” wherever it appears in the Building Code.

§ 1-6-18A. LOCAL AMENDMENTS TO INTERNATIONAL BUILDING CODE.

The International Building Code, [2018]2021 Edition as adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07) is hereby amended as described and shown below:

Subsection 101.2 is hereby amended by adding the following exceptions:

Exception 4: Agricultural Buildings and Farm Stands. The provisions of this code shall not apply to the construction, alteration, addition, repair, removal, demolition, use, location or maintenance of agricultural buildings and farm stands. This provision does not exempt the owner from obtaining required zoning certificates, electrical or plumbing permits, nor from complying with all other applicable local, state and federal regulations, laws, and ordinances. An “agricultural building” for purposes of this subsection means a building or structure utilized for agricultural activity as defined in the International Building Code:

"Agricultural Building. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public."

A "farm stand" for purposes of this subsection means:

Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

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Bill No. 24-04

1 "Farm Stand": A structure that does not exceed 600 square feet which may be used to process,
2 treat, or package agricultural products, the majority of which are produced on the farm. A Farm
3 Stand may not be used as a place of human habitation or employment, nor used or occupied by
4 the public.

5 Subsection 101.2.1, Appendices, is hereby amended with the addition of the following
6 language:

7 Provisions in the appendices shall not apply unless specifically adopted. The following
8 appendices are adopted in their entirety:

9 Appendix C, Group U, Agricultural Buildings

10 Appendix E, Supplementary Accessibility Requirements

11 Appendix F, Rodent Proofing

12 Appendix G, Flood Resistant Construction

13 Appendix H, Signs

14 Appendix I, Patio Covers

15 Appendix O, Performance Based Application

16 Subsection 101.4.3 is hereby amended to read as follows:

17 101.4.3 Plumbing. The provisions of the Frederick County Plumbing Code shall apply to the
18 installation, alterations, repairs and replacement of plumbing systems, including equipment,
19 appliances, and where connected to a water or sewage system and as aspects of a medical gas
20 system. The provisions of the Frederick County Plumbing Code shall apply to private sewage
21 disposal systems.

22 Subsection 101.4.8 is hereby added to read as follows:

23 101.4.8 Electrical. The provisions of the Frederick County Electrical Code shall apply to the
24 installation of electrical systems, including alterations, repairs, replacement, equipment,
25 appliances, fixtures, fittings and appurtenances thereto.

26 Subsection 105.2 is hereby modified to read as follows:

27 105.2 Work exempt from permit.

28 Building:

29 1. One-story detached accessory structures with eave heights less than 10 feet, used as
30 tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 150
31 square feet.

32 [~~2. Fences – delete "not over 7 feet high".~~]

33 [Items 3 – 13 unchanged]

34 14. Farm Stands (as defined in Subsection 101.2)

35 Subsection 105.3.1 is hereby amended to read as follows:

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Bill No. 24-04

1 105.3.1 Action on application. The administrative authority shall examine or cause to be
2 examined applications for permits and revisions thereto within a reasonable time after filing by
3 routing the application to appropriate agencies and departments for their review. If the
4 application or the construction documents do not conform to the requirements of pertinent laws,
5 the administrative authority shall reject such application in writing, stating the reasons therefore.
6 If the building official and the reviewing agencies and departments are satisfied that the proposed
7 work conforms to the requirements of this code, laws and ordinances applicable thereto, the
8 administrative authority shall issue a permit therefore as soon as practicable.

9 Subsection 105.3.2. is hereby amended to read as follows:

10 105.3.2 Time limitation of application. An application for a permit for any proposed work
11 shall be deemed to have been abandoned 180 days after the date of filing, unless such application
12 has been pursued in good faith or a permit has been issued; except that the administrative
13 authority is authorized to grant one or more extensions of time for additional periods not
14 exceeding 180 days each. The extension shall be requested in writing and justifiable cause
15 demonstrated.

16 Subsection 105.5 is hereby amended to read as follows:

17 Expiration. Every permit issued shall expire one year from the date of issuance unless the
18 final building inspection has been approved, or an extension has been granted. The building
19 official is authorized to grant, in writing, a one (1) year extension prior to the expiration date of
20 the permit, provided that work on the site authorized by such permit is commenced within (one)
21 1 year of permit issuance. Commencement of work is evidenced by the administrative authority
22 approval of the first required building inspection. The extensions shall be requested in writing
23 and justifiable cause demonstrated.

24 Subsection 108.1 is hereby amended to read as follows:

25 108.1 General. The administrative authority is authorized to issue a permit for temporary
26 structures and temporary uses. Such permits shall be limited as to time of service, but shall not
27 be permitted for more than 1 year.

28 Subsection 111.2 is hereby deleted in its entirety and replaced with the following:

29 111.2 Certificate issued. When a structure is entitled thereto, the administrative authority
30 shall issue a certificate of occupancy upon completion of the final inspections in accordance with
31 Section 110.3.10, correction of the violations and discrepancies, and approval for occupancy is
32 given from the departments and agencies that gave approvals for the issuance of the zoning
33 certificate/building permit.

34 Subsection 112.4 is hereby added to read as follows:

35 112.4 Service connections. Before a structure is demolished or removed, the owner or agent
36 shall notify all utilities having service connections to the structure such as water, electric, gas,
37 sewer and other connections.

38 Subsection 112.5 is hereby added to read as follows:

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Bill No. 24-04

1 112.5 Notice to adjoining owners. Written notice shall be given by the applicant to the
2 owners of adjoining lots and to the owners of wired or other facilities, of which the temporary
3 removal is necessitated by the proposed work, prior to the removal of a building or structure.

4 Subsection 113.[4] is hereby ~~created~~ amended to read as following:

5 113.1 General. Appeals of orders, decisions or determinations made by the building
6 official relative to the application and interpretation of this code shall be filed in writing with the
7 Director of the Division of Planning and Permitting for the County. Appeals from the decision
8 of the Director may be filed in the Frederick County Circuit Court.

9 113.2 Limitations on authority. An application for appeal shall be based on a claim that the
10 true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted,
11 the provisions of this code do not fully apply or an equivalent or better form of construction is
12 proposed. The Director of the Division of Planning and Permitting shall not have authority to
13 waive requirements of this code or interpret the administration of this code.

14 113.3 Deleted

15 113.4 Administration. The building official shall take immediate action in accordance with the
16 decision of the Director.

17 113.4 Appeals. Any party aggrieved by a decision of the Board of Appeals shall have the
18 right to appeal an adverse decision to the County Executive.

19 Subsection 308.5.1, Child care facility - The section is hereby deleted in its entirety and
20 replaced with the following:

21 Subsection 308.5.1: A child day care facility that provides for more than five but no more
22 than 49 children 2½ years or less of age, when the rooms where such children are cared for are
23 located on the level of the exit discharge and each of these child care rooms has an exit door
24 directly to the exterior, shall be classified as Group E.

25 Delete Section [501.2]502.1 Address Identification in its entirety.

26 Subsection 507.4, Sprinklered, one story, is hereby amended to read as follows:

27 The area of a one or two-story, Group B, F, M, or S building, of Type I or II construction,
28 shall not be limited when the building is provided with automatic sprinkler systems throughout in
29 accordance with Section 903.1.1 and is surrounded and adjoined by public ways or yards not less
30 than 60 feet in width. (Note: Exceptions for Section 507.4 are unchanged from the IBC).

31 Subsection 708.1, General, is hereby amended to read as follows:

32 ~~[6]9.~~ Walls and floor/ceiling assemblies separating tenant spaces shall be constructed at a
33 minimum as fire partitions in accordance with Section 708 or Section 711. Exception: In fully
34 sprinklered buildings, openings in corridor walls are not required to be protected.

35 Subsection 903.2.9, Group S-1, is hereby amended by adding a new subparagraph ~~[6]5~~ as
36 follows:

37 ~~[6]5.~~ Throughout all mini storage buildings with fire areas greater than 2500 square feet in
38 area.

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Bill No. 24-04

Subsection 903.4.3, Floor control valves, is hereby amended to read as follows:

Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in multi-story buildings. Each floor of a building shall be zoned separately with maximum zone sizes in accordance with the provisions of NFPA #13. Fire alarm zones shall coincide with sprinkler system zones.

Subsection 905.2, Installation standards, is hereby amended to add two exceptions as follows:

Exceptions:

The residual pressure requirements from an automatic water supply are not required in buildings equipped throughout with an approved automatic sprinkler system and where the highest floor level is not more than 75 feet above the lowest level of the Fire Department access. Pipe sizes shall be hydraulically calculated based on maintaining a residual pressure of 100 psi flowing 500 gpm at the hydraulically most remote hose outlet based on a pressure of 150 psi available at the Fire Department connection. An additional 250 gpm shall be added at the point of connection for each additional riser up to a maximum of 1250 gpm. The minimum riser pipe size shall be 4" nominal diameter.

(2) All Class I standpipes shall have a minimum size hose connection of 2½" and shall be equipped with a 1½" reducing adapter.

Subsection 905.4, Location of Class I standpipe hose – connection, is hereby amended and modified to read as follows:

1. In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located at the level of stair entry.

Subsection 907.6.3 is hereby amended to read as follows:

907.6.4 Zones. Each floor shall be zoned separately. Where the building is not protected throughout by an automatic sprinkler system in accordance with Section 903, a zone shall not exceed 22,500 square feet (2090 m²) and the length of any zone shall not exceed 300 feet (91440 mm) in any direction. Where the building is protected by an automatic sprinkler system in accordance with Section 903, the area of the fire alarm zone shall coincide with the area of the sprinkler system.

Delete exception.

Subsection ~~[1010.1.9.4]~~1010.2.4, Locks and latches - subparagraph ~~[2]~~3 is hereby amended as follows:

~~[2]~~3. In buildings in Occupancy Group A having an occupant load of 99 or less, Groups B, F, M and S, and in places of religious worship, the main exterior door or doors are permitted to be equipped with locks from the egress side provided:

~~[2.1]~~3.1 The locks, if provided, shall not require the use of a key, a tool, special knowledge, or effort for operation from the egress side.

~~[2.2]~~3.2 [deleted]

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Bill No. 24-04

1 [2.3]~~3.3~~.~~[deleted]~~

2 Subsection ~~[1028.4.2]~~1029.3, Constructions and openings, is hereby deleted and replaced with
3 the following:

4 Where an egress court serving a building or portion thereof is less than 10 feet (3048 mm) in
5 width, all egress court enclosure walls shall have not less than 1-hour fire-resistance-rated
6 construction for a distance of 10 feet (3048 mm) above the floor of the court. Openings within
7 such walls shall be protected by opening protectives having a fire protection rating of not less
8 than ¾ hour.

9 (Exceptions 1. and 2. remain unchanged.)

10 Subsection ~~[1029.2]~~1030.2, Assembly main exit is hereby deleted and replaced with the
11 following:

12 Group A occupancies consisting of bars with live entertainment, dance halls, discotheques,
13 nightclubs, and assembly occupancies with festival seating, that have an occupancy load of
14 greater than 50 shall be provided with a main exit. The main exit shall be of sufficient width to
15 accommodate not less than two thirds (2/3) of the occupant load, but such width shall not be less
16 than the total required width of all means of egress leading to the exit. In assembly occupancies,
17 other than those listed above, the main entrance/exit shall be a width that accommodates one-half
18 of the total occupant load. Where the building is classified as a Group A occupancy, the main
19 exit shall front on at least one street or an unoccupied space of not less than 10 feet (3048 mm) in
20 width that adjoins a street or public way.

21 Chapter 11. Accessibility. The provisions of IBC Chapter 11 shall apply to all matters affecting
22 the design and construction of facilities for accessibility to physically disabled persons except
23 where the provisions of COMAR Section 05.02.02, the Maryland Accessibility Code, are more
24 stringent in which case they shall apply.

25 Subsection ~~[1209.4]~~1210.4 is hereby added as follows:

26 Subsection ~~[1209.4]~~1210.4 - Baby Changing Stations required in all public restrooms of
27 group A and M occupancies that have an occupant load of greater than 49.

28 Subsection 1608.2 is hereby amended by adding the following:

29 1608.2 ... The design roof load of any roof shall be thirty (30) PSF or greater for ground
30 snow load except as required by Figure 1608.2

31 Subsection 1809.5, Frost protection - Exception 2, is hereby amended as follows:

32 2. Area of 400 square feet or less; and

33 Chapters 27, 29 and 30 of the International Building Code, ~~[2015]~~ 2021 Edition are hereby
34 deleted in their entirety.

35 Electrical components, equipment and systems used in buildings and structures shall be
36 designed and constructed in accordance with the Frederick County Electrical Code (Chapter 1-7,
37 Article III of the Frederick County Code).

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Bill No. 24-04

1 The provisions of the International Plumbing Code, as adopted by Frederick County (Chapter
2 1-14, Article IV of the Frederick County Code), shall govern the erection, installation, alteration,
3 repairs, relocation, replacement addition to, use or maintenance of plumbing equipment and
4 systems.

5 Subsection 3107.1 is hereby adopted to read as follows:

6 3107.1 Signs. All signs shall comply with the requirements of the Frederick County Zoning
7 Ordinance.

8 [~~Subsection 3401.1 is hereby deleted in its entirety.~~]

9 The alteration, repair, addition and change of occupancy of existing structures in Frederick
10 County shall be governed by the Maryland Building Rehabilitation Code (International Existing
11 Building Code), adopted under the authority of the State of Maryland, Department of Housing
12 and Community Development, Annotated Code of Maryland, Public Safety Article § 12-1004
13 (COMAR 05.16).

14 **§ 1-6-18B. LOCAL AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE.**

15 The county hereby adopts the International Residential Code, [2018] 2021 Edition including
16 the amendments adopted by the State of Maryland in the Maryland Building Performance
17 Standards (COMAR 05.02.07) with the amendments described and shown below.

18 Subsection R102.7.1 is hereby deleted in its entirety and replaced with the following:

19 The alteration, repair, addition and change of occupancy of existing structures in Frederick
20 County shall be governed by the Maryland Building Rehabilitation Code (International Existing
21 Building Code) adopted under the authority of the State of Maryland, Department of Housing
22 and Community Development, Annotated Code of Maryland Local Government Article § 12-
23 1004 (COMAR 05.16)

24 Subsection R105.2, Work exempt from permit - Building - Subparagraph 1 is hereby deleted
25 and replaced with the following:

26 1. One-story detached accessory structures used as tool and storage sheds, playhouses and
27 similar uses, provided the floor area does not exceed 150 square feet.

28 Subsection R105.2, Work exempt from a permit - Building Subparagraph 10 is amended as
29 follows:

30 Replace 200 sq. ft. with 150 sq. ft.

31 [Items 2-10 unchanged]

32 11. Farm Stands

33 Subsection R105.2 is hereby amended to add the following:

34 R105.2 (11) Agricultural Buildings and Farm Stands. The provisions of this code shall not
35 apply to the construction, alteration, addition, repair, removal, demolition, use, location or
36 maintenance of agricultural buildings and farm stands. This provision does not exempt the owner
37 from obtaining required zoning certificates, electrical or plumbing permits, nor from complying

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Bill No. 24-04

1 with all other applicable local, state and federal regulations, laws, and ordinances. An
2 "agricultural building" for purposes of this subsection means a building or structure utilized for
3 agricultural activity as defined in the International Building Code:

4 "Agricultural Building. A structure designed and constructed to house farm implements, hay,
5 grain, poultry, livestock or other horticultural products. This structure shall not be a place of
6 human habitation or a place of employment where agricultural products are processed, treated or
7 packaged, nor shall it be a place used by the public."

8 A "farm stand" for purposes of this subsection means:

9 "Farm Stand": A structure that does not exceed 600 square feet which may be used to process,
10 treat, or package agricultural products, the majority of which are produced on the farm. A Farm
11 Stand may not be used as a place of human habitation or employment, nor used or occupied by
12 the public.

13 Subsection R105.2 Electrical Subsection Exemption #4 is deleted in its entirety.

14 Subsection R105.3.1.1 is hereby deleted in its entirety.

15 Subsection R105.5 - Expiration, is hereby deleted and replaced with the following:

16 R105.5 Expiration. Every permit issued shall expire one year from the date of issuance unless
17 the final building inspection has been approved, or an extension has been granted. The building
18 official is authorized to grant, in writing, a one (1) year extension prior to the expiration date of
19 the permit, provided that work on the site authorized by such permit is commenced within (one)
20 1 year of permit issuance. Commencement of work is evidenced by the building official's
21 approval of the first required building inspection. The extension shall be requested in writing and
22 justifiable cause demonstrated.

23 IRC Chapter 2. Definitions

24 The following new definition is hereby added:

25 Mobile home. A transportable structure built prior to June 15, 1976, otherwise meeting the
26 same dimensional limits as used to describe a manufactured home.

27 The definition of manufactured home is hereby modified by adding the following language to
28 the end of the definition:

29 All manufactured/mobile homes designed and built solely for residential purposes or human
30 habitation must bear a HUD label certifying compliance with the federal standards. Non-labeled
31 manufactured homes and mobile homes shall be prohibited from being relocated into Frederick
32 County.

33 Table R301.2~~[(4)]~~ is to be filled in as follows with the deletion of Manual J design criteria
34 requirement:

35 Ground Snow Load (pounds per square foot) = 30 psf except as required by Figure R301.2
36 [(5)]

37 Wind Speed 115 (MPH)

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Bill No. 24-04

1 Topographic Effects = No
2 Special Wind Region = No
3 Wind-Borne Debris Zone = No
4 Seismic Design Category = B
5 Subject to damage from
6 Weathering = Severe
7 Frost Line Depth = 30 inches
8 Termite = Yes (moderate/heavy)
9 Winter Design Temp. = 12 deg. F
10 Table R301.2~~(4)~~ is hereby modified by the addition of the following:
11 Ice shield underlayment requirement = Yes
12 Flood hazard = As determined by ~~[Community Development Division]~~ Division of Planning
13 and Permitting]
14 Air freezing index = Greater than 1,500
15 Mean annual temperature = 52 degrees Fahrenheit
16 Section R313 is hereby deleted in its entirety [and replaced with the following:
17 Section R313 Approved Automatic Sprinkler Systems in accordance with NFPA #13D shall
18 be provided throughout all residential occupancies as required by the Frederick County Sprinkler
19 Ordinance (No. 06-26-422).]
20 Section R319 is hereby deleted in its entirety and replaced with the following:
21 Section R319 Site Address and Premises Identification shall be in accordance with the
22 Frederick County Address Ordinance No. 05-01-362.
23 Subsection R403.1.4.1, Frost Protection - The exceptions are deleted and amended to read as
24 follows:
25 1. Freestanding accessory storage structures with an area of at least 150 square feet but
26 less than 401 square feet, and an eave height of not more than 10 feet (3048 mm) shall not be
27 required to be protected, but structures that are less than 401 square feet must be provided with a
28 minimum of 4 permanent tie-downs that are designed to withstand the applicable wind load
29 requirements according to the adopted building code.
30 2. Decks exceeding 150 square feet in area and not supported by a dwelling will require
31 footings according to the building code unless joist members are in direct contact with the earth.
32 3. Structures with an area 401 square feet or more will require permanent footings and/or
33 foundations according to the applicable sections of the building code.
34 ~~[Subsection R405.1, Concrete or masonry foundation—The following language shall be added~~
35 ~~to the end of the exception:~~

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Bill No. 24-04

1 ~~—Or as otherwise approved in accordance with the Catoctin and Frederick Soil Conservation~~
2 ~~District Maps (issued May 2001, as amended).]~~

3 R807.1 Attic Access is hereby amended to add the following:

4 Where air-handling units, water heaters, or similar equipment are installed in attics in
5 residential structures, access to the attic opening shall be provided by a permanent or pull-down
6 stairway in all new construction.

7 IRC Chapter 11 is hereby deleted in its entirety. The provisions of the International Energy
8 Conservation Code ~~[2015]~~2021, shall govern the design and construction of buildings in regard
9 to energy efficiency.

10 IRC Chapters 12 – 23 are hereby deleted in their entirety. Regulation of the design, installation,
11 maintenance, alteration and inspection of mechanical systems that are permanently installed and
12 utilized to provide control of environmental conditions within the building shall be installed
13 according to the International Mechanical Code ~~[2015]~~2021 or the Mechanical Code adopted
14 pursuant to the provisions of Md. Code Ann., Business Regulations Article, § 9A-205.

15 IRC Chapter 24 is hereby deleted in its entirety. The provisions of the International Fuel Gas
16 Code ~~[2015]~~2021, shall govern the erection, installation, alteration, repairs, relocation,
17 replacement, addition to, use or maintenance of fuel gas equipment and systems.

18 IRC Chapters 25 – 33 are hereby deleted in their entirety. The provisions of the International
19 Plumbing Code, as adopted by Frederick County, shall govern the erection, installation,
20 alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing
21 equipment and systems.

22 IRC Chapters 34 – 43 are hereby deleted in their entirety. Electrical components, equipment
23 and systems used in buildings and structures shall be designed and constructed in accordance
24 with the Frederick County Electrical Code.

25 IRC Chapter 44 - Standards listed in this chapter shall be considered part of the requirements
26 of this code. Where differences occur between provisions of this code and the referenced
27 standard, the provisions of this code shall apply.

28 IRC Appendix E -Manufactured housing used as dwelling, is hereby adopted with the
29 following amendments:

30 The definition of manufactured home in Appendix E, ~~[AE201]~~AE103 is hereby deleted and
31 replaced with definition of manufactured home in IRC Chapter 2.

32 Sections ~~AE[302]~~104, ~~AE[303]~~105, ~~AE[304]~~106, ~~AE107~~ are hereby deleted in their entirety
33 and Chapter 1, Administration, as adopted by Frederick County shall govern applications for
34 permits, permit issuance, and fees.

35 IRC Appendix F, Radon control methods, is hereby adopted, with the following amendments:

36 Addition of the following exception:

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Bill No. 24-04

Buildings in which an approved mechanical crawl space ventilation system or other equivalent system is installed, or that are passively ventilated in accordance with section R408.2 of this code.

Sections AF103.~~[3-2]~~5.3 and AF103.6.1~~[4-3]~~ are hereby amended to add the following text:

Vent pipe must extend vertically straight through the roof for passive sub-membrane depressurization systems.

Exception: No single offset shall exceed 45 degrees to jog the vent pipe around an obstacle.

IRC Appendix H - Patio covers, is hereby adopted in its entirety.

IRC Appendix J- Existing Buildings and Structures

IRC Appendix K - Sound transmission, is hereby adopted in its entirety.

IRC Appendix S - Strawbale construction, is hereby adopted in its entirety.

The following appendices are hereby adopted in their entirety:

~~[IRC Appendix A—Sizing and Capacities of Gas Piping~~

~~—IRC Appendix B—Sizing of Venting Systems Serving Appliances Equipped With Draft Hoods, Category I Appliances and Appliances Listed For Use With Type B Vents~~

~~—IRC Appendix C—Exit Terminals of Mechanical Draft and Direct Vent Venting Systems~~

~~—IRC Appendix G—Piping Standards For Various Applications]~~

IRC Appendix M – Home Day Care – R3 Occupancy

~~[IRC Appendix N—Venting Methods~~

~~—IRC Appendix P—Sizing of Water Piping System]~~

IRC Appendix R- Light Straw-Clay Construction

IRC Appendix S – Strawbale Construction

§ 1-6-19. SEVERABILITY.

If any clauses, sentences, paragraphs or other parts of the code, or this article or the application thereof to any person or circumstance, shall for any reason, be judged by the court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the code or this article, and that application thereof to any persons or circumstances, which shall be confined in its operation to the clauses, sentences, paragraphs or parts thereof directly involved in the controversy in which the judgment shall have been rendered and the persons or circumstances involved. It is hereby declared to be the legislative intent that the code and this article would have been adopted had such invalid provisions not been included.

§ 1-6-20. CIVIL BUILDING INFRACTIONS.

(A) Pursuant to § 2-2-29 of the Frederick County Code, any violation of any of the provisions of this entire chapter, which is Chapter 1-6, entitled "Buildings," is a civil infraction and shall be called a civil building infraction. If, after investigation, a civil building infraction is believed to

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Bill No. 24-04

1 exist, the Frederick County ~~[Community Development]~~Planning and Permitting Division
2 Director ("Director") or authorized agent shall deliver a citation or warning to the property owner
3 and any others responsible for the infraction. If the Director or authorized agent is unable to
4 locate the owner or other responsible person, the Director or authorized agent may post the
5 citation or warning in a conspicuous place on the property and mail a copy of same to the owner
6 or other responsible person, which shall be sufficient for delivery of the warning or citation
7 under this section.

8 (B) The citation or warning, as provided for in this section, shall be in writing and shall
9 contain the following:

10 (1) The name and address of the person charged or warned;

11 (2) The nature of the violation;

12 (3) The location of the violation;

13 (4) The date(s) of the violation;

14 (5) The amount or potential amount of the fine assessed;

15 (6) The manner, location and time in which the fine may be paid, or violation corrected, if
16 applicable;

17 (7) The person's right to stand trial for the violation if applicable;

18 (8) A certification by the Director or authorized agent attesting to the truth of the matters set
19 forth.

20 (C) Whenever an alleged or possible civil building infraction comes to the attention of the
21 Director or administrative authority, the following procedures shall apply:

22 (1) The Director or administrative authority will investigate whether a violation has
23 occurred;

24 (2) If the Director or administrative authority finds that a violation has occurred, a warning
25 will be issued to the person(s) responsible in the form and manner as outlined in this section,
26 with reasonable time stated to abate or to prevent future infractions;

27 (3) If the infraction continues or is allowed to occur after the reasonable time stated, the
28 Director or administrative authority will issue a citation to the person(s) responsible in the form
29 and manner as outlined in this section. Notwithstanding the provision of step (2) above, the
30 Director or administrative authority may issue a citation at step (2) without the prior issuance of
31 a warning.

32 (D) A fine of \$200 shall be imposed upon any person responsible for each civil building
33 infraction. Each day such violation exists shall be considered a separate civil building infraction.
34 All fines shall be payable to the Treasurer of Frederick County, Maryland, in the office of the
35 ~~[Community Development Division]~~Division of Planning and Permitting.

36 (E) A person who receives a citation may elect to stand trial for the offense by filing with the
37 Director or administrative authority a notice of intention to stand trial. The notice shall be
38 delivered to the Director or administrative authority at least 10 days before the due date for

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Bill No. 24-04

1 payment of the fines as set forth in the citation. Upon receipt of the notice of intention to stand
2 trial, the Director or administrative authority shall forward to the District Court of Frederick
3 County, Maryland, a copy of the citation and the notice of intention to stand trial. Upon receipt
4 of the citation, the district court shall schedule the case for trial and notify the defendant of the
5 trial date. All fines, penalties, or forfeitures collected by the district court for any civil building
6 infractions shall be remitted to the Treasurer of Frederick County, Maryland.

7 (F) If a person who receives a citation for a civil building infraction fails to pay the fine by the
8 date of payment set forth on the citation and fails to file a notice of intention to stand trial at least
9 10 days prior to the payment date, a formal notice of the civil building infraction shall be sent to
10 the person's last known address. If the citation is not satisfied within 15 days from the date
11 specified on the notice, the person shall be liable for a fine of \$400 for each infraction. If the
12 citation is not satisfied within 35 days of the date specified on the formal notice, the Director or
13 administrative authority may request adjudication of the case through the district court by
14 following appropriate civil procedures.

15 (G) Adjudication of a civil building infraction under this subsection is not a criminal
16 conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal
17 conviction.

18 (H) In a proceeding before the district court, the violation shall be prosecuted in the same
19 manner and to the same extent as set forth for municipal infractions in Md. Code Ann. Local
20 Government Article Title 6. However, the County Attorney is hereby authorized to prosecute all
21 civil building infractions under this section.

22 (I) If a person is found by the district court to have committed a civil building infraction, that
23 person shall be liable for the costs of the proceedings in the district court.

24 (J) Depending on the circumstances of each case and after consultation with the County
25 Attorney, the Director or administrative authority has the discretionary authority to reduce or
26 suspend all or a portion of the fine(s) payable through the Permits and Inspections office.

27 (K) Nothing contained in this section shall prohibit or prevent the Director or administrative
28 authority from seeking other legal remedies, such as injunctions or criminal prosecution.

29 (L) Provisions of this section are in addition to, not in lieu of, those penalties specified in
30 other sections of this chapter, specifically § 1-6-21.

31 (M) The fines specified in this section can be modified at any time by resolution of the county
32 governing body, after a duly advertised public hearing.

33 **§ 1-6-21. PENALTIES.**

34 Any person, partnership, firm or corporation who directs or knowingly permits any violation of
35 any of the provisions of this article, or any rule or regulation duly promulgated hereunder or who
36 aids or assists therein, either on its own behalf or in the interest of its employer or principal shall,
37 upon conviction thereof by a court of competent jurisdiction be guilty of a misdemeanor
38 punishable by a fine of not more than \$100 or by imprisonment for not more than 30 days or
39 both, for each separate offense. Every day each violation exists shall constitute a separate offense
40 and be punishable as such.

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Bill No. 24-04

1 **§ 1-6-22. SAVING CLAUSE.**

2 Nothing in this article shall be construed or held to affect or control any violation of the
3 sections of the Frederick County Code which occurred prior to the enactment of this amending
4 ordinance (Ordinance 89-15-546), or the prosecution of any violation of the previous sections but
5 each violation and prosecution shall be governed by the provisions of the Building Code as it
6 read and was in effect at the time the violation occurred.

7 **§ 1-6-23. ELECTRIC VEHICLE CHARGING; RESIDENTIAL CONSTRUCTION.**

8 ~~[(A) *Definitions.*~~

9 ~~— **ELECTRIC VEHICLE.** A vehicle that uses electricity for propulsion.~~

10 ~~— **ELECTRIC VEHICLE CHARGING OUTLET.** A connected point in an electrical wiring~~
11 ~~installation at which current is provided to charge an electric vehicle.~~

12 ~~— **LEVEL 2 CHARGING.** The charging capability of the electric vehicle charging outlet and~~
13 ~~lines that includes the ability to charge a battery or other storage device in an electric vehicle~~
14 ~~through an alternating current electrical service with a minimum of 240 volts/40 amps and which~~
15 ~~meets applicable industry safety standards.~~

16 ~~— **RACEWAY.** An enclosed channel designed expressly for holding wires, cables, or bus bars,~~
17 ~~with additional functions as permitted in the National Electrical Code.~~

18 ~~—(B) *Scope.*~~

19 ~~—(1) This section applies to new construction of the following types of residential dwelling~~
20 ~~units:~~

21 ~~— (a) Single family detached; and~~

22 ~~— (b) Townhouses and duplexes having an on lot parking area.~~

23 ~~—(2) This section does not apply to:~~

24 ~~— (a) Manufactured homes (mobile homes);~~

25 ~~— (b) Industrialized dwellings (modular homes); or~~

26 ~~— (c) New dwelling units that do not have public utility electric service connection.~~

27 ~~—(C) *Installation of electric vehicle charging infrastructure.*~~

28 ~~—(1) For each new residential dwelling unit construction subject to this section, the following~~
29 ~~must be installed for a minimum of one dedicated parking space:~~

30 ~~— (a) An electrical panel with sufficient capacity and space to support a minimum 240~~
31 ~~volt/40 amps branch circuit for level 2 charging for at least one vehicle at the garage, carport,~~
32 ~~parking pad or on lot parking area;~~

33 ~~— (b) The installation of raceways to support an electric vehicle charging outlet terminating~~
34 ~~at a junction box at the parking space; and~~

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Bill No. 24-04

1 ~~—(c) Permanent and visible labels stating "Reserved for EV Raceway" at the service panel~~
2 ~~and "Reserved for EV Charging Outlet" at the termination point or junction box at the parking~~
3 ~~space.~~

4 ~~—(2) For each new residential dwelling unit construction subject to this section. The builder~~
5 ~~or the builder's agent shall provide the purchaser with the option to install the appropriate wiring~~
6 ~~within the raceway infrastructure required under (C)(1), as well as an electrical circuit breaker~~
7 ~~and outlet. If the purchaser declines this option, the builder or builder's agent must secure written~~
8 ~~confirmation from the purchaser prior to settlement.~~

9 ~~—(D) Performance standards. The building official may specify performance standards for~~
10 ~~equipment to be installed to comply with this section.~~

11 ~~—(E) Application. This section shall remain in effect until the adopted Frederick County~~
12 ~~Building Code includes provisions to require and regulate electric vehicle charging equipment in~~
13 ~~the residential dwelling units covered by this section.]~~

14 (A) Definitions. In this section the following words have the meanings indicated.

15 (1) "ELECTRIC VEHICLE" Means a vehicle that uses electricity for propulsion.

16 (2) "ELECTRIC VEHICLE SUPPLY EQUIPMENT" Means a device or facility for
17 delivering electricity to an electric vehicle.

18 (3) "EV READY PARKING SPACE" Means a parking space that has full circuit installation
19 of a minimum 40 ampere, 208/240-volt circuit, raceway wiring (3/4" minimum), a NEMA 14-
20 50R receptacle, and circuit overcurrent protection devices.

21 (4) "EVSE- INSTALLED PARKING SPACE" Means a parking space with electric vehicle
22 supply equipment that is fully installed from the electric panel to the parking space.

23 (5) (I) "HOUSING UNITS" Means:

24 1. Single Family Detached Houses

25 2. Duplexes; And

26 3. Townhouses that are subject to the provisions of the *International Residential Code*.

27 (II) "HOUSING UNITS" does not include multifamily residential buildings that are
28 subject to the provisions of the *International Building Code*.

29 (6) "LEVEL 2 CHARGING" Means that the charging capability of the electric vehicle
30 supply equipment:

31 (i) includes the ability to charge a battery or any other energy storage device in an electric
32 vehicle through the means of an alternating current electrical service with a minimum of 208
33 volts; and

34 (ii) meets applicable industry safety standards

35 (7) "VEHICLE" has the meaning stated in § 11-176 of the Transportation Article.

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Bill No. 24-04

1 (B) This subsection applies to the construction of housing units that include a separate garage,
2 carport, or driveway for each residential unit.

3 (1) Shall include in or on garage, carport or driveway:

4 (I) One EVSE-Installed Parking Space capable of providing at least Level 2 charging; -
5 Or-

6 (II) One EV-Ready Parking Space.

7 **§§ 1-6-24 — 1-6-30. RESERVED.**

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