

ORDINANCE

**FOR THE PURPOSE OF AMENDING THE ST. MARY'S  
COUNTY BUILDING CODE, ARTICLE II, SECTIONS  
203-12 and 203-13, OF THE PUBLIC LOCAL  
LAWS OF MARYLAND, ARTICLE 19**

**RECITALS**

**WHEREAS**, Article 25, Section 10D of the Maryland Annotated Code allows the Board of County Commissioners for St. Mary's County, Maryland (hereinafter the "Board") to adopt, amend and enforce a building code to provide for the construction, maintenance and repair of any and all buildings and structures located in or to be located in St. Mary's County; and

**WHEREAS**, Article 83B, § 6-402 of the Maryland Annotated Code allows local jurisdictions to adopt amendments to the Maryland Building Performance Standards; and

**WHEREAS**, on August 17, 1973, the Board adopted and enacted Resolution No. 73-25 as Article I, General Provisions, which was codified in the Public Local Laws of Maryland, Article 19, Section 203-1, *et seq.*; and

**WHEREAS**, on June 14, 1994, the Board adopted and enacted Resolution 94-08, as Article II, Minimum Regulations, which was codified in the Public Local Laws of Maryland, Article 19, Section 203-11; and

**WHEREAS**, the Board amended Article 19, Section 203 by Ordinance No. 2002-10 on March 26, 2002 to adopt the 2000 International Building Code and International Residential Code for One and Two family Dwellings, with modifications, as the St. Mary's County Building Code; and

**WHEREAS**, the St. Mary's County Building Code Appeals Board voted on April 2, 2005, to recommend to the Board that the 2003 International Building Code, ("2003 IBC"), the new "Maryland Building Performance Standards," effective September 20, 2004, and the 2003 International Residential Code for One- and Two-Family Dwellings, ("2003 IRC"), effective September 20, 2004, with certain local modifications, be adopted, and

**WHEREAS**, the Board held a public hearing on December 6, 2005 regarding the adoption of amendments to the St. Mary's County Building Code with local modifications recommended by the St. Mary's County Building Code Appeals Board, pursuant to Article 25, Section 3(r) of the Maryland Annotated Code, after legal notice was published in the St. Mary's Today, a local newspaper of general circulation in St. Mary's County, Maryland, on November 20, 2005, and November 27, 2005; and

**WHEREAS**, the Board has determined that the recommended amendments to the St. Mary's County Building Code and modifications to the 2003 IBC and the 2003 IRC would better serve and protect the citizens of St. Mary's County, as well as the contractors involved in such construction.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners for St. Mary's County, Maryland that, upon due consideration and deliberation, and upon the recommendation of the St. Mary's County Building Code Appeals Board, that Article 19,

Section 203-11 of the Public Local Laws of Maryland be repealed and reenacted as follows:

**§203-11. ADOPTIONS OF STANDARDS**

The County Commissioners for St. Mary’s County, Maryland, after due consideration and deliberation, hereby ordain that Article II, Section 203-11 of the Code of Public Local Laws of St. Mary’s County (the same being Article 19, Section 203-11 of the Public Local Laws of Maryland be repealed and reenacted to adopt the 2003 International Building Code and the 2003 International Residential Code for One- and Two-Family Dwellings, amended as set forth in Sections 203-12 and 203-13 of the Public Local Laws of St. Mary’s County, as the St. Mary’s County Building Code.

**BE IT FURTHER ORDAINED** by the Board of County Commissioners for St. Mary’s County, Maryland, that, after due consideration and deliberation, Article 19, Section 203-12 of the Public Local Laws of Maryland be repealed and reenacted to adopt local modifications and amendments to 2003 IBC and 2003 IRC as hereinafter set forth:

The St Mary’s County Building Code shall be the International Building Code 2003, modified and amended as set forth below:

**CHAPTER 1 ADMINISTRATION**

**101.1 Title.** Insert “St. Mary’s County.”

**101.4.1 Electrical.** Delete “ICC Electrical Code” and substitute “St. Mary’s County Electrical Code, amended from time to time.”

**101.4.2 Gas.** Delete “International Fuel Gas Code” and substitute “St. Mary’s County Plumbing and Gas Code, amended from time to time.”

**101.4.3 Mechanical.** Delete in its entirety.

**101.4.4 Plumbing.** Delete “International Fuel Gas Code” and substitute “St. Mary’s County Plumbing and Gas Code, amended from time to time.”

**101.4.5 Property maintenance.** Delete in its entirety.

**101.4.6 Fire prevention.** Delete “International Fire Code” and substitute “State of Maryland Life Safety Code, amended from time to time.”

**102.6 Existing structures.** Delete “the International Property Maintenance Code or the International Fire Code,”.

**103.1 Creation of enforcement agency.** Delete “building safety” and substitute “Land Use and Growth Management”.

**103.3 Deputies.** Delete the last sentence.

**105.2 Work exempt of permits.**

**Building:**

1. Delete “120” and substitute “300”. Delete “(11.15m<sup>2</sup>)” and insert in its place “not located in the flood plain.”
2. Delete “not...high.”

3. Delete “which ... liquids.” and substitute “retaining walls and other site structures, which serve landscaping functions only.”

Insert “14. Agriculture building. Any building used in Agriculture, defined as the use of land for the production and primary processing of food and fibers for sale, including cultivating, dairying, horticulture, pasturing, silviculture, viticulture, animal and poultry husbandry, and such incidental accessory facilities such as greenhouse and nurseries, provided that the operation of such accessory facilities shall clearly be secondary to normal agricultural activities. Agriculture includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining animals, such as cattle, dairy cows, sheep, goats, horses, and poultry and handling their by-products.”

**Electrical:**

Delete and substitute “as set forth in the St. Mary’s County Electrical Code, amended from time to time.”

**Gas:**

Delete and substitute “as set forth in the St. Mary’s County Plumbing and Gas Code, amended from time to time.”

**Mechanical:**

Delete.

**Plumbing:**

Delete and substitute “as set forth in the St. Mary’s County Plumbing and Gas Code, amended from time to time.”

**105.2.2 Repairs.** Delete “or mechanical.”

**105.3 Application of permit.** Delete “building safety” and inset in its place “Land Use and Growth Management”

**105.3.2 Time limitation of application.** Delete “180 days” and substitute “12 months.”; Delete “one or more extensions of time for additional periods not exceeding 90 days each” and substitute “one 12 month extension.”

**105.5 Expiration.** Delete “180 days” and substitute “12 months.”; Delete “180 days” and substitute “12 months”; and Delete “one or more extensions of time, periods not exceeding 180 days each.” and substitute in its place “one 12 month extension.”

**105.7 Placement of permit.** Delete “or copy” and “kept” and substitute “placard” and “posted,” respectively.

**106.1.1.1 Fire protection system shop drawings.** Delete in its entirety.

**106.1.3 Exterior wall envelope.** Delete the second paragraph.

**106.2 Site plans.** After “site plan”; insert “conforming to the currently adopted Zoning Ordinance.”; Delete the remainder of the paragraph.

**107.3 Temporary power.** Delete “ICC Electric Code” and substitute “St. Mary’s County Electric Code.”

**108.6 Refund.** Delete and substitute “Request for refunds shall be in accordance with the refund policy approved by the Board of County Commissioners for St. Mary’s County.”

**109 Inspections.** Delete Sections 109.3.1 through 109.3.10 and substitute the following sections:

**109.3.1 Footing inspection.** The footing inspection is to be performed prior to placing concrete to verify depth, width, soil bearing capacity, reinforcement and location on a lot for all structures and buildings.

Note: The Concrete Encased Electrode inspection may be performed at the same time as the Footing inspection. Concrete Encased Electrode inspection must be performed by the contract inspection agency for St. Mary’s County. Concrete Encased Electrode is a requirement of the St. Mary’s County Electrical Code.

**109.3.2 Concrete foundation wall inspection.** The concrete foundation wall inspection shall be made, prior to placing concrete when the forms are placed on the footing and, reinforcing steel, structural straps, and imbeds are in place. When the foundation is to be constructed of approved treated wood, additional inspections may be required.

**109.3.3 Slab inspection.** The slab inspection is to be performed prior to placement of concrete on all slabs for habitable space and all basements to verify base preparation, slab thickness, reinforcement, drainage system, under ground plumbing, insulation for walk out basements.

**109.3.4 Foundation (Steel) inspection.** The foundation inspection is to be performed prior to placement of concrete in the foundation wall forms to verify that the forms are properly located on the footings, the reinforcing is properly placed and secured, verifies the height and thickness of walls, and the size and location of openings including flood equalization vents when required.

**109.3.5 Foundation backfill inspection.** The foundation backfill inspection is to be performed on all foundations walls with habitable or usable space prior to back filling with acceptable soil to verify drainage and water proofing systems. A foundation inspection is also performed on all foundations in the regulated flood plain to verify compliance with NFIP and FEMA standards.

**109.3.6 Framing inspection.** The framing inspection is to be performed after all plumbing/gas, mechanical, electrical work has been roughed-in, all interior framing draft/fire stopping exterior doors and windows have been installed and the structure is weather tight. Exception: decks and detached accessory structures without plumbing or electric on the condition that all framing is visible at time of final inspection.

**109.3.7 Structure tie down inspection.** The structure tie down inspection is to be performed before the exterior finishes are applied (vinyl siding, wood siding, brick, stucco) unless the tie downs are installed in the interior of the structure. The tie downs must be placed within 12 inches of each corner and maximum of every 48 inches on center for the roof truss/rafter down to the footing. Tie downs must be rated at 1000lbs minimum per connection and approved for such application.

**109.3.8 Insulation inspection.** The insulation inspection is to be performed when all insulation, vapor barriers, caulking and weather striping are in place. Exception: structures, which are exempt from Chapter 13.

### **109.3.9 Other inspections**

**109.3.10 Final inspection.** After “completed.” Proper posting of E-911 address shall be installed and verified at this time.

Note: No person shall occupy any structure requiring a Certificate of Occupancy, until a Certificate of Occupancy has been issued, unless approved by the building official or his designee.

## **Chapter 2 Definitions**

**Agriculture Building.** Delete in its entirety and substitute: Agriculture building. Any building used in Agriculture, defined as the use of land for the production and primary processing of food and fibers for sale, including cultivating, dairying, horticulture, pasturing, silviculture, viticulture, animal and poultry husbandry, and such incidental accessory facilities such as greenhouse and nurseries, provided that the operation of such accessory facilities shall clearly be secondary to normal agricultural activities. Agriculture includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining animals, such as cattle, dairy cows, sheep, goats, horses, and poultry and handling their by-products.”

**Dormitory.** Delete in its entirety and substitute: “As defined in the currently adopted Zoning Ordinance.”

Insert new definition: **Duplex.** A multiple-family structure unit having two attached dwelling units.

**Lot.** Delete and substitute: “As defined in the currently adopted Zoning Ordinance.”

**Marquee.** After “that”, insert “may” and delete the “s” from “projects.”

Insert new definition: **Townhouse.** A single family dwelling unit constructed in a horizontal series of attached units with fire separation walls, separating the units, which do not share egress elements.

## **Chapter 3 Building Planning**

**305.1 Education Group E.** Delete “six” and substitute “eight.”

**305.2 Day care.** Delete “five” and “2 ½” and substitute “eight” and “two” respectively.

**308.3.1 Child care facility.** Delete “five and “2 ½” and substitute “eight” and “two” respectively.

**308.5 Group I-4 day care facilities.** Delete “five” and substitute “eight.”

**308.5.2 Child care facility.** Delete “five and “2 ½” substitute “eight” and “two” respectively.

## **Chapter 11 Accessibility**

Delete Chapter 11 in its entirety and substitute “The Maryland Accessibility Code, as set forth at COMAR 05.02.02 shall control and design the construction of facilities to physically challenged persons.”

## **Chapter 13 Energy Efficiency**

**10301 Scope.** After “efficiency”, insert “Exception: Buildings, or portions thereof, which are neither heated nor cooled or which utilize an energy source other than natural gas, a petroleum product or electricity are except from this chapter.”

## **Chapter 18 Soils and Foundation.**

**1805.2.1 Frost protection. #1.** After “of”, delete “the locality;” and substitute “20 inches below grade to bottom of footing;”

**1805.2.1 Exception: #2.** Delete “400” and substitute “300;”

## **Chapter 27 Electrical**

Delete in its entirety and substitute “St. Mary’s County Electrical Code shall govern the design and installation of all electrical components of a building or structure, as amended from time to time.”

## **Chapter 28 Mechanical Systems.**

Delete Chapter 28 in its entirety and substitute “The Mechanical Code adopted by the State of Maryland pursuant to the provisions of Business Regulations Article § 9A-205, Maryland Annotated Code.”

## **Chapter 29 Plumbing Systems.**

Delete Chapter 29 in its entirety and substitute “The St. Mary’s County Plumbing and Gas Code shall govern the design and installation of all plumbing components of a building or structure, as amended from time to time.”

## **Chapter 31 Special Construction.**

**3103.1 General.** Delete in its entirety and substitute. “The provisions of this section apply to structures erected for a period of more than 14 days, but less than 180 days. Tents and other membrane structure erected for a period of more than 14 days, but less than 180 days shall comply with the “State of Maryland Life Safety Code, amended from time to time.”

**3103.1.1 Permit required.** Delete “120” and substitute “300.”

**3107 Signs.** Delete in its entirety and substitute “Signs shall be designed, constructed and maintained in accordance with the currently adopted Zoning Ordinance.”

## **Chapter 34 Existing Structures**

Delete in its entirety and substitute “Maryland Building Rehabilitation Code, Article 83B, §6-503, Maryland Annotated Code.”

## **Appendix A Employee Qualifications**

Appendix A is adopted without amendment.

## **Appendix B Board of Appeals**

Appendix B is adopted with the following amendment:

**B101.2.2 Qualifications.** Delete “one” and substitute “any”.

**BE IT FURTHER ORDAINED** by the Board of County Commissioners for St. Mary’s County, Maryland, that, after due consideration and deliberation, Article 19, Section 203-13 of the Public Local Laws of Maryland be repealed and reenacted to adopt local modifications and amendments to 2003 IBC and 2003 IRC as hereinafter set forth:

The St Mary’s County Building Code shall be the 2003 International Residential for One and Two Family Dwellings Code (IRC) modified and amended as set forth below:

### **Chapter 1 Administration**

**R101.1 Title.** Delete "NAME OF JURISDICTION" and substitute "St. Mary's County".

**R102.7 Existing structures.** Delete “the International Property Maintenance Code or the International Fire Code,”.

**R103.1 Creation of enforcement agency.** Delete "building safety is hereby created" and substitute “Land Use and Growth Management is hereby designated as the enforcement agent of this code,”

**R105.2 Work exempt from permit.**

#### **Building:**

1. Delete "200" and substitute "300". Delete "(15.58 m<sup>2</sup>)” and substitute “not located in the floodplain.”
2. Delete "not over 6 (1829 mm) feet high."
3. Delete "that are not over 4 feet (1219) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.”, and substitute “and other site structures, which serve landscape functions only.”

**Add "10.** Agriculture building as described in Section 202 Definitions."

#### **Electrical:**

**Repairs and maintenance:** Delete in its entirety and substitute "Repairs and maintenance shall be in conformance of the provisions of the St. Mary's County Electrical Code, amended from time to time."

#### **Gas:**

Delete "1." and Renumber "2." To be number "1."

#### **Mechanical:**

Delete in its entirety.

**Plumbing:**

Delete in its entirety and substitute "Installation, repair and maintenance shall be in conformance with the provisions of the St. Mary's County Plumbing and Gas Code, amended from time to time."

**R105.3 Application for permit.** Delete "building safety" and substitute "Land Use and Growth Management."

**R105.3.2 Time limitation of application:** Delete "180 days" two times and substitute "12 months" two times respectively.

**R105.5 Expiration:** Delete "180 days" three times and substitute "12 months" three times respectively.

**R105.7 Placement of permit.** Delete "or copy" and "kept" and substitute "placard" and "posted", respectively.

Insert new section **R105.7.1** A lockable job box designed to hold permit documents, shall be maintained at the job site at all times. All required documentation shall be placed in the job box for review by the inspector. Inspection stickers shall be left by the inspector and placed in the job box. The job box must be visible from the access road or street.

**R106.2 Site Plan.** After "site plan", insert "that conforms to the Zoning Ordinance. A floor plan shall be provided to show room locations and uses." Delete the remainder of the paragraph.

**R107.3 Temporary power.** Delete "ICC Electric Code" and substitute "St. Mary's County Electric Code."

**R108.5 Refunds.** Delete in its entirety and substitute "Request for refunds shall be in accordance with the refund policy approved by the Board of County Commissioner's."

**R109 Inspections.** Delete sections 109.3.1 through 109.3.10 and substitute the following :

**R109.3.1 Footing inspection.** Footing inspections are to perform prior to placing concrete to verify depth, width, soil bearing capacity, reinforcement and location on a lot for all structures and buildings. Exception: Swimming pools.

Note: The Concrete Encased Electrode inspection may be performed at the same time as the Footing inspection. Concrete Encased Electrode inspection must be performed by the contract inspection agency for St. Mary's County. Concrete Encased Electrode is a requirement of the St. Mary's County Electrical Code.

**R109.3.2 Concrete foundation wall inspection.** The concrete foundation wall inspection shall be made, prior to placing concrete, when the forms are placed on the footing and, reinforcing steel, structural straps, and imbeds are in place. When the foundation is to be constructed of approved treated wood, additional inspections may be required.

**R109.3.3 Slab inspection.** The slab inspection is to be performed prior to placement of concrete on all slabs for habitable space and all basements to

verify base preparation, slab thickness, reinforcement, drainage system, underground plumbing, and insulation for walk out basements.

**R109.3.4 Foundation (Steel) inspection.** The foundation inspection is to be performed prior to placement of concrete in the foundation wall forms to verify that the forms are properly located on the footings, the reinforcing is properly placed and secured, verifies the height and thickness of walls, and the size and location of openings including flood equalization vents when required.

**R109.3.5 Foundation backfill inspection.** The foundation backfill inspection is to be performed on all foundations walls with habitable or usable space prior to back filling with acceptable soil to verify drainage and water proofing systems. A foundation inspection is also performed on all foundations in the regulated flood plain to verify compliance with NFIP and FEMA standards.

**R109.3.6 Framing inspection.** The framing inspection is to be performed after all plumbing/gas, mechanical, electrical work has been roughed-in, all interior framing draft/fire stopping exterior doors and windows have been installed and the structure is weather tight. Exception: decks and detached accessory structures without plumbing or electric on the condition that all framing is visible at time of final inspection.

**R109.3.7 Structure tie down inspection.** The structure tie down inspection is to be performed before the exterior finishes are applied (vinyl siding, wood siding, brick, stucco) unless the tie downs are installed in the interior of the structure. The tie downs must be placed within 12 inches of each corner and maximum of every 48 inches on center for the roof truss/rafter down to the footing. Tie downs must be rated at 1000lbs minimum per connection and approved for such application.

**R109.3.8 Insulation inspection.** The insulation inspection is to be performed when all insulation, vapor barriers, chalking and weather striping are in place. Exception: structures, which are except from Chapter 13.

#### **R109.3.9 Other inspections**

**R109.3.10 Final inspection.** After “completed.” Proper posting of E-911 address shall be installed and verified at this time.

Note: No person shall occupy any new dwelling until a certificate of occupancy has been issued, unless approved by the building official or his designee.

**R112.2.1 Determination of substantial improvement in areas prone to flooding.** Delete in its entirety and substitute “As defined in the currently adopted Zoning Ordinance.”

**R112.2.2 Criteria for issuance of a variance for areas prone to flooding.** Delete in its entirety and substitute “As defined in the currently adopted Zoning Ordinance.”

## Chapter 2 Definitions.

Insert new definition: **Duplex.** A multiple-family structure unit having two attached dwelling units.

**Lot.** Delete in its entirety and substitute: “As defined in the currently adopted Zoning Ordinance.”

Insert new definition: **Townhouse.** A single family dwelling unit constructed in a horizontal series of attached units with fire separation walls, separating the units, which do not share egress elements.

## Chapter 3 Building Planning

**Table R301.2 (1) Climatic and Geographic design Criteria.** Insert the following into the table where indicated: **“20”** for Ground Snow Load, **“100”** for Wind Speed, **“C”** for Seismic Design Category, **“Severe”** for weathering, **“20 inches”** for Frost Depth, **“Moderate to Heavy”** for Termite, **“Slight to Moderate”** for decay, **“18 degrees F”** for Winter Design Temperature, **“No”** Ice Shield Under-layment requirement, **“October 19, 2004”** for Flood Hazards, **“200°F-Days”** for Air freezing index, **“55 Degrees Fahrenheit”** Mean Annual temperature.

**R303.6 Stairway illumination.** Delete in its entirety and substitute “As set forth in the provisions of the St. Mary’s County Electric Code, amended from time to time.”

**R303.6.1 Light Activation.** Delete in its entirety and substitute “As set forth in the provisions of the St. Mary’s County Electric Code, amended from time to time.”

**R306 Sanitation.** Delete in its entirety and Delete in its entirety “As set forth in the provisions of the St. Mary’s County Plumbing and Gas Code, amended from time to time.”

**Table R307.2 Minimum Fixture Clearance.** Delete in its entirety and substitute “As set forth in the provisions of the St. Mary’s County Plumbing and Gas Code, amended from time to time.”

**R311.5.3 Riser height.** Delete “7 ¾ inches (196mm)” and substitute “8¼ inches (209.72mm)” in the first sentence.

**R311.5.3.2 Tread depth.** Delete “10 inches (254mm)” and substitute “9 inches (228.78mm)” in the first sentence.

**R311.5.7 Illumination.** Delete in its entirety and substitute “As set forth in the provisions of the St. Mary’s County Electric Code, amended from time to time.”

**R311.5.6 Handrails.** After “risers”, insert or “30 inches, which ever is greater”.

**R311.5.6.3 Handrail grip size.** Add 3. Exterior handrails may have a maximum nominal dimension of a 2 x 8 lumber.”

**R311.5.8 Special stairways.** Add “**R311.5.8.3 Additional stairway.** Additional stairways to attic storage space or other areas that are not a required means of egress per section 311 are permitted. The truss or floor system must be designed to carry such imposed loads. The maximum rise shall be 9 inches (228.78mm) and the minimum tread shall be 6 inches (152.50mm). The minimum width shall be 22 inches (559.24mm).”

**R312.2 Guard opening limitations.** Delete “4 inches (102mm)” and substitute “6 inches (152.50mm)”.

**Exceptions. 2.** Delete “4 3/8 inches (107mm)” substitute place “6 inches (152.50mm)”.

#### **Chapter 4 Foundations.**

**R403.1 General.** After “exterior walls”, insert “bearing walls, columns, and piers”

**R405.1 Concrete and masonry foundation.** Delete "Exception:"

**R405.2.3 Drainage system.** Delete “other than Group I” and substitute “all”.

**R406.2 Concrete and masonry foundation waterproofing.** Delete “In area’s where a high water table or other severe soil-water conditions are known to exist,” and insert in its place “All”.

#### **Chapter 5 Floors.**

**R502.1 General.** At the end of the first paragraph in this subsection, insert “**Exception:** The grade mark or certification is not required for owner-occupied construction if the lumber is cut-full size and the construction otherwise complies with all other provisions of this code.”

#### **Chapter 6 Wall Construction**

**R602.1 Identification.** At the end of the first paragraph in this subsection, insert “**Exception:** The grade mark or certification is not required for owner-occupied construction if the lumber is cut-full size and the construction otherwise complies with all other provisions of this code.”

#### **Chapter 8 Roof-Ceiling Construction**

**R802.1 Identification and Grade.** At the end of the first paragraph in this subsection, insert “**Exception:** The grade mark or certification is not required for owner-occupied construction if the lumber is cut-full size and the construction otherwise complies with all other provisions of this code.”

**Chapter 12 through Chapter 24.** Delete in its entirety.

**Chapter 25 through Chapter 32.** Delete in its entirety, and substitute “The St. Mary’s County Plumbing and Gas Code shall govern the design and installation of all plumbing/gas components of a building, amended from time to time.”

**Chapter 33 through Chapter 42.** Delete in its entirety, and substitute “The St. Mary’s County Electrical Code shall govern the design and installation of all electrical components of a building, amended from time to time.”

#### **Appendix “E” Manufactured Housing used as Dwellings.**

Adopt in its entirety with the following changes.

**AE 301 Permits.** Delete in its entirety, and substitute “As define in Section R105 of this code.”

**AE302 Application for Permit.** Delete in its entirety, and substitute “As define in Section R105 of this code.”

**AE303 Permit Issuance.** Delete in its entirety, and substitute “As define in Section R105 of this code.”

**AE304 Fees.** Delete in its entirety, and substitute “As define in Section R108 of this code.”

**AE305 Inspections.** Delete in its entirety, and substitute “As define in Section R105 of this code.”

**AE306 Special Inspections.** Delete in its entirety.

**AE 307 Utility Service.** Delete in its entirety, and substitute “As define in Section R105 of this code.”

## **Appendix “G” Swimming Pools, Spas and Hot Tubs**

Adopt in its entirety with the following changes.

**AG105.2.9.1** Delete its entirety and substitute “The pool may be equipped with a power safety cover in compliance with ASTM F1346 in lieu of a barrier as described in items 1 through 8 above.”

**AG 105.3 Indoor swimming pools.** Delete in its entirety.

**BE IT FUTHER ORDAINED** by the Board of County Commissioners for St. Mary’s County, Maryland that, upon due consideration and deliberation, and upon the recommendation of the St. Mary’s County Building Code Appeals Board, that Article 19, Section 203-14 of the Public Local Laws of Maryland be repealed and reenacted as hereinafter set forth:

### **§203-14.SEVERABILITY.**

In the event any portion of this Article is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the County Commissioners for St. Mary’s County to sever only the invalid portion or provision, and that thee reminder of the Article shall be enforceable and valid, unless the deletion of the invalid portion would defeat the clear purpose of the Article, or unless the deletion of the invalid portions would produce a result inconsistent with the purpose and intend of the County Commissioners in enacting this Article.

**BE IT FUTHER ORDAINED** by the Board of County Commissioners for St. Mary’s County, Maryland upon due consideration and deliberation, and upon the recommendation of the St. Mary’s County Building Code Appeals Board, that Article 19, Section 203-15 of the Public Local Laws of Maryland remain in full force and effect without amendment.

**BE IT FUTHER ORDAINED** by the Board of County Commissioners for St. Mary’s County, Maryland that the Director of Land Use and Growth Management

or his designee shall forward a copy of the proposed local amendments to the Maryland Department of Housing and Community Development at least 15 days before the effective date of the amendment pursuant to Maryland Annotated Code Article 83B, Section 6-402(d) (4) (ii) (1).

**BE IT FUTHER ORDAINED** by the Board County Commissioners for St. Mary's County, Maryland that the foregoing recitals are hereby incorporated as if fully set forth herein.

**BE IT FUTHER ORDAINED** by the Board of County Commissioners for St. Mary's County, Maryland that this Ordinance shall be effective the date set forth below.

Those voting Aye: all

Those voting Nay: - 0 -

Those absent: - 0 -

Adopted: 12/20/05

Effective Date: March 1, 2006

**ATTEST:**

**BOARD OF COUNTY COMMISIONERS  
FOR ST. MARY'S COUNTY, MARYLAND**

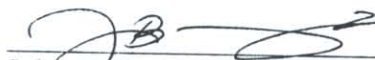
  
George Forrest  
County Administrator


  
Thomas F. McKay, President

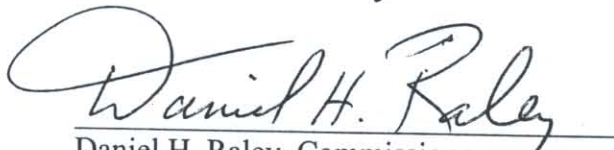
  
Kenneth R. Dement, Commissioner

  
Thomas A. Mattingly, Commissioner

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
John B. Norris, III  
County Attorney

  
Lawrence D. Jarboe, Commissioner

  
Daniel H. Raley, Commissioner