

## Chapter 28

### BUILDING CONSTRUCTION

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| § 28-1. | Department of Permits and Inspections. | § 28-4. | Standards and supplements to be kept on file.  |
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| § 28-3. | Supplements.                           |         |  |



**[HISTORY: Adopted by the County Council of Talbot County 4-25-2006 by Bill No. 999.<sup>1</sup> Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Effect of amendment on existing actions — See Ch. 1, Art. II.**

**Electrical standards — See Ch. 56.**

**Enforcement of Code — See Ch. 58.**

**Fees — See Ch. 64.**

**Minimum livability code — See Ch. 88.**

**Plumbing standards — See Ch. 112.**

**Sanitary sewer construction districts — See Ch. 139.**

**Sewer system — See Ch. 148.**

**Shared sanitary facilities — See Ch. 152.**

**Stormwater management — See Ch. 164.**

**Zoning, subdivision and land development — See Ch. 190.**

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**1. Editor's Note: This bill also repealed former Ch. 28, Building Construction, adopted 11-27-2001 by Bill No. 851.**



**§ 28-1. Department of Permits and Inspections.**

The Department of Permits and Inspections is created as an agency of the County government. The Department shall be administered by the Director of Permits and Inspections under the supervision of the County Manager.



§ 28-1

§ 28-2

§ 28-2. Adoption of standards.

- A. 2003 International Building Code.\* Talbot County hereby adopts and incorporates by reference the current edition of the 2003 International Building Code\* (including Appendix Chapters C, D, F, G, H, and I), as the minimum standards for building construction in Talbot County, Maryland.
- B. 2003 International Residential Code for One- and Two-Family Dwellings.\* Talbot County hereby adopts and incorporates by reference the current edition of the 2003 International Residential Code for One- and Two-Family Dwellings\* (including Appendix Chapters E, G, and H), as published by the International Code Council, Inc., as the minimum standards for building construction in Talbot County, Maryland.
- C. 2003 International Mechanical Code.\* Talbot County hereby adopts and incorporates by reference the 2003 International Mechanical Code\* (including Appendix Chapters A and B), as published by the International Code Council, Inc., as minimum standards for commercial mechanical construction within Talbot County, Maryland. [Added 12-18-2007 by Bill No. 1111]
- D. 2003 International Residential Code.\* Talbot County hereby adopts and incorporates by reference Chapters 12-24, of the 2003 International Residential Code,\* as published by the International Code Council, Inc., as minimum standards for residential mechanical construction within Talbot County, Maryland. [Added 12-18-2007 by Bill No. 1111]
- E. Talbot County hereby adopts and incorporates by reference the 2002 Edition of the National Fuel Gas Code, ANZI Z223.1, NFPA 54, as published by the American Gas Association and the National Fire Protection Association, as minimum gas installation standards for both commercial and residential construction. [Added 12-18-2007 by Bill No. 1111]



§ 28-3. **Supplements.**

- A. 2003 International Building Code.\* Talbot County hereby adopts and incorporates by reference the 2006 Talbot County Supplement to the 2003 International Building Code,\* attached hereto as Exhibit A.<sup>2</sup> The supplement amends the 2003 International Building Code\* by repealing and replacing, deleting, or adding to the numbered sections as set forth therein.
- B. 2003 International Residential Code for One and Two-Family Dwellings.\* Talbot County hereby adopts and incorporates by reference the 2006 Talbot County Supplement to the 2003 International Residential Code for One- and Two-Family Dwellings,\* attached hereto as Exhibit B.<sup>3</sup> The supplement amends the 2003 International Residential Code for One- and Two-Family Dwellings\* by repealing and replacing, deleting, or adding to the its numbered sections as set forth therein.
- C. Maryland Building Performance Standards. Talbot County hereby incorporates the following local amendments to the Maryland Building Performance Standards (the "Standards"), set forth in COMAR 09.12.51 et seq., as amended from time to time, which local amendments shall continue to apply and be effective without further action notwithstanding any future amendment, modification, or update to the Standards: **[Added 3-14-2017 by Bill No. 1353; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
  - (1) Residential construction. Talbot County hereby adopts and incorporates by reference the Talbot County Residential Construction Supplement to the Standards (the "Supplement"). The Supplement amends the Standards by supplementing, superseding, modifying, replacing, adding, deleting or amending those provisions governing residential construction set forth in the Standards.

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2. Editor's Note: Exhibit A is included as an attachment to this chapter.

3. Editor's Note: Exhibit B is included as an attachment to this chapter.



§ 28-3

§ 28-4

**§ 28-4. Standards and supplements to be kept on file.**

All building standards and supplements shall be maintained on file by the Director of Permits and Inspections and by the County Manager and shall be made available for public inspection during normal business hours upon request.



§ 28-4

§ 28-5

**§ 28-5. Interior automatic fire sprinkler systems in one- and two-family residential construction.** [Added 9-25-2007 by Bill No. 1106<sup>4</sup>; amended 2-22-2014 by Bill No. 1256<sup>5</sup>; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. The International Residential Code for One- and Two-Family Dwellings<sup>®</sup> (International Code Council, 500 New Jersey Ave. NW, 6th Floor, Washington, DC 20001), edition applicable in the State of Maryland, and the National Fire Protection Association (NFPA) Standard 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, 2007 ed., shall govern requirements for installation of interior automatic fire sprinkler systems in one- and two-family residential construction and manufactured homes.

B. Definitions. For purposes of this section, the following definitions apply:

**GROSS FLOOR AREA** — The total horizontal floor area in square feet measured from the exterior walls of a building, including all conditioned space as defined in the International Residential Code<sup>®</sup>, edition applicable in the State of Maryland, as adopted from time to time, but not including crawl spaces, vent shafts, unroofed inner courts, or unconditioned spaces below ground or in attics.

**RESIDENTIAL DWELLINGS** — All new one- and two-family dwellings, including manufactured homes constructed at the plant after the effective date of this section.

**SUBSTANTIAL NEW ADDITIONS** — New construction that exceeds 50% of the structure's total preexisting gross floor area and adds more than 400 square feet of new gross floor area.

**SUBSTANTIAL REBUILDING** — Reconstruction that exceeds 75% of the structure's present assessed value for property tax purposes as determined by the Maryland Department of Assessments and Taxation.

C. Applicability.

(1) The requirement for interior automatic fire sprinkler systems shall apply to all building permits issued after the effective date of this section in accordance with the provisions of this section to:

(a) Residential dwellings;

(b) Substantial rebuilding; and

(c) Substantial new additions; however, the requirement shall be applicable only in the new area of the structure.

(2) The requirements of this section do not apply to accessory or uninhabitable structures (e.g., detached carports, detached garages with no habitable space, greenhouses, and sheds).

D. Standards. Interior automatic fire sprinkler systems shall be installed and maintained in all new one- and two-family dwellings in accordance with the most recent version of Standard 13D, Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes, as promulgated by the National Fire Protection Association (NFPA), and as modified and adopted by the Maryland State Fire Prevention Code, Md. Code Ann., Public Safety Art., Title 9, as amended from time to time.

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4. Editor's Note: This bill was amended 2-26-2008 by Bill No. 1114 to defer its effective date from 3-1-2008 to 7-1-2008.

5. Editor's Note: This bill also provided that it shall be construed to apply retroactively and shall be applied to and interpreted to affect any project for which a building permit was issued on or after 7-1-2008, but for which a certificate of occupancy has yet to be obtained.



**Chapter 56**

**ELECTRICAL STANDARDS**

§ 56-1.	Title.	§ 56-11.	Application.
§ 56-2.	Adoption of standards.	§ 56-12.	Qualifications.
§ 56-3.	Board of Electrical Examiners.	§ 56-13.	Examinations.
§ 56-4.	Removal of Board members.	§ 56-14.	Fees.
§ 56-5.	Compensation and expenses.	§ 56-15.	Issuance and renewal.
§ 56-6.	Organization and officers.	§ 56-16.	Inspections.
§ 56-7.	Rules and regulations; Official Seal.	§ 56-17.	Reciprocity.
§ 56-8.	Receipts and disbursements; Board employees.	§ 56-18.	Revocation and suspension.
§ 56-9.	Registration and licensing.	§ 56-19.	Violations and penalties.
§ 56-10.	Exceptions.	§ 56-20.	Appeals.



**[HISTORY: Adopted by the County Council of Talbot County 5-24-1994 by Bill No. 536. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Effect of amendment on existing actions — See Ch. 1, Art. II.**

**Enforcement of Code — See Ch. 58.**

**Board of Appeals — See Ch. 20.**

**Minimum livability code — See Ch. 88.**

**Building construction — See Ch. 28.**

**Plumbing standards — See Ch. 112.**



**§ 56-1. Title.**

This chapter shall be known as the "Talbot County Electrical Code," hereinafter referred to as the "code."



§ 56-1

§ 56-2. Adoption of standards. [Amended 7-8-2008 by Bill No. 1117; 6-14-2022 by Bill No. 1499]

§ 56-2

The National Electrical Code, as published by the National Fire Protection Association, and as updated from time to time, is hereby adopted as the minimum standard for electrical work in Talbot County, Maryland.



# BUILDING CONSTRUCTION

## 28 Attachment 1

### Talbot County

2006 Talbot County Supplement to the  
**2003 International Building Code® (“IBC”)**  
Including Appendix Chapters C, D, F, G, H, & I  
(International Code Council, 5203 Leesburg Pike, Suite 600,  
Falls Church, Virginia 22041-3401)

This supplement has been formatted to match the  
*2003 International Building Code®* for easy reference.

### Chapter 1

#### ADMINISTRATION

**101.1 Title.** These regulations shall be known as the International Building Code of Talbot County, hereinafter referred to as “this code” or “IBC”.

**101.1.1** Local jurisdictions are responsible for the implementation and enforcement of the Maryland Building Performance Standards. Refer to each local jurisdiction for local amendments to Chapter 1 of the International Building Code. Each local jurisdiction having authority shall establish, on or before the application date of the 15th of October 2001, implementation and enforcement procedures that include:

1. Review and acceptance of appropriate plans;
2. Issuance of building permits;
3. Inspection of the work authorized by the building permits; and
4. Issuance of use and occupancy certificates.

**101.2 Scope:** Delete Exception 2 and replace with following:

2. Existing buildings undergoing repair, alterations or additions, and change of occupancy, shall comply with the Maryland Building Rehabilitation Code set forth in COMAR 05.16.01-08.

**101.2.1 Appendices:** Provisions in Appendix C, GROUP U Agricultural Buildings; Appendix F, Rodent Proofing; Appendix G, Flood Resistant Construction; Appendix H, Sign; and Appendix I, Patio Covers, are adopted as part of the IBC.

**101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.7 shall be considered as reference only and shall be superseded by the current Electrical, Gas, Mechanical, Plumbing, Property Maintenance, and Fire Prevention Codes, as adopted by Talbot County, if any.

#### *Exceptions.*

1. The International Energy Conservation Code 2000 shall apply to all matters governing the design and construction of buildings for energy efficiency.
2. The Talbot County Zoning Ordinance safeguards the health, property, and public welfare by controlling the design, location, use or occupancy of all buildings and structures through the regulated and orderly development of land and land use within Talbot County. In the event of a conflict between the IBC and the Talbot County Zoning Ordinance, the requirements of the Zoning Ordinance prevail.

**102.4 Referenced code and standards.** Delete

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**102.6 Existing Structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change notwithstanding any provisions contained in this code, except as deemed necessary by the building official for the safety and welfare of the occupants or the general public.

**103.1 Creation of enforcement agency.** The Department of Permits and Inspections shall be responsible for enforcement and interpretation of this code. The Director of the Department of Permits and Inspections shall be known as the “building official.”

**103.2 Appointment.** In the event that a building official has not been appointed, the Talbot County Council shall designate a person responsible for enforcing the provisions of this code.

**103.3 Deputies.** The building official may delegate authority to apply, interpret, and enforce this code to deputy building officials, related technical officers, inspectors, plan examiners, and other employees. Such employees shall have powers as delegated by the building official.

**104.1 General.** The building official is hereby authorized and directed to enforce the provisions of this code. The Department of Permits and Inspections shall have the authority to render interpretations of this code and to adopt policies and procedures to clarify application of its provisions. Such interpretations, policies and procedures shall comply with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**104.6 Right of entry.** Where reasonably necessary to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code. No enforcement official may enter any building or structure without the permission from the owner or occupant except pursuant to a warrant issued by a Court of competent jurisdiction while accompanied by a police officer who shall serve and execute the warrant.

**105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system regulated by this code, or to cause any such work to be done, shall first make an application to the building official and obtain the required permit. A building permit or application shall not be transferred from one applicant’s name to another’s without the express approval of the building official.

**105.1.1 Annual permit.** Delete.

**105.1.2 Annual permit records.** Delete.

**105.2 Work exempt from permit.** Exemptions from permit requirements shall not grant authorization for any work to be done in violation of this code or any other laws or ordinances. Permits shall not be required for the following however a Zoning Certificate may be required prior to construction:

**Building – No Permit or Zoning Certificate Required:**

1. Repairs under the Maryland Building Rehabilitation Code
2. Fences under 4 feet
3. Driveways and sidewalks
4. Swings and other playground equipment.
5. Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids.

**Building – Zoning Certificate Required:**

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1. One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 300 sq. ft.
2. Fences 4 feet and up to 6 feet high.
3. Prefabricated swimming pools accessory to a Group R-3 occupancy and are installed entirely above ground.
4. Piers and docks.
5. Farm Buildings; housing farm animals, farm equipment, farm storage, all of which shall be regulated by this code and covered under Appendix C.
6. Demolition, accompanied by survey-location plan, signed and sealed by a registered professional in accordance with section 106.2.
7. Signs.

**Electrical:** Reference the applicable code as adopted by Talbot County, if any.

**Gas:** Reference the applicable code as adopted by Talbot County, if any.

**Mechanical:** Reference the applicable code as adopted by Talbot County, if any.

**Plumbing:** Reference the applicable code as adopted by Talbot County, if any.

**105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Department of Permits and Inspections for that purpose. Such application shall include all information regarding the land on which the proposed work is to be done:

1. Owner(s) contact information: name(s), 911 mailing address, telephone, and fax numbers.
2. Property information: 911 street address, the name of the subdivision, lot numbers and section, if any, and county tax map, grid, parcel.
3. Description of Property: acreage, depth, width, water frontage and road frontage.
4. Water and sewer information: town, county specify region, private.
5. Zoning: classifications, setbacks.
6. Election district.
7. Floodplain classification information if any:
8. Wetland information if any:
9. Critical area information if any:
10. Forest conservation area if any:
11. Impervious surface and disturbances information: square footage areas for all structures, driveways, sidewalks, swimming pools, tennis courts, septic systems and other earth disturbances.
12. General contractor/Builder's information: name(s), 911 mailing address, telephone, fax numbers, MHIC number and GC license number.
13. Electrical, HVAC, and Plumbing contractor's information: name(s), 911 mailing address, telephone, and fax numbers.
14. Proposed and allowed building information: use and occupancy classification, special use and occupancy if any, square footage occupied and unoccupied, number of stories, height, and construction type.
15. Scope of Work.
16. Valuation Information: state the valuation of the proposed work.

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17. Construction documents and other information as required in Section 106.
18. Be signed under oath by the applicant, or the applicant's authorized agent.
19. Give such other data and information as required by the building official to comply with this and other county ordinances and codes.

**105.3.1 Action on application.** The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to requirements of this code or other law, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, and all other agencies have approved and signed off on the proposed project including but not limited to the following: Office of Planning and Zoning, State Fire Marshal, Environmental Health, Soil Conservation, Public Works, Maryland Department of the Environment and the Department of Permits and Inspections, the building official shall issue a permit therefore as soon as practicable. The building official may impose conditions, restrictions, and limitations on the permit that are necessary or required pursuant to this code.

**105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned ninety days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not exceeding thirty days. The extension shall be requested in writing and justifiable cause demonstrated.

**105.5 Expiration.** Every permit issued shall become invalid unless the work authorized by such permit is commenced within nine months after its issuance. All work shall be completed within eighteen months not including any time that the work is suspended by stop-work order or circumstances beyond the applicant's control. In addition, the time for completion may be extended by the building official not more than twice, for periods of not more than one hundred twenty (120) days each. The request for extension shall be in writing and shall be based on good cause.

**105.6 Suspension, revocation or withhold.** The building official is authorized to suspend, revoke or withhold any permits or further permits issued under this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance, regulation, or provision of this code. Permits that are withheld shall continue to be withheld until all violations, penalties and fees have been corrected and paid.

**106.1 Submittal documents.** Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets as required by the Department of Permits and Inspections with each application for a permit. The construction documents shall be prepared by a registered design professional as defined by the professional registration laws of Maryland. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional; payment for all such expenses and services shall be borne by the owner. All construction documents shall be submitted with sufficient clarity and detail to show the nature of the work to be performed, including but not limited to the following;

Minimum of four copies of the following:

- Approved site development plan
- Minimum of four sets of the following:
  - Foundation plan
  - Demolition plan of all levels, if any
  - Construction plan of all levels
  - Elevation of all sides of the building

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- Typical cross sections
- Door and window schedules
- Partition types
- Code analysis including occupant loads
- Structural plan of all levels

**106.1.1.1 Fire protection system shop drawings.** Fire protection system requirements of Chapter 9 may be concurrently covered in the State Fire Code, Article 38A, §§3 — 67, and COMAR 29.06.01. The State Fire Code is enforced by the State Fire Marshal or authorized fire official.

**106.1.1.2 Area Prone to Flooding.** For buildings and structures in flood hazard areas as established by the current revised edition of the Flood Insurance Rate Map (FIRM) as revised by the Federal Emergency Management Agency (FEMA) the following shall apply:

1. Delineation of flood hazard areas, floodway boundaries, flood zone, and the design flood elevation, as appropriate;
2. The elevation of the proposed lowest floor, including basement and crawl space; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;
3. The elevation of the lowest horizontal structural member in coastal high hazard areas (V zones); and
4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

**106.1.3 Exterior wall envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane, and details around openings.

The construction documents shall, only as required by the building official, include manufacturing installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system, which was tested, where applicable, as well as the test procedure used.

**106.2 Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan to scale, including existing and proposed structures on the site, distances from lot lines, grades, including all utilities, water, sewer, electric, telephone; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show the size and location of construction to be demolished and existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

**106.3.3 Phased Approvals.** Delete

**106.3.4 Design professional in responsible charge.**

**106.3.4.1 General.** When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building

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official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, for compatibility with the design of the building.

Where structural observation is required by Section 1709, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur. See also duties specified in Section 1704.

**106.3.4.2 Deferred submittals.** Delete

**106.5 Retention of construction documents.** The building official shall retain one set of the approved construction documents from the date of completion, for such time as required by State or other laws.

**107.1 General.** The building official is authorized to issue a permit for temporary structures and temporary uses including mobile homes or mobile offices, which may be used on construction sites for a period of six months if such structures are incidental to construction work being performed on site. When such work is completed or abandoned, the temporary structure shall be removed. The building official is authorized to grant an extension for an additional six months if such extension is reasonably necessary to allow completion of the project.

**108.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit, plan review, inspection, and reinspection shall be paid as required at the time of the application, in accordance with the adopted schedule of fees as established by Talbot County, which may be revised from time to time.

**108.3 Building permit valuations.** The applicant for a permit shall provide an estimated cost of construction at time of application. The cost of construction shall include the total value of all work, materials and labor for which the permit is being requested, including all building components, electrical, gas, mechanical, plumbing equipment and other permanent systems. If, in the opinion of the building official, the cost of construction is underestimated on the application, the permit shall be denied unless the applicant can show detailed cost estimates meeting the approval of the building official. Final building permit valuation shall be set by the building official.

**108.4 Work commencing before permit issuance.** Any person who commences any work before obtaining necessary permits shall be subject to an additional fee established by Talbot County. Such additional fee shall be in addition to any other penalty or remedy, including issuance of a stop-work order.

**108.5 Related fees.** The payment of the fee for the building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law or ordinance including but not limited to the following: plan review, floodplain management, forest conservation, sanitary construction, sediment and erosion control, storm water management, wetlands, plumbing, electrical, gas, mechanical, inspections, entrance, water and sewer connection, sign, weed & litter and zoning certificates and all other approvals and permits.

**108.6 Refunds.** If a permit is discontinued, the building official shall be notified in writing stating the reason and requesting that the remaining unused portion of the building permit fee be refunded. All refunds will be based on the value of the work completed less all plan examination fees, permit processing fees, performed inspection fees and all penalties that may be imposed on the permit holder under the requirements of this code, any remaining balance shall be returned to the permit holder. Construction not started within the first nine months will not receive a refund after the ninth month.

**109.3 Required inspections.** The building official, upon notification, shall make the inspections set forth in Sections 109.3.1 through 109.3.6.4

**109.3.1 Footing inspection.** Footing inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms

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shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

**109.3.2 Foundation inspection.** Foundation inspection shall be made after the installation of all concrete masonry units, concrete foundations, anchor bolts & sill plates have been completed, and prior to the commencement of framing the sub floor and backfilling the foundation. Concrete slab inspections shall be made after in-slab reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or installed.

**109.3.3 Concrete slab inspection.** Concrete slab inspections shall be made after in-slab reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or installed.

**109.3.4 First floor framing inspection.** First floor framing inspection shall be made after the floor joists or floor framing system is complete and ready for sub floor sheathing.

**109.3.5 Rough Plumbing inspection.** Rough plumbing inspection shall be made after the installation of all parts of the plumbing system which can be completed prior to the installation of fixtures. This includes drainage, water supply, vent piping and the necessary fixture supports, or any fixtures that are built into the structure.

**109.3.6 Rough Electrical inspection.** Rough electrical inspection shall be made after the completion of any installation of electrical equipment required under a valid permit. All electrical equipment shall be inspected prior to covering.

**109.3.7 Framing inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating ducts, pipes and ducts are complete and have been individually inspected.

**109.3.8 Insulation inspection.** Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R and U value, fenestration U value, duct system R value, and HVAC and water heating equipment efficiency.

**109.3.9 Final Plumbing inspection.** The final plumbing inspection shall be made after all plumbing fixtures have been installed and all systems are connected and ready for use.

**109.3.10 Final Electrical inspection.** The final electrical inspection shall be made after all electrical installations have been completed and all systems are ready for use.

**109.3.11 Final Building Inspection.** The final building inspection shall be made after all work required by the building permit is completed and the appropriate agencies have approved the well-septic systems and the fire life safety.

**109.3.12 Other Inspections.** In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code including but not limited to the following:

**109.3.12.1 Elevation Certification.** The elevation certification required in Section 1612.5 shall be submitted to the building official prior to the request for a framing inspection if any portion of the construction is in a flood hazard area.

**109.3.12.2 Lath or gypsum board inspection.** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

*Exception:*

Gypsum board that is not part of a fire-resistive assembly or a shear assembly.

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**109.3.12.3 Fire-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

**109.3.12.4 Special inspections.** For special inspections, see Section 1704.

**109.5 Inspection requests.** It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. Inspection requests must be made twenty-four hours in advance of the desired time for inspection, if no inspection is made within seventy-two hours of a request, the permit holder or an agent of the permit holder may proceed at their own risk, and a re-inspection fee may not be levied, however the building inspector may still cite the permit holder for noncompliance with this code for that portion of the construction. It shall be the duty of the permit holder to provide access and means to conduct all inspections required by this code.

**109.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder that the same fails to comply with this code. Any portions that do not comply or were not ready for inspection shall be corrected and such portion shall not be covered or concealed until authorized by the building official. The building official may impose a re-inspection fee for each additional inspection required until that portion of the construction complies with the building code; all work must be corrected within thirty days. The following are additional reasons that a re-inspection fee may be imposed, including but not limited to:

1. Permit not posted on site.
2. Approved building plans not on premises.
3. Premises locked.
4. Lack of safe access into premises or between levels.
5. Previous violation not corrected.
6. Proceeding through phases of construction without requesting required inspections.

**110.2 Change in use.** Changes in the character or use of an existing structure shall not be made except as specified in Maryland Building Rehabilitation Code under Article 83B, § 6-503, Annotated Code of Maryland, and as otherwise permitted and approved pursuant to the Talbot County Zoning Ordinance.

**110.3 Certificate issued.** (new section number)

**110.4 Temporary occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portions as shall be occupied may be occupied safely, and both the State Fire Marshal and authorized representatives of the Department of Environmental Health have agreed to issuance of the certificate for temporary occupancy. The building official shall fix and limit the time during which the temporary occupancy is valid. All temporary occupancy requests shall be in writing, under oath, notarized, and accompanied by a statement reciting the remaining work to be done, a schedule for the completion of such work, and an authorization for the right of entry from time to time for the building official prior to termination of the period for the temporary occupancy.

**110.5 Revocation.** (new section number)

**112.1 General.** Any person aggrieved by a decision of the building official may appeal the same to the Talbot County Board of Appeals by filing an allegation of error with the Board within thirty (30) days of the date of the decision.

**113.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment in violation of

## BUILDING CONSTRUCTION

this code. The owner or occupant of any building, structure, premises, or part thereof, or any architect, builder, contractor, agent, realtor, or other person who commits, participates in or assists, any violation may each be chargeable with such violation.

**113.1.1 Continuing Violation.** Each day that a violation continues after the issuance of a notice of violation or order shall be a separate offense for the purpose of penalties specified in this section. An inspection that indicates that a violation continues to exist shall be prima facie proof of a continuing violation that has existed since the prior inspection.

**113.2 Notices of violation.** The building official and his deputized agents are authorized to serve a written notice of violation or administrative abatement order by certified mail return receipt requested on the person(s) responsible for such violation(s) indicating the nature of the violation, the date, time and location where the violation was documented, ordering the action necessary to correct it, the right to an appeal and the time limit for an appeal to the Board of Appeals, including but not limited to:

1. Work commencing without obtaining the necessary building permits and approvals.
2. Noncompliance at the time of a re-inspection.
3. Noncompliance of a directive or order of the building official made under the authority of this code.
4. The erection, construction, alteration, extension, repair, moving, removal, or demolition of a building or structure in noncompliance with the provisions of this code
5. Disregard of an approved plan, permit, or certificate issued by the building official.
6. Change in use without the approval of the building official.
7. Taking occupancy of a structure prior to the issuance of an occupancy certificate.

Such notice or order shall direct discontinuance of any illegal act or condition and abatement of the violation within 30 days. The building official is authorized to grant one extension of time for an additional period not to exceed thirty days. All violations are subject to violation penalties under 113.4. If service of the violation or order is refused or fails, then service by posting of the order on the building or land, with a copy mailed via first class to the last known address of the property owner or alleged violator, as the case may be, shall suffice.

**113.3 Prosecution of violation.** If any violation is not corrected, discontinued, or abated within the stipulated time, the building official is authorized to request the county attorney to institute appropriate enforcement proceedings, at law or in equity to restrain, correct, or abate such violation(s), to remove unauthorized or illegal work, to terminate any unlawful occupancy of any building or structure, or to authorize the County to do the same at the violator's expense and to enter judgment for the same, or to enter any building or structure, or to perform any other act or seek any other remedy necessary or proper to enforce this code.

**113.3.1 Misdemeanor.** It is a misdemeanor to use or occupy property in violation of this code, to knowingly permit another to do so, or to violate any provision of this code Any person who does so may be prosecuted for a misdemeanor for each separate violation and on conviction is subject to a fine not exceeding One Thousand Dollars (\$1000) or imprisonment not exceeding six months, or both.

**113.3.2 Injunction.** In addition to any other remedy provided by law, the County may institute injunctive or other appropriate actions or proceedings to bring about the discontinuance of any violation of the provisions of this code. The pendency of an appeal to the Board of Appeals or subsequent judicial review shall not prevent the County from seeking injunctive relief to enforce provisions of this code or of the notice, order or direction made pursuant thereto, or to restrain a violation pending the outcome of the appeal or judicial review.

**113.3.2.1 Injunction Penalties.** In an action for injunctive relief to enforce a provision of this code or of the notice, order or direction made pursuant thereto, the Court may also impose a civil monetary penalty of up to \$1,000 for each day that the violation continues, but not exceeding \$10,000 after considering:

## TALBOT COUNTY CODE

1. The willfulness of the violation
2. The extent to which harm to the structure, occupants, or community in which the violation occurred.
3. The costs to the county for enforcing the violation to provisions of this code or of the notice, order or direction made pursuant thereto.

Exception: A person is not subject to the civil monetary penalties described in this subsection for violations of a provision of this code or of the notice, order or direction made pursuant thereto that occur during an appeal or during subsequent judicial review unless the court finds that the appeal was taken in bad faith or without substantial justification.

**113.4 Violation penalties.** The building official may deliver a civil citation to any person(s) believed to be in violation of this code. The citation shall state that a violation of this code has been committed, the amount of any monetary fine(s) assessed, and that the fine is due and payable to the County within ten calendar days from the date of its issuance. The building official shall retain a copy of the citation. The citation shall be signed under oath attesting to the truth of the matter set forth. The citation shall contain the following:

1. Name and address of the person charged.
2. The nature of the violation.
3. The date, time and location where the violation was documented.
4. The right to stand trial.
5. The amount of fine assessed, in accordance with the adopted schedule of fees as established by Talbot County which may be revised from time to time.
6. The time, manner, location in which the fine may be paid.

**113.4.1 Method of Delivery.** A civil citation shall be delivered to any person(s) committing a violation of this code in the same manner as a notice of violation or order under § 113.2

**113.4.2 Right to Stand Trial.** A person who receives a citation may elect to stand trial for the offense by filing with the building official a notice of intention to stand trial. The building official shall forward to the District Court having venue, a copy of the citation and the notice of intention to stand trial. On receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the District Court for the violation shall be remitted to Talbot County.

**113.4.3 Failure to Pay Fine.** If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth and fails to file a notice of intention to stand trial, the building official shall double the fine(s) and request adjudication of the case through District Court. The District Court shall schedule the case for trial and summon the defendant to appear.

**113.4.4 Adjudication.** Adjudication of a violation under this subsection is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

**113.4.5 Proceedings.** In proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth in municipal infractions in Article 23A, Section 3(b)(7) through (15), Annotated Code of Maryland, as amended from time to time and which is incorporated by reference herein. In the event a person is found to have violated the ordinance, the court may impose any fine, including any doubling of the fine, not to exceed the limits imposed by Article 23A S3(2) of the Maryland Annotated Code. The county attorney is authorized to prosecute a violation of any of the provisions of this code.

**113.4.6 Enforcement Costs.** In any action or proceeding in which the county substantially prevails, the county may recover all costs incurred to enforce the terms of this code.

## BUILDING CONSTRUCTION

**113.4.7 Court Costs.** If a person is found by the District Court to have committed a violation of any of the provisions of this code, they shall be liable for the costs of the proceeding in the District Court.

**114.2 Issuance of a stop-work order.** The building official may issue stop-work order(s) from time to time. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, the conditions under which the cited work may resume, the right to appeal and the time limit for an appeal to the Board of Appeals.

**114.3 Unlawful continuance.** Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to additional violation penalties.

**115.1 Conditions.** Buildings, structures or existing equipment that are or become unsafe, unsanitary, or deficient because of inadequate egress, inadequate light or ventilation, or that constitute a fire hazard, or that involve illegal or improper occupancy, or inadequate maintenance, or are otherwise dangerous to human life or the public welfare shall be deemed unsafe. All unsafe structures and equipment shall be noted and reported to the appropriate authority for enforcement action under the litter, weed and hazardous structures ordinance, as may be amended by the County, from time to time.

**115.2 Record.** Delete.

**115.3 Notice.** Delete.

**115.4 Method of service.** Delete.

**115.5 Restoration.** Delete.

### Chapter 5

#### GENERAL BUILDING HEIGHT AND AREA

**504.2 Automatic sprinkler increase.** For buildings protected throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, the value specified in Table 503, for maximum height is increased by 20 feet, (6096 mm), and the maximum number of stories is increased by one story. These increases are permitted in addition to an area increase in accordance with Sections 506.2 and 506.3. When the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.2 for Groups R-1, R-2, and R-4, and in accordance with Section 903.3.1.3 for Group R-3, the building height limitations specified in Table 503 are increased one story and 20 feet (6096 mm) but may not exceed a height of four stories and 60 feet (18288 mm) above the grade plane. These increases are permitted in addition to the area increase.

### Chapter 7

#### FIRE-RESISTANCE-RATED CONSTRUCTION

Section 705.6 Vertical Continuity

*Additional Exceptions:*

6. In Groups R-2 and R-3 as applicable in Section 101.2, walls are permitted to terminate at the roof sheathing or deck in Types III, IV, and V construction, if:
  - 6.1. The roof sheathing or deck is constructed of approved noncombustible materials or of fire-retardant-treated wood for a distance of 4 feet (1220 mm) on both sides of the wall, or

## TALBOT COUNTY CODE

- 6.2. The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 for Group R-2, and 903.3.1.1, 903.3.1.2, or 903.3.1.3 for Group R-3, or
- 6.3. All of the following:
  - 6.3.1. The roof is protected with 5/8 inch (15.9 mm) Type X gypsum board directly beneath the underside of the roof sheathing or deck, supported by a minimum of 2-inch (51 mm) ledgers attached to the sides of the roof framing members, for a minimum distance of 4 feet (1220 mm) on both sides of the fire wall, and
  - 6.3.2. Openings in the roof are not located within 4 feet (1220 mm) of the fire wall, and
  - 6.3.3. The roof is covered with a minimum Class C roof covering.

### Chapter 9

#### FIRE PROTECTION SYSTEMS

**901.1.1** Fire protection system requirements of Chapter 9 may be concurrently covered in the State Fire Prevention Code, Public Safety Article, §§6-10 – 6-202, Annotated Code of Maryland and COMAR 29.06.01. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official.

**901.5 Acceptance tests.** Fire protection systems shall be tested in accordance with the State Fire Code, Article 38A, §§3 — 67, and COMAR 29.06.01. The State Fire Code is enforced by the State Fire Marshal or authorized fire official. When required, the tests shall be conducted in the presence of the building official. Tests required shall be conducted at the expense of the owner or the owner's representative. It shall be unlawful to occupy portions of a structure until the required fire protection systems within that portion of the structure have been tested and approved.

### Chapter 10

#### MEANS OF EGRESS

**1001.1.1** Means of egress requirements of Chapter 10 may be concurrently covered in the State Fire Prevention Code, Public Safety Article, §§6-10 – 6-202, Annotated Code of Maryland and COMAR 29.06.01. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official.

Article 38A, §§3 — 67, and COMAR 29.06.01. The State Fire Code is enforced by the State Fire Marshal or authorized official.

#### *1009.3 – Exceptions:*

5. In occupancies in Group R-3, as applicable in Section 101.2, within dwelling units in occupancies in Group R-2, as applicable in Section 101.2, and in occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, the maximum riser height shall be 8.25 inches (210 mm) and the minimum tread depth shall be 9 inches (229 mm), the minimum winder tread depth at the walk line shall be 9 inches (229mm), and the minimum winder tread depth shall be 6 inches (152mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm).
6. See the Maryland Building Rehabilitation Code set forth in COMAR 05.16.01– 08. for the replacement of existing stairways.

#### **1009.11.3 – Add New Exception**

##### *Exception:*

## BUILDING CONSTRUCTION

For occupancies in Group R-3 as applicable in Section 101.2 and within dwelling units in occupancies Group R-2 as applicable in Section 101.2, the grip portion of handrails shall have a cross section of 1.25 inches (32mm) minimum to 2.625 inches (66.7mm) maximum. Other shapes that provide an equivalent grasping surface are permissible. Edges shall have a minimum radius of .125 inches (3.2 mm).

### Chapter 11

#### ACCESSIBILITY

IBC accessibility requirements are replaced with the Maryland Accessibility Code set forth in COMAR 05.02.02.

### Chapter 12

#### INTERIOR ENVIRONMENT

**1206.2 Yards.** The requirements for yards, set forth in the Talbot County Zoning Ordinance, shall govern in relationship to lot sizes and setback requirements. In the event of a conflict between this section and the Talbot County Zoning Ordinance, the requirements of the Zoning Ordinance prevail.

**1206.3 Courts and Courtyards.** Courts and Courtyards shall not be less than 3 feet (914 mm) in width. Courts having windows opening on opposite sides shall not be less than 6 feet (1829 mm) in width. Courts shall not be less than 10 feet (3048 mm) in length unless bounded on one end by a public way or yard. For buildings more than two stories in height, the court shall be increased 1 foot (305 mm) in width and 2 feet (310 mm) in length for each additional story. For buildings exceeding 14 stories in height, the required dimensions shall be computed on the basis of 14 stories.

### Chapter 13

#### ENERGY EFFICIENCY

**1301.1.2** The requirements concerning energy conservation for buildings and structures are governed by Energy Conservation Building Standards, Public Utility Companies Article, §§ 7-401 - 7-408, Annotated Code of Maryland, as amended. In the event of a conflict between the Annotated Code of Maryland and the IBC, the requirements of the Public Utility Companies Article, §§ 7-401 - 7-408, Annotated Code of Maryland, prevail.

### Chapter 16

#### STRUCTURAL DESIGN

**1608.2 Ground snow loads.** The ground snow loads to be used in determining the design snow loads for roofs are given in Figure 1608.2 for the contiguous United States and all Talbot County ground snow load shall be based on the upper limit of 30 lb/sq. ft.

**1609.3 Basic wind speed.** The basic wind speed, in miles per hour, for the determination of the wind loads are given in Figure 1609 or by ASCE 7 Figure 6-1 when using the provisions of ASCE 7. Basic wind speeds determined by the local jurisdiction shall be in accordance with Section 6.5.4 of ASCE 7 with the default basic wind speed being the upper limit of 100 mph as shown in figure 1609.

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## Chapter 18

### SOILS AND FOUNDATIONS

**1805.2 Depth of footings.** The minimum depth of footings below the undisturbed ground surface shall be 24 inches. Where applicable, the depth of footings shall also conform to Sections 1805.2.1 through 1805.2.3.

**1805.2.1 Frost protection.** Except where erected on solid rock or otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures larger than 300 square feet in area or 10 feet in height shall extend below the frost line, 24 inches, of the locality, and spread footings of adequate size shall be provided where necessary to properly distribute the load within the allowable load-bearing value of the soil. Alternatively, such structures shall be supported on piles where solid earth or rock is not available. Footings shall not bear on frozen soils unless such frozen condition is of a permanent character.

## Chapter 24

### GLASS AND GLAZING

The requirements for safety glazing set forth in Article 83B, §§6-301 – 6-306, Annotated Code of Maryland, are in addition to Chapter 24, Section 2406 of the IBC related to safety glazing. In the event of a conflict between Chapter 24 of the IBC and the Annotated Code of Maryland, the requirements of the Annotated Code of Maryland prevail.

## Chapter 27

### ELECTRICAL

*Add note to section 2701.1 Scope:*

The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards. For the applicable electrical requirements, refer to the local electrical code and the National Electrical Code as adopted and enforced by the State Fire Marshal, authorized fire officials, or building officials pursuant to the provisions of Article 38A, §§ 3 and 58 - 66, Annotated Code of Maryland.

## Chapter 28

### MECHANICAL SYSTEMS

*Add note to section 2801.1 Scope:*

The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning the mechanical systems, refer to the local mechanical code and the mechanical code adopted pursuant to the provisions of Business Regulation Article, § 9A-205, Annotated Code of Maryland.

## Chapter 29

### PLUMBING SYSTEMS

*Add note to section 2901.1 Scope:*

The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning the plumbing systems, refer to the local plumbing

## BUILDING CONSTRUCTION

code and the plumbing code adopted pursuant to the provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland,

### Chapter 30

#### ELEVATORS AND CONVEYING SYSTEMS

The provisions of Chapter 30 of the IBC relate to elevators and conveying systems and are in addition to and not instead of the requirements set forth in Article 89, §49B, Annotated Code of Maryland. In the event of a conflict between the IBC and the Annotated Code of Maryland, the provisions of the Annotated Code of Maryland prevail.

### Chapter 34

#### EXISTING STRUCTURES

*Add the following exception to section 3401.1 Scope:*

Exception: Any rehabilitation work undertaken in an existing building as defined in COMAR 05.16.01.03B (22) and (36) shall comply with the requirements of Maryland Building Rehabilitation Code set forth in COMAR 05.16.01— .08.

### Appendix D

#### FIRE DISTRICTS

**D101.1 Scope.** The fire district shall include such territory or portion as outlined in an ordinance entitled “Fire District Creation”, if any. In such ordinance creating and establishing a fire district, the Fire District shall be referred to in this appendix.



# BUILDING CONSTRUCTION

## 28 Attachment 2

### Talbot County

2006 Talbot County Supplement to the  
**2003 International Residential Code for  
One- and Two-Family Dwellings® (“IRC”)**  
Including Appendix Chapters E, G, & H  
(International Code Council, 5203 Leesburg Pike, Suite 600,  
Falls Church, Virginia 22041-3401)

This supplement has been formatted to match the  
*2003 International Residential Code for One- and Two-Family Dwellings®* for easy reference.

### Chapter 1

#### ADMINISTRATION

**R101.1 Title.** These provisions shall be known as the International Residential Code for One and Two Family Dwellings of Talbot County, and shall be cited as such and will be referred to herein as “this code” or IRC.

**R101.2 Scope.**

Exception: Existing buildings undergoing repair, alternation or additions, and change of occupancy shall comply with the Maryland Building Rehabilitation Code under Article 83B, § 6-503, Annotated Code of Maryland.

**R102.4 Referenced code and standards.** The other codes referenced in this code shall be considered as reference only and shall be superseded by the current Electrical, Gas, Mechanical, Plumbing, Property Maintenance and Fire Prevention Codes as adopted by Talbot County, if any.

*Exceptions.*

1. The International Energy Conservation Code 2000 shall apply to all matters governing the design and construction of buildings for energy efficiency.
2. The Talbot County, Zoning Ordinance safeguards the health, property and public welfare by controlling the design, location, use or occupancy of all buildings and structures through the regulated and orderly development of land and land use within Talbot County. In the event of a conflict between the IRC and the Talbot County Zoning Ordinance, the requirements of the Zoning Ordinance prevail.
3. Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer’s instructions shall have priority.

**R102.5 Appendices.** Talbot County adopts the following appendix as a part of this ordinance: Appendix E Manufactured Housing Used as Dwellings, Appendix G Swimming Pools, Spas and Hot Tubs and Appendix H Patio Covers.

**R102.7 Existing Structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change notwithstanding any provisions contained in this code, except as deemed necessary by the building official for the safety and welfare of the occupants or the general public.

## TALBOT COUNTY CODE

**R102.7.1 Additions, alterations or repairs.** Shall be governed by the Maryland Building Rehabilitation Code by the Department under Article 83B, § 6-503, Annotated Code of Maryland.

**R103.1 Creation of enforcement agency.** The Department of Permits and Inspections shall be responsible for enforcement and interpretation of this code. The Director of the Department of Permits and Inspections shall be known as the “building official.”

**R103.2 Appointment.** In the event that a building official has not been appointed, the Talbot County Council shall designate a person responsible for enforcing the provisions of this code.

**R103.3 Deputies.** The building official may delegate authority to apply, interpret, and enforce this code to deputy building officials, related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

**R104.1 General.** The building official is hereby authorized and directed to enforce the provisions of this code. The Department of Permits and Inspections shall have the authority to render interpretations of this code and to adopt policies and procedures to clarify the application of its provisions. Such interpretations, policies and procedures shall comply with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**R104.6 Right of entry.** Where reasonably necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code. No enforcement official may enter any building or structure without the permission from the owner or occupant except pursuant to a warrant issued by a Court of competent jurisdiction while accompanied by a police officer who shall serve and execute the warrant.

**R104.10.1 Areas prone to flooding.** Delete

**R105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system regulated by this code, or to cause any such work to be done, shall first make an application to the building official and obtain the required permit. A building permit or application shall not be transferred from one applicant's name to another's without the express approval of the building official.

**R105.2 Work exempt from permit.** Exemptions from permit requirements shall not be deemed to grant authorization for any work to be done in violation of this code or any other laws or ordinances. Permits shall not be required for the following however a Zoning Certificate may be required prior to construction:

**Building – No Permit or Zoning Certificate Required:**

1. Repairs under the Maryland Building Rehabilitation Code
2. Fences under 4 feet
3. Driveways and sidewalks
4. Swings and other playground equipment.
5. Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids.
6. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

## BUILDING CONSTRUCTION

### **Building – Zoning Certificate Required:**

1. One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 300 sq. ft.
2. Fences 4 feet and up to 6 feet high.
3. Prefabricated swimming pools accessory to a Group R-3 occupancy and are installed entirely above ground.
4. Piers and docks.
5. Farm Buildings; housing farm animals, farm equipment, farm storage, all of which shall be regulated by this code and covered under Appendix C.
6. Demolition, accompanied by survey-location plan, signed and sealed by a registered professional in accordance with section R106.2.
7. Signs.

**Electrical:** Reference the applicable code as adopted by The Talbot County Council, if any.

**Gas:** Reference the applicable code as adopted by The Talbot County Council, if any.

**Mechanical:** Reference the applicable code as adopted by The Talbot County Council, if any.

**Plumbing:** Reference the applicable code as adopted by The Talbot County Council, if any.

**R105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Department of Permits and Inspections for that purpose. Such application shall include all information regarding the land on which the proposed work is to be done:

1. Owner(s) contact information: name(s), 911 mailing address, telephone, and fax numbers.
2. Property information: 911 street address, the name of the subdivision, lot numbers and section, if any, and county tax map, grid, parcel.
3. Description of Property: acreage, depth, width, water frontage and road frontage.
4. Water and sewer information: town, county specify region, private.
5. Zoning: classifications, setbacks.
6. Election district.
7. Floodplain classification information if any:
8. Wetland information if any:
9. Critical area information if any:
10. Forest conservation area if any:
11. Impervious surface and disturbances information: square footage areas for all structures, driveways, sidewalks, swimming pools, tennis courts, septic systems and other earth disturbances.
12. General contractor/Builder's information: name(s), 911 mailing address, telephone, fax numbers, MHIC number and GC license number.
13. Electrical, HVAC, and Plumbing contractor's information: name(s), 911 mailing address, telephone, and fax numbers.
14. Building information: square footage occupied & unoccupied, number of stories, height.
15. Scope of Work.
16. Valuation Information: state the valuation of the proposed work.

## TALBOT COUNTY CODE

17. Construction documents and other information as required in Section R106.
18. Be signed under oath by the applicant, or the applicant's authorized agent.
19. Give such other data and information as required by the building official to comply with this and other county ordinances and codes.

**R105.3.1 Action on application.** The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to requirements of this code or other law, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, and all other agencies have approved and signed off on the proposed project including but not limited to the following: Office of Planning and Zoning, State Fire Marshal, Environmental Health, Soil Conservation, Public Works, Maryland Department of the Environment and the Department of Permits and Inspections, the building official shall issue a permit therefore as soon as practicable. The building official may impose conditions, restrictions, and limitations on the permit that are necessary or required pursuant to this code.

**R105.3.1.1 Substantially improved or substantially damaged existing buildings in areas prone to flooding.** Delete

**R105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned ninety days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of time for additional periods not exceeding thirty days. The extension shall be requested in writing and justifiable cause demonstrated.

**R105.5 Expiration.** Every permit issued shall become invalid unless the work authorized by such permit is commenced within nine months after its issuance. All work shall be completed within eighteen months, not including any time that the work is suspended by stop-work order or circumstances beyond the applicant's control. In addition, the time for completion may be extended by the building official not more than twice, for periods of not more than one hundred twenty (120) days each. The request for extension shall be in writing and shall be based on good cause.

**R105.6 Suspension, revocation or withholding.** The building official is authorized to suspend, revoke or withhold any permits or further permits issued under this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance, regulation, or provision of this code. Permits that are withheld shall continue to be withheld until all violations, penalties and fees have been corrected and paid.

**R106.1 Submittal documents.** Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets as required by the Department of Permits and Inspections with each application for a permit. The construction documents shall be prepared by a registered design professional as defined by professional registration laws of Maryland. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional; payment for all such expenses and services shall be borne by the owner. All construction documents be submitted with sufficient clarity and detail to show the nature of the work to be performed, including but not limited to the following;

- Minimum of four copies of the following:
  - Site plan
- Minimum of three sets of the following:
  - Foundation plan
  - Demolition plan of all levels, if any

## BUILDING CONSTRUCTION

- Construction plan of all levels
- Elevation of a minimum of two sides of the building
- Typical cross section(s)
- Door and window schedules

**R106.1.3 Area Prone to Flooding.** For buildings and structures in flood hazard areas as established by the current revised edition of the Flood Insurance Rate Map (FIRM) as revised by the Federal Emergency Management Agency (FEMA).

1. Delineation of flood hazard areas, floodway boundaries, flood zone, and the design flood elevation, as appropriate;
2. The elevation of the proposed lowest floor, including basement and crawl space; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;
3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone); and
4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the applicant shall obtain and reasonable utilize any design flood elevation and floodway data available from other sources.

**R106.2 Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan, including existing and proposed structures on the site, distances from lot lines, grades, including all utilities, water, sewer, electric, telephone; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show the size and location of construction to be demolished and existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

**R106.3.3 Phased Approvals.** Delete

**R106.5 Retention of construction documents.** The building official shall retain one set of the approved construction documents from the date of completion of the permitted work, for such time as required by State or other laws.

**R107.1 General.** The building official is authorized to issue a permit for temporary structures and temporary uses including mobile homes or mobile offices, which may be used on construction sites for a period of six months if such structures are incidental to construction work being performed on site. When such work is completed or abandoned, the temporary structure shall be removed. The building official is authorized to grant an extension for an additional six months if such extension is reasonably necessary to allow completion of the project.

**R108.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit, plan review, inspection or reinspection shall be paid as required at the time of the application, in accordance with the adopted schedule of fees established by Talbot County, which may be revised from time to time.

**R108.3 Building permit valuations.** The applicant for a permit shall provide an estimated cost of construction at time of application. The cost of construction shall include the total value of all work, materials and labor for which the permit is being requested, including all building components, electrical, gas, mechanical, plumbing equipment and other permanent systems. If, in the opinion of the building official, the cost of construction is underestimated on the application, the permit shall be denied unless the applicant can show detailed cost estimates meeting the approval of the building official. Final building permit valuation shall be set by the building official.

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**R108.4 Work commencing before permit issuance.** Any person who commences any work before obtaining necessary permits shall be subject to an additional fee established by Talbot County. Such additional fee shall be in addition to any other penalty or remedy, including issuance of a stop-work order.

**R108.5 Related fees.** The payment of the fee for the building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law or ordinance including but not limited to the following: plan review, floodplain management, forest conservation, sanitary construction, sediment and erosion control, storm water management, wetlands, plumbing, electrical, gas, mechanical, inspections, entrance, water and sewer connection, sign, weed & litter and zoning certificates and all other approvals and permits.

**R108.6 Refunds.** If a permit is discontinued, the building official shall be notified in writing, stating the reason and requesting that the remaining unused portion of the building permit fee be refunded. All refunds will be based on the value of the work completed less all plan examination fees, permit processing fees, performed inspection fees and all penalties that may be imposed on the permit holder under the requirements of this code, any remaining balance shall be returned to the permit holder. Construction not started within the first nine months will not receive a refund after the ninth month.

**R109.1 General.** Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval following any inspection shall not be construed to be an approval of a violation of the provisions of this code or of any other laws or ordinances of the State or County. Inspections failing to detect or presuming to authorize violations or that would cancel provisions of this code or other ordinances shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**R109.2 Preliminary inspection.** Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

**R109.3 Required inspections.** The building official, upon notification, shall make the inspections set forth in Sections 109.3.1 through 109.6.4

**R109.3.1 Footing inspection.** Footing inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

**R109.3.2 Foundation inspection.** Foundation inspections shall be made after the installation of all concrete masonry units, concrete foundations, anchor bolts and sill plates have been completed, and prior to the commencement of framing the sub floor and backfilling the foundation.

**R109.3.3 Concrete slab inspection.** Concrete slab inspections shall be made after in-slab reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or installed.

**R109.3.4 First Floor Framing inspection.** First floor framing inspections shall be made after the floor joists or floor framing system is complete and ready for sub floor sheathing.

**R109.3.5 Rough Plumbing inspection.** Rough plumbing inspections shall be made after the installation of all parts of the plumbing system which can be completed prior to the installation of fixtures. This includes drainage, water supply, and vent piping, and the necessary fixture supports, or any fixtures that are built into the structure.

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**R109.3.6 Rough Electrical inspection.** Rough electrical inspections shall be made after the completion of any installation of electrical equipment required under a valid permit. All electrical equipment shall be inspected prior to covering.

**R109.3.7 Framing inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating ducts, pipes and ducts are complete and have been individually inspected.

**R109.3.8 Insulation inspection.** Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R and U value, fenestration U value, duct system R value, and HVAC and water heating equipment efficiency.

**R109.3.9 Final Plumbing inspection.** The final plumbing inspection shall be made after all plumbing fixtures have been installed and all systems are connected and ready for use.

**R109.3.10 Final Electrical inspection.** The final electrical inspection shall be made after all electrical installations have been completed and all systems are ready for use.

**R109.3.11 Final Building inspection.** The final building inspection shall be made after all work required by the building permit is completed and the appropriate agencies have approved the well-septic systems and the fire-life safety.

**R109.3.12 Other inspections.** In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code including but not limited to the following:

**R109.3.12.1 Elevation Certification.** The elevation certification required in Section R327 shall be submitted to the building official prior to the request for a foundation inspection if any portion of the construction is in a flood hazard area.

**R109.3.12.2 Lath or gypsum board inspection.** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistive assembly or a shear assembly.

**R109.3.12.3 Fire-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

**R109.4 Inspection agencies.** The building official is authorized to accept reports of approved inspection agencies, provided such agencies are approved as to qualifications and reliability.

**R109.5 Inspection requests.** It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. Inspection requests must be made twenty-four hours in advance of the desired time for inspection, if no inspection is made within seventy-two hours of a request, the permit holder or an agent of the permit holder may proceed at their own risk, and a re-inspection fee may not be levied, however, the building inspector may still cite the permit holder for noncompliance with this code for that portion of the construction, during future visits. It shall be the duty of the permit holder to provide access to and means to conduct all inspections required by this code.

**R109.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that does not comply or were not ready for inspection shall be corrected and such portion shall not be covered or concealed until authorized by the building official. The building official may impose a re-inspection fee for each additional inspection

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required until that portion of the construction complies with the building code; all work must be corrected within thirty days. The following are additional reasons that a re-inspection fee may be imposed including but not limited to:

1. Permit not posted on site.
2. Approved building plans not on premises.
3. Premises locked.
4. Lack of safe access into premises or between levels.
5. Previous violation not corrected.
6. Proceeding through phases of construction without requesting required inspections.

**R110.2 Change in use.** Changes in the character or use of an existing structure shall not be made except as specified in Maryland Building Rehabilitation Code under Article 83B, § 6-503, Annotated Code of Maryland and as otherwise permitted and approved pursuant to the Talbot County Zoning Ordinance.

**R110.4 Temporary occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portions as shall be occupied may be occupied safely, and both the State Fire Marshal and authorized representatives of the Department of Environmental Health have agreed to issuance of the certificate for temporary occupancy. The building official shall fix and limit the time during which the temporary occupancy is valid. All temporary occupancy requests shall be in writing, under oath, notarized, and accompanied by a statement reciting the remaining work to be done, a schedule for the completion of such work, and an authorization for the right of entry from time to time for the building official prior to termination of the period for the temporary occupancy.

**R112.1 General.** Any person aggrieved by a decision of the building official may appeal the same to the Talbot County Board of Appeals by filing an allegation of error with the Board within thirty (30) days of the date of the decision.

**R112.2.1 Determination of substantial improvements in areas prone to flooding.** Delete.

**R112.2.2 Criteria for issuance of a variance for areas prone to flooding.** Delete.

**R113.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. The owner or occupant of any building, structure, premises, or part thereof, or any architect, builder, contractor, agent, realtor, or other person who commits, participates in or assists, any violation of the terms of the code may each be chargeable with such violation.

**R113.1.1 Continuing Violation.** Each day that a violation continues after the issuance of a notice of violation or order shall be a separate offense for the purpose of penalties specified in this section. An inspection that indicates that a violation continues to exist shall be prima facie proof of a continuing violation that has existed since the prior inspection.

**R113.2 Notices of violation.** The building official and his deputized agents are authorized to serve a written notice of violation or administrative abatement order by certified mail return receipt requested on the person(s) responsible for such violation(s) indicating the nature of the violation, the date, time and location where the violation was documented, ordering the action necessary to correct it, the right to an appeal and the time limit for an appeal to the Board of Appeals, including but not limited to:

1. Work commencing without obtaining the necessary building permits and approvals
2. Noncompliance at the time of a re-inspection.
3. Noncompliance of a directive or order of the building official made under the authority of this code.

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4. The erection, construction, alteration, extension, repair, moving, removal, or demolition of a building or structure in noncompliance with the provisions of this code.
5. Disregard of an approved plan, permit, or certificate issued by the building official.
6. Change in use without the approval of the building official.
7. Taking occupancy of a structure prior to the issuance of an occupancy certificate.

Such notice or order shall direct discontinuance of any illegal act or condition and abatement of the violation within 30 days. The building official is authorized to grant one extension of time for an additional period not to exceed thirty days. All violations are subject to violation penalties under 113.4. If service of the violation or order is refused or fails, then service by posting of the order on the building or land, with a copy mailed via first class to the last known address of the property owner or alleged violator, as the case may be, shall suffice.

**R113.3 Prosecution of violation.** If any violation is not corrected, discontinued, or abated within the stipulated time, the building official is authorized to request the county attorney to institute appropriate enforcement proceedings, at law or in equity to restrain, correct, or abate such violation(s), to remove unauthorized or illegal work, to terminate any unlawful occupancy of any building or structure, or to authorize the County to do the same at the violator's expense and to enter judgment for the same, or to enter any building or structure, or to perform any other act or seek any other remedy necessary or proper to enforce this code.

**R113.3.1 Misdemeanor.** It is a misdemeanor to use or occupy property in violation of this code, to knowingly permit another to do so, or to violate any provision of this code. Any person who does so may be prosecuted for a misdemeanor for each separate violation and on conviction is subject to a fine not exceeding One Thousand Dollars (\$1000) or imprisonment not exceeding six months, or both.

**R113.3.2 Injunction.** In addition to any other remedy provided by law the County may institute injunctive or other appropriate actions or proceedings to bring about the discontinuance of any violation of the provisions of this code. The pendency of an appeal to the Board of Appeals or subsequent judicial review shall not prevent the County from seeking injunctive relief to enforce provisions of this code or of the notice, order or direction made pursuant thereto, or to restrain a violation pending the outcome of the appeal or judicial review.

**R113.3.2.1 Injunction Penalties.** In an action for injunctive relief to enforce a provision(s) of this code or of the notice, order or direction made pursuant thereto, the court may also impose a civil monetary penalty of up to \$1000 for each day that the violation continues, but not exceeding \$10,000, after considering:

1. The willfulness of the violation.
2. The extent to which harm to the structure, occupants, or community in which the violation occurred.
3. The costs to the county for enforcing the violation to provisions of this code or of the notice, order or direction made pursuant thereto.

Exception: A person is not subject to the civil monetary penalties described in this subsection for violations of a provision of this code or of the notice, order or direction made pursuant thereto that occurred during a pendency of an appeal or during subsequent judicial review unless the court finds that the appeal was taken in bad faith or without substantial justification.

**R113.4 Violation penalties.** The building official may deliver a civil citation to any person(s) believed to be in violation of this code. The citation shall state that a violation of this code has been committed, the amount of any monetary fine(s) assessed, and that the fine is due and payable to the County within ten calendar days from the date of its issuance. The building official shall retain a copy of the citation. The citation shall be signed under oath attesting to the truth of the matter set forth. The citation shall contain the following:

TALBOT COUNTY CODE

1. Name and address of the person charged
2. The nature of the violation.
3. The date, time and location where the violation was documented.
4. The right to stand trial.
5. The amount of fine assessed in accordance with the adopted schedule of fees as established by Talbot County, which may be revised from time to time.
6. The time, manner, location in which the fine may be paid.

**R113.4.1 Method of Delivery.** A civil citation shall be delivered to the person(s) believing to be committing a violation of any of the provisions of this code in the same manner as a notice of violation or order.

**R113.4.2 Right to Stand Trial.** A person who receives a citation may elect to stand trial for the offense by filing with the building official a notice of intention to stand trial. The building official shall forward to the District Court having venue, a copy of the citation and the notice of intention to stand trial. On receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the District Court for the violation shall be remitted to Talbot County.

**R113.4.3 Failure to Pay Fine.** If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth and fails to file a notice of intention to stand trial, the building official may double the fine(s) and request adjudication of the case through District Court. The District Court shall schedule the case for trial and summon the defendant to appear.

**R113.4.4 Adjudication.** Adjudication of a violation under this subsection is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

**R113.4.5 Proceedings.** In proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth in municipal infractions in Article 23A, Section 3(b)(7) through (15), Annotated Code of Maryland, as amended from time to time and which is incorporated by reference herein. In the event a person is found to have violated the ordinance, the court may impose any fine, including any doubling of the fine, not to exceed the limits imposed by Article 23A S3(2) of the Maryland Annotated Code. The county attorney is authorized to prosecute a violation of any of the provisions of this code.

Design Snow Load	Wind Speed	Seismic Design Category	Subject to Damage From Decay				Winter Design Temp.	Flood Hazards	Air Freezing Index	Ice Shield Underlay-ment Required	Mean Annual Temp
			Weathering	Frost line Depth	Termite	Decay					
30 lb/sq. ft.	100 mph	A	Severe	24 inches	Moderate to Heavy	Slight to Moderate	13° F	Ordinance #20 dated 6/11/1985 Firm Current Revision	250	No	57.85 °

Table R301.2(1). Climatic and geographic design criteria.

**R113.4.6 Enforcement Costs.** In any action or proceeding in which the county substantially prevails, the county may recover all costs incurred to enforce the terms of this code.

**R113.4.7 Court Costs.** If a person is found by the District Court to have committed a violation of any of the provisions of this code, they shall be liable for the costs of the proceeding in the District Court.

## BUILDING CONSTRUCTION

**R114.1 Authority.** Whenever the building official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order.

**R114.2 Issuance of a stop-work order.** The building official may issue stop-work order(s) from time to time. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, the conditions under which the cited work may resume, the right to appeal and the time limit for an appeal to the Board of Appeals.

**R114.3 Unlawful continuance.** Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to additional violation penalties.

**R115.1 Conditions.** Buildings, structures or existing equipment that are or become unsafe, unsanitary, or deficient because of inadequate egress, inadequate light or ventilation, or that constitute a fire hazard, or that involve illegal or improper occupancy, or inadequate maintenance, or are otherwise dangerous to human life or the public welfare shall be deemed unsafe. All unsafe structures and equipment shall be noted and reported to the appropriate authority for enforcement action under the litter, weed and hazardous structures ordinance, as may be amended by the County, from time to time.

### Chapter 3

#### BUILDING PLANNING

**R303.6.1 Light Activation.** The control for activation of the required interior stairway lighting shall be accessible at the top and bottom of each stairway without traversing any risers. The illumination of the exterior stairways shall be controlled from inside the dwelling unit.

*Exceptions:*

1. Lights that are continuously illuminated or automatically controlled;
2. Interior stairways consisting of less than six risers.

**R310.1 Emergency escape and rescue required.** Every sleeping room shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue. If openings are provided as a means of escape and rescue they shall have a sill height of not more than 44 inches (1118 mm) above the adjacent interior standing surface. If a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the window or door opening from the inside. Escape and rescue window openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

**R311.5.3 Stair treads and risers.**

**R311.5.3.1 Riser Height.** The maximum riser height shall be 8-1/4 inches (210 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

**R311.5.3.2 Tread depth.** The minimum tread depth shall be 9 inches (299 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the treads leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder treads shall have a minimum tread depth of 9 inches (299 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within

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any flight of stairs, the greatest winder tread depth at the 12 inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5).

### **R311.5.3.3 Profile**

#### *Exceptions:*

1. A nosing is not required if the tread depth is a minimum of 10 inches (254 mm).

### **R311.5.4 Landing for Stairways**

#### *Exception:*

If a stairway of two or fewer risers is located on the exterior side of a door, other than the required exit door, a landing is not required for the exterior side of the door.

## **Chapter 4**

### **FOUNDATIONS**

#### **R403.1.6 Foundation anchorage.**

##### *Exceptions:*

1. Foundation anchor straps, spaced as required to provide equivalent anchorage to ½ inch-diameter (12.7 mm) anchor bolts.
2. Walls 24 inches total length of shorter connecting offset braced wall panels shall be anchored to the foundation panels with a minimum of one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels per figure R602.10.5 at corners.

**R405.1 Concrete or Masonry Foundations.** Drains shall be provided around all concrete or masonry foundations supporting habitable space. Drainage tiles, gravel or crushed stone drains, perforated pipe or other approved systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system. Gravel or crushed stone drains shall extend at least 1 foot (305mm) beyond the outside edge of the footing and 6 inches (153 mm) above the top of the footing and be covered with an approved filter membrane material. The top of open joints of the drain tiles shall be protected with strips of building paper, and the drainage tiles or perforated pipe shall be placed on a minimum of 2 inches (51 mm) of washed gravel or crushed rock at least one sieve size larger than the joint opening or perforation and covered with not less than 6 inches (153mm) of the same material.

**R405.2.3 Drainage System.** In other than group 1 soils, a sump shall be provided to drain the porous layer and footings. The sump shall be at least 24 inches (610mm) in diameter or 20 inches square (0.0129m<sup>2</sup>), shall extend at least 24 inches (610 mm) below the bottom of the basement or crawl space floor and shall be capable of positive gravity or mechanical drainage to remove any accumulated water. The drainage system shall discharge into an approved sewer system or to daylight.

#### **R408.2 Openings for under-floor ventilation.**

##### *Exceptions:*

2. The total area of ventilation openings may be reduced by ten (10) percent 1 square foot for each 165 square feet of under floor space where the ground surface is treated with an approved vapor retarder material and the required openings are placed so as to provide cross-ventilation of the space. The installation of operable louvers shall not be prohibited.

## BUILDING CONSTRUCTION

### Chapter 12

#### MECHANICAL ADMINISTRATION

*Add note to section M1201.1 Scope:*

The subject matter of chapters 12 through 24 is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning mechanical systems, refer to the local mechanical code and the mechanical code adopted pursuant to the provisions of Business Regulation Article, § 9A-205, Annotated Code of Maryland.

### Chapter 25

#### PLUMBING ADMINISTRATION

*Add note to section P2501.1 Scope:*

The subject matter of chapters 25 through 32 is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning plumbing systems, refer to the local plumbing code and the plumbing code adopted pursuant to the provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

### Chapter 33

#### GENERAL REQUIREMENTS

*Add note to section E 3301.1 Applicability:*

The subject matter of chapters 33 through 42 is not within the scope of the Maryland Building Performance Standards.

For the applicable electrical requirements, refer to the local electrical code and the National Electrical Code as adopted and enforced by the State Fire Marshal, authorized fire officials, or building officials pursuant to the provisions of Article 38A, §§ 3 and 58 - 66, Annotated Code of Maryland.

### Appendix G

#### SWIMMING POOLS, SPAS AND HOT TUBS

**AG105.2 Outdoor swimming pool.** An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

Exception: In all zoning districts on lots greater than one acre in size an outdoor swimming pool shall not be required to provide a barrier.

