

Chapter 27

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Chapter 27 Building Code

§ 27-1. Compliance with Chapter.

A. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken, the construction, reconstruction, enlargement, alteration, or relocation of any building or structure unless an approved building permit has been obtained from the Municipal Building Permit Officer.

B. A building permit shall not be required for repairs to existing buildings or structures, provided that no structural changes or modification are involved.

§ 27-2. Maryland Building Performance Standards Adopted.

A. There is adopted by the Town, to comprise the Town building code, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the Maryland Building Performance Standards as adopted and amended or modified from time to time by the State of Maryland or the Commissioners, and the same are adopted and incorporated as if fully set out herein and the provisions thereof shall be controlling in the construction of all buildings and other structures in the Town.

B. Amendment to Maryland Building Performance Standards.

The Maryland Building Performance Standards are hereby amended to reflect the following requirement:

International Residential Code for one and two-family dwellings, Chapter 3 Building Planning, Section R313.2 one and two family automatic fire systems is amended as follows: Effective May 15, 2011, an automatic residential fire sprinkler system shall be offered as an option to be installed in all newly constructed one family dwellings in the Town of Church Hill, subject to the provisions set forth below. Automatic residential fire sprinkler systems shall not be required for additions, repairs or alterations to existing buildings that are not already provided with automatic fire sprinkler systems.

1. Option to buyer. A seller of a newly constructed one family (also referred to herein as single-family) dwelling in the Town of Church Hill shall offer the initial buyer or owner an option to install an automatic residential fire sprinkler system.
2. Disclosure of information. The real estate sales contract for the sale of a new one family dwelling in the Town of Church Hill shall disclose the estimated cost of installing an

automatic residential fire sprinkler system and the anticipated estimate to maintain such system. By completing a Sprinkler Option Notification Form, available in the Town Office, the buyer or owner shall acknowledge receiving notice of the optional automatic residential fire sprinkler system and indicate whether the buyer intends to exercise the option to install an automatic residential fire sprinkler system to improve the life safety of the occupants and to reduce property damage from fire.

3. Before issuing a building permit, the Town of Church Hill shall require the applicant to submit the Sprinkler Option Notification Form that has been notarized with a signature indicating that the provisions of this Section have been complied with.
4. The Town of Church Hill shall withhold the issuance of a building permit for the construction of a new one family dwelling in the Town of Church Hill that does not meet the provisions of this Section in regards to notification to the buyer or submission of all necessary documentation.

Automatic residential fire sprinkler systems shall be required in the Town of Church Hill for all newly constructed two-family and multi-family dwellings in accordance with the Maryland Building Performance Standards. *[This Section was amended by Ordinance 140-11 adopted on April 18, 2011]*

§ 27-3. Application Procedure.

An application for a building permit shall be made in writing to the Building Permit Officer on forms supplied by the Town. Such application shall contain at least the following:

- A. Name and address of applicant.
- B. Name and address of owner of land on which proposed construction is to occur.
- C. Name and address of constructor.
- D. Site location.
- E. Brief description of proposed work and estimated cost.
- F. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

§ 27-4. Issuance of Permit.

A. The Town Building Official shall issue a building permit only after it has been determined that the proposed construction will be in conformance with all applicable requirements and regulations.

B. In addition to any other requirements and regulations to which of Subsection A. hereof refers, no building permit shall be issued until the property owner has posted the security required herein for the construction of any roads or water facilities, or wastewater facilities that are required to be constructed as a consequence of the construction that is the subject of the building permit, including the associated public improvements, facilities and amenities, as follows:

1. A performance security in favor of the Town, the amount of which shall be equal to the total cost of the relevant public improvements as estimated by the Town Engineer, including an additional twenty-five percent (25%) of the cost for contingencies, and shall be conditioned upon the satisfactory completion of all work covered by the permit; and

2. A payment security in favor of the Town, the amount of which shall be in an amount not less than fifty percent (50%) of the total cost of the project as estimated by the Town Engineer, for the protection of all persons performing labor or furnishing material or leasing equipment (to the extent of the fair rental value thereof) in the prosecution of the work defined in the construction permit. The payment security shall be held until one (1) year after the date of final acceptance of the permit or earlier upon receipt of a release.

C. The security required by Subsection (B) may be provided by means of:

1. Bonds executed by surety or guarantee company qualified to transact business in the State and acceptable to the Town;

2. Irrevocable Letters of Credit issued by a bank qualified to transact business in the State and acceptable to the Town;

3. A three-party bank deposit agreement executed by a bank qualified to transact business in the State and acceptable to the Town and evidencing the deposit of the required sums and that the funds may not be withdrawn without the written consent of the Town.

D. The security required by Subsection B. of this Section may be reduced as set forth in this Subsection:

1. Upon completion of eighty percent (80%) of the work authorized by a permit an applicant may make application to the Town Engineer for reduction in the performance security pending completion of the work authorized by that permit.

2. The Town Engineer may authorize a fifty percent (50%) reduction in the performance security upon a determination that eighty percent (80%) of the work authorized by that permit has been completed in accordance with Town standards.

3. There shall be no reduction or release in the payment security required until all claims by laborers and material suppliers have been paid and a release of claims covering the work completed has been filed with the Town.

4. Reduction of the bond may be made by return of cash, letters of credit, or other instruments which have been posted by the applicant upon substitution of security in the lesser amount, provided that the security substituted is in compliance with Subsection C. above.

E. The security required by subsection B. of this section may be released as set forth in this Subsection:

1. Bonds or other security to guarantee completion of a public improvement, facility or amenity shall not be released until the construction covered by such bonds has been finally approved by the Town.

2. If the construction includes roads, prior to obtaining final approval from the Town the applicant must post a Maintenance Bond or other security with the Town in the amount of five percent (5%) of the total cost of the work covered by the permit for which the applicant is seeking final approval to guarantee the correction of any deficiencies in the roads and all associated public improvements, facilities and amenities, which develop within one (1) year after acceptance of the work.

3. Such maintenance security must be in compliance with Subsection C. of this section and must be for a period of one (1) year from the date of the acceptance of the road, stormwater management facility or other public improvement, facility or amenity by the Town Commissioners.

F. An inspection fee shall be required in the amount of six (6) percent (%) of the estimated cost of the improvements. This fee shall be required before permissions to start construction is granted by the Town. If the six percent (6%) fee is more than the actual cost of inspections and reviews, the Town may refund to the developer inspection and review fees paid to the Town in excess of the actual cost. However, if the actual cost of inspections and reviews exceed the six percent (6%) fee, the developer shall reimburse the Town for these excess costs and expenses.

§ 27-5. Expiration of Permit.

A. A building permit shall expire six (6) months after the date of issuance if the work that is the subject of the permit has not begun, unless an extension of time is granted, in writing, by the Building Permit Officer, upon a showing by the permit holder of good cause for the delay. Construction shall be considered to have started with the first placement of permanent construction of the site, such as the pouring of slabs or footings of any work beyond the stage of excavation. An extension of time to begin may not be granted for a period of more than six (6) months

B. A building permit shall expire two (2) years after the date of issuance if the work that is the subject of the permit has not been substantially completed, unless an extension of time is granted, in writing, by the Building Permit Officer, upon a showing by the permit holder that work is progressing, that substantial progress towards completion has been made, and that work can and will be completed within the extension period. A building permit extension may not be granted for a period of more than eighteen (18) months.

§ 27-6. Inspection and Revocation

During the construction period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Commissioners of Church Hill for whatever action it considers necessary.

[§§ 27-7 through 27-9. Reserved.]

§ 27-10. Violations and Penalties; Compliance with Laws and Regulations Required.

A. Any person who shall erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this Chapter, or cause the same to be done, in conflict with or in violation of any of the provisions of this Chapter, shall be guilty of a municipal infraction and subject to a fine of Five Hundred Dollars (\$500.00).

B. Each day on which a violation continues constitutes a separate violation.

Originally adopted on June 7, 2010 as Ordinance No. 137-10. The date of any amendment will appear below the amended paragraph in brackets ([]).