

9.17.2012
First Reading ~~10.01.2012~~
Second Reading 10.01.2012

ORDINANCE 2012- 27

AN ORDINANCE TO AMEND CHAPTER 10,
ENTITLED BUILDINGS AND BUILDING REGULATIONS,
OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 10, ENTITLED BUILDINGS AND BUILDING REGULATIONS BE, AND IT IS HEREBY AMENDED BY REPEALING AND REENACTING WITH AMENDMENT SECTION 10-51, REPEALING AND REENACTING WITH AMENDMENT SUBSECTION 10-52(5) AND (6), REPEALING AND REENACTING WITH AMENDMENT SUBSECTION 10-53(b), REPEALING AND REENACTING WITH AMENDMENT SECTION 10-71, REPEALING SECTION 10-72, REPEALING AND REENACTING WITH AMENDMENT SECTION 10-111, REPEALING AND REENACTING WITH AMENDMENT SECTION 10-141, REPEALING AND REENACTING WITH AMENDMENT SECTION 10-151, REPEALING AND REENACTING WITH AMENDMENT SUBSECTION 10-152(b), AND BY REPEALING SECTION 10-153, AS FOLLOWS:

Sec. 10-51. Adopted.

Those certain documents, copies of which are on file in the office of the city clerk, being marked and designated as the international Building Code, 2012 Edition, except for section 105.2, Appendix H section H 101.2 Appendix K, and chapters 27, 28 and 29 thereof, be and it is hereby adopted as the building code of Ocean City, County of Worcester, State of Maryland, 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, save and except such portions as may herein be deleted, modified or amended, and the same are hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the construction of all buildings and structures within the corporate limits of Ocean City.

Sec. 10-52. Amendments.

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(5) Window requirements for all structures shall be in accordance with the International Building Code, except all windows and doors shall have design pressure rating both positive and negative of at least 35 in buildings with a mean roof height equal to or less than 29 feet in height. Any building with a mean roof height of more than 29 feet in height shall be required to have a minimum design pressure rating of at least 45. In addition, all emergency egress or rescue windows from sleeping rooms must have a minimum net clear opening of five and seven-tenths square feet. The minimum net clear opening height dimension shall be 24

inches. The minimum net clear opening width dimension shall be 20 inches, except in accordance with the International Residential Code.

(6) Stair requirements.

- a. Stair requirements for all new single-family homes, duplex, and townhouses not more than three stories in height shall be in accordance with the International Residential Code 2012 Edition.
- b. Exterior stair requirements for commercial and multi-family buildings requirements shall be in accordance with the Town of Ocean City Code Chapter 34.
- c. Stairs located within dwelling units of multi-family buildings shall be in accordance with the International Building Code, 2012 Edition.
- d. Means of egress requirements shall be in accordance with Chapter 34 and NFPA 101 Life Safety Code.

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Sec. 10-53. Permit fees; determination of valuation.

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(b) The valuation for all buildings, structures or alterations shall be determined by the building official for Ocean City. In order to determine the proper valuation, the building official shall use the current building valuation data, as published, from time to time, by the International Code Council with location factors as published from time to time by RS Means. Any applicant for a building permit who is aggrieved by the valuation determination of the building official may appeal, within 30 days, said determination to the Board of Adjustments and Appeals, which shall conduct a hearing thereon and determine the valuation of said proposed work. In the event that the applicant desires to commence work pending the hearing, the applicant shall pay the amount determined by the building official. Said payment shall be considered "under protest," and the applicant, if successful on appeal, shall be entitled to a refund of the difference in the event that the Board of Adjustments and Appeals determines that the valuation is less than that determined by the building official.

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Sec. 10-71. Model Energy Code adopted.

The Model Energy Code, being particularly the International Energy Conservation Code, 2012 Edition save and except such portions as may herein be amended, of which not less than one

copy has been and is now filed in the office of the City Clerk of Ocean City, is hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this division shall take effect, the provisions therein shall be controlling in establishing energy conservation in new building construction.

Sec. 10-72. Repealed.

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Sec. 10-111. Adopted.

The International Existing Building code, 2012 Edition except section 105.2, as the same may from time to time be amended by the Mayor and City Council of Ocean City, of which one copy thereof has been and is now filed in the office of the City Clerk of Ocean City, is hereby adopted and incorporated as fully as if set forth at length herein; and from the date on which this section shall take effect, the provisions therein shall be controlling in establishing standards for required renovation and rehabilitation of existing buildings.

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Sec. 10-141. Adopted; amendments.

A certain document one copy of which is on file in the office of the Chief Building Official of the Mayor and City Council of Ocean City, being marked and designated as "The International Property Maintenance Code, 2012 Edition," as published by the International Code Council is hereby adopted as the Property Maintenance Code of the Mayor and City Council of Ocean City, in the State of Maryland; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, as hereinafter set forth:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the Mayor and City Council of Ocean City, hereinafter referred to as "this code."

103.1 General. The Chief Building Official shall be known as the code official.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code are as, from time to time, adopted by resolution of the Mayor and City Council of Ocean City.

107.5 Deleted.

111.4 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests

are affected shall be given an opportunity to be heard. A quorum shall consist of not less than a majority of the board membership.

111.5 Postponed hearing. When a quorum of the board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

111.6 Board decision. The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the quorum of appointed board members.

111.61.1 Records and copies. The decision of the board shall be recorded. Copies of the decision shall be furnished to the appellant, interested parties, and to the code official.

A copy of the transcript of the hearing will be available to the appellant and interested parties upon request and upon paying the reasonable cost of transcribing and copying same.

111.7 Court review. An person aggrieved by the decision of the board may appeal said decision to the Circuit Court for Worcester County; provided said appeal is filed no later than 30 days from the date of the board's decision.

304.14 Insect screens. During the period from January 1 to December 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in good for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 250 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 350 square feet. For each additional occupant an additional 100 square feet of clear floor area is required.
2. The maximum number of occupants shall be determined by the square footage of the unit.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to April 30 to maintain a temperature of not less than 65 F. (18 C.) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the plumbing code.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 30 to maintain a temperature of not less than 65 F. (18 C.) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Chapter 7 is deleted.

Chapter 8 ASME refers to the Standard Mechanical Code; CODES refers to the International Building Code; and the reference to NFPA is deleted.

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Sec. 10-151. Adopted.

Those certain documents, copies of which are on file in the office of the city clerk, being marked and designated as International Residential Code, 2012 Edition, except Chapters 24 through 32, appendices N, O, P, Q as published by the International Code Council is hereby adopted as the building code of Ocean City for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in Ocean City, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2012 Edition, published by the International Code Council on file in the office of the city clerk are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance; provided however, that all references to the International Fuel Code are amended by interlineations of National Fuel Gas Code (NFPA 54) and the Liquefied Petroleum Gas Code (NFPA 58).

Sec. 10-152. Revisions, climatic and geographic design criteria.

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(b) Wind – 100 miles per hour

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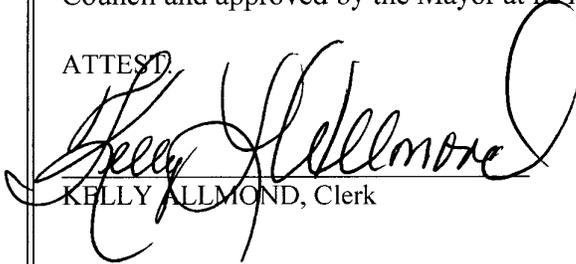
Sec. 10-153. Repealed.

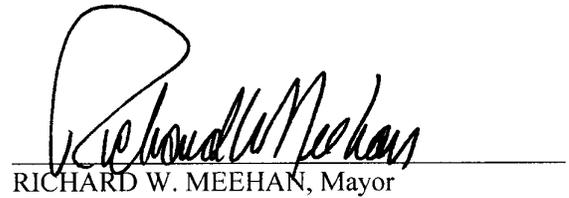
Adopted for implementation on November 1, 2012

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on September 17, 2012.

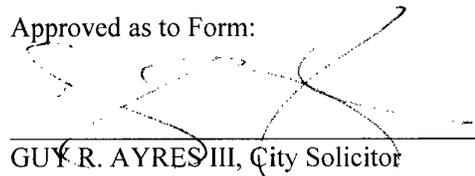
ADOPTED AND PASSED, by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on October 1, 2012.

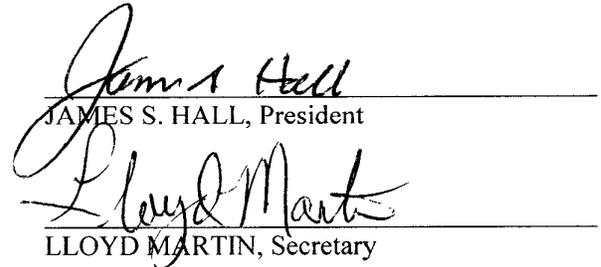
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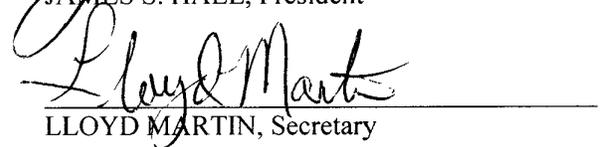

KELLY ALLMOND, Clerk


RICHARD W. MEEHAN, Mayor

Approved as to Form:


GUY R. AYRES III, City Solicitor


JAMES S. HALL, President


LLOYD MARTIN, Secretary