

ORDINANCE NO. 33

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF MARDELA SPRINGS BY REVOKING CHAPTER 5, ARTICLES 1 AND 2, BUILDING AND HOUSING REGULATIONS, AND ADOPTING CHAPTER 117, OF THE WICOMICO COUNTY CODE IN LIEU THEREOF AND TO PERMIT THE WICOMICO COUNTY DEPARTMENT OF PUBLIC WORKS TO ENFORCE IT WITHIN THE TOWN.

WHEREAS, the Commissioners of Mardela Springs desire to have the Wicomico County Department of Public Works enforce building regulations within the Town; and

WHEREAS, the Department has agreed to enforce the building regulations for the Town so long as the Town will adopt Wicomico County's regulations.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE COMMISSIONERS OF MARDELA SPRINGS:

SECTION ONE: That Chapter 5, Articles 1 and 2, Sections 5-101 through 5-218, inclusive, of Ordinance of the Code of Mardela Springs be and hereby is revoked and deleted.

SECTION TWO: That the provisions of the Wicomico County Code, Chapter 117, Sections 117-1 through 117-7, inclusive, as amended from time to time, be and hereby is adopted as if fully set forth herein and shall be known as the Mardela Springs Building Code.

SECTION THREE: That the Wicomico County Department of Public Works is hereby authorized to administer and enforce the Mardela Springs Building Code within the corporate limits of Mardela Springs, Maryland in the same manner as it is administered and enforced in the County as a whole, subject only to such additional requirements as are set forth hereinbelow.

SECTION FOUR: That the owner, authorized agent, or contractor shall make application for a Building Permit to the Commissioners of Mardela Springs prior to making application with the Department of Public Works. The Department of Public Works shall issue a building permit to an applicant only after receiving written authorization to do so from the Commissioners of Mardela Springs.

SECTION FIVE: This Ordinance shall be effective from the date of passage.

The above Ordinance was introduced at a regular meeting of the Commissioners of Mardela Springs, Maryland, on the 21st day of September, 1992, was duly published, and was finally passed on the 19th day of October, 1992.

ATTEST:

COMMISSIONERS OF MARDELA SPRINGS

Shirley M. Bailey
Town Clerk

By: L. L. Smith
Leland Smith, President

Chapter 117

BUILDING CONSTRUCTION

- § 117-1. Authority and purpose.
- § 117-2. Repealer.
- § 117-3. Adoption of standards by reference.
- § 117-4. Title.
- § 117-5. Modifications and amendments to code.
- § 117-6. Code declared remedial.
- § 117-7. Violations and penalties.

[HISTORY: Adopted by the County Council of Wicomico County 3-7-1972 as Ord. No. 36; amended in its entirety 2-13-1989 by Ord. No. 1989-4. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Electrical standards — See Ch. 138.
Housing standards — See Ch. 160.
Plumbing — See Ch. 183.
Subdivision of land — See Ch. 200.

STATUTORY REFERENCES

Authority — See Anno. Code of Maryland (1957), Art. 25A, § 5.

§ 117-1. Authority and purpose.

Under and by virtue of the authority contained in § 22-9 of this Code, Article 25 of the Annotated Code of Maryland (1957 Edition) and the amendments thereto and Article 25A of the Annotated Code of Maryland (1957 Edition) and the amendments thereto, the following rules, regulations and provisions are enacted, adopted and established with respect to fire limits, the regulation and restriction of the erection, construction, reconstruction, alteration, repair, demolition or removal, minimum sizes or the use of buildings and structures

erected or to be erected in Wicomico County, Maryland, outside the limits of incorporated towns and cities in Wicomico County, except inside the limits of such incorporated towns and cities where the Charters of such incorporated towns and cities contain no provision to regulate the subject matter of this chapter.

§ 117-2. Repealer.

The County Council of Wicomico County hereby repeals Ordinance Nos. 9, 9A, 9B, 9C, 9D, 18 and 18A of Wicomico County, Maryland.

§ 117-3. Adoption of standards by reference. [Amended 6-13-1990 by Ord. No. 1990-15]

The County Council of Wicomico County hereby adopts, except as otherwise amended in this chapter, all those provisions set forth in the Southern Standard Building Code, 1988 Edition, and the following Appendices: B, C, D, F, H, I, M, R and S, together with the 1989/1990 revisions thereto. All of the provisions of said Southern Standard Building Code and the appendices as set forth above not otherwise amended as set forth in this chapter are hereby adopted and incorporated as fully as if set out at length herein; and from the date on which this chapter should take effect, the provisions thereof shall be controlling for all building within the corporate limits of Wicomico County, Maryland, unless otherwise exempted herein.

§ 117-4. Title.

The provisions embraced within the following sections shall constitute and be known and cited as the "Wicomico County Building Code."

§ 117-5. Modifications and amendments to code. [Amended 6-13-1990 by Ord. No. 1990-15]

The Southern Standard Building Code, as amended, is, as hereinabove provided, effective as if fully set forth herein, except that the following enumerated sections of said code are hereby amended, as if fully set forth therein, to read as follows:

101.4—BUILDING OFFICIAL

(a) The Building Official shall have had at least ten (10) years' experience as an architect, engineer, building inspector, building contractor or superintendent of building construction, for five (5) years of which he shall have been in responsible charge of work. He shall be appointed by the Director of Public Works for Wicomico County. His appointment shall continue during good behavior and satisfactory service as provided in the personnel regulations for Wicomico County. He shall not be removed from office except for cause, after full opportunity has been given him to be heard on specific charges before such Director of Public Works or other official as the personnel regulations shall provide.

101.4.1—INSPECTORS

The Building Official, with the approval of the Director of the Department of Public Works, may appoint such number of officers, inspectors, assistants and other employees as shall be authorized from time to time. No person shall be appointed as Inspector of Construction who has not had at least five (5) years' experience as a building inspector, builder, engineer, architect or as a superintendent, foreman or competent mechanic in charge of construction.

101.4.2—CHIEF INSPECTOR QUALIFICATIONS

Delete this paragraph and text in its entirety.

101.4.3—INSPECTOR QUALIFICATIONS

Delete this paragraph and text in its entirety.

101.4.4—DEPUTY BUILDING OFFICIAL

Delete this paragraph and text in its entirety.

101.4.5—RESTRICTIONS ON EMPLOYEES

Delete this paragraph and text in its entirety.

101.4.6—RECORDS

Delete this paragraph and text in its entirety.

101.4.8—REPORTS

Delete this paragraph and text in its entirety.

103.0—PERMIT REQUIRED

(a) Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, improve, remove, convert, demolish or change the occupancy of a building or structure, to erect or construct a sign of any description, to install or alter fire-extinguishing apparatus, elevators or engines, to install a steam boiler, furnace, heater, incinerator or other heat-producing apparatus or other appurtenances, the installation of which is regulated by this code, or to cause any such work to be done shall first make application to the Building Official and obtain such required permit therefor.

(b) A general permit shall carry with it the right to install in any building or structure or part thereof heating apparatus, elevators, sidewalk elevators, vaults, chutes, coal holes, lifts, cranes, derricks, steam-power boilers or steam, oil, gas or vapor engines, provided that the same are shown on the drawings and set forth in the specifications filed with the application for the permit, but where these are not shown on the drawings and covered by the specifications submitted with said application, special permits shall be required.

(c) Ordinary minor repairs may be made with the approval of the Building Official without a permit, provided that such repairs shall not violate any of the provisions of this code.

(d) See Section 501 of the Southern Building Code for temporary structures.

103.1. PERMIT FEES

On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of the filing of the application, in accordance with the schedule as established, from time to time, by the Wicomico County Council, in executive session.

103.1.2—WORK AUTHORIZED

Delete this paragraph and text in its entirety.

103.1.3—MINOR REPAIRS

Delete this paragraph and text in its entirety.

103.1.5—TIME LIMITATIONS

Delete this paragraph and text in its entirety.

103.6.1—PERMIT INTENT

A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this Code, nor shall such issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans or in construction or of violations of this code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance. One (1) extension of time, for a period not to exceed six (6) months may be allowed for the initial start of work. Work authorized by such permit must be finished within three (3) years from the date of issuance or extension, if granted by the Building Official. Extension of time to finish the work as determined by the Building Official may also be allowed. All extension requests are to be made in writing, and justifiable cause will have to be demonstrated.

103.7.2—WORK COMMENCING BEFORE PERMIT ISSUANCE

Any person who commences any type of work as specified herein more than three (3) business days before obtaining the necessary permits shall pay four (4) times the usual permit fees as specified in the schedule of permit fees established by the County Council of Wicomico County from time to time.

103.7.4—SCHEDULE OF PERMIT FEES

For any type of work as specified herein, a permit fee shall be paid as required at the time of filing application in accordance with the schedule as established by the County Council of Wicomico County.

103.7.5—BUILDING PERMIT EVALUATIONS

The permit fee required by this chapter shall be based on the estimated construction cost of the proposed work. The estimated cost of construction shall be computed by the County Official and shall be based on the construction cost schedule adopted by the County Council from time to time in executive session.

105.1—APPOINTMENT: BOARD OF ADJUSTMENTS AND APPEALS

There is hereby established a Board to be called the "Board of Adjustments and Appeals," which shall consist of five (5) members to be appointed by the County Council of Wicomico County.

107—VIOLATIONS AND PENALTIES

Delete this paragraph and text in its entirety.

107.0—EXEMPTIONS: RELIGIOUS GROUPS AND CORPORATIONS

No bona fide religious group or corporation shall be required to pay any fees set forth herein for a permit for the construction, erection, altering, repairing, removing or demolition of any church building, parsonage or any other auxiliary building used for church purposes. This exemption, however, shall not apply to any building constructed, erected, altered or repaired by such group wherein any revenue shall be derived therefrom from rentals, etc.; subject, nevertheless, to the conditions that such bona fide religious groups or corporations shall comply with any and all of the terms and conditions of this Building Code applicable thereto.

107.1—FARM BUILDING EXEMPTION

The provisions of this code shall not apply to farm accessory buildings deemed necessary in the operation of a farm as the same shall be defined in the Wicomico County Zoning Code.¹ The provisions of this code shall apply to farm dwellings and garages attached thereto.

411.1.3—SPACE REQUIREMENTS FOR DWELLING AND/OR LIVING UNITS

The objective of space requirements is to assure that each living unit provides complete living facilities ordinarily considered necessary to a permanent home, arranged and equipped to provide suitable and desirable living, sleeping, cooking and dining accommodations and adequate storage and sanitary facilities.

¹ Editor's Note: See Ch. 225, Zoning.

(a) The square footage of all rooms of a single-bedroom house shall have an inside minimum square footage of four hundred forty-six (446) square feet with an outside minimum square footage of five hundred twenty-eight (528) square feet, with the various rooms therein of the following minimum sizes:

Room	Square Feet
Living room	150
Kitchen or dining room	120 (total)
First bedroom	100
Closet or closets	16 (total)
Bathroom	30
Utility room	30
Total	446

(b) The square footage of all rooms of a two-bedroom house shall have an inside minimum square footage of five hundred thirty-two (532) square feet with an outside minimum square footage of six hundred twenty-four (624) square feet, with the various rooms therein of the following minimum sizes:

Room	Square Feet
Living room	150
Kitchen or dining room	130
First bedroom	100
Second bedroom	70
Closet or closets	22 (total)
Bathroom	30
Utility room	30
Total	532

(c) The square footage of all rooms of a three-bedroom house shall have an inside minimum square footage of six hundred seventy-eight (678) square feet with an outside minimum square footage of seven hundred sixty-eight (768) square feet, with the various rooms therein of the following minimum sizes:

Room	Square Feet
Living room	165
Kitchen or dining room	155 (total)
First bedroom	100
Second bedroom	100
Third bedroom	70
Closet or closets	28 (total)
Bathroom	30
Utility room	30
Total	678

804.0—FIREPLACES

Sections 804.3.6 and 804.3.7 shall be deleted from the Southern Standard Building Code.

1415.0—FLASHING

1415.1—GENERAL

(a) Flashing shall be provided to intercept or prevent water penetration of the exterior surface of a building element. Materials shall be selected on the basis of their suitability to the particular application for exposure, resistance to deterioration and differential thermal movement of horizontal and vertical building elements.

(Cont'd on page 11707)

(b) Flashing shall have a service life at least equal to the assemblies into which it is built.

(c) Alternate products or systems of bitumen-impregnated plastic or elastomeric materials may be used for flashing when they are installed in accordance with the manufacturer's recommendations and are acceptable to the Building Official. Counterflashing is considered exposed flashing and shall be sheet metal.

(d) Caulk between wood or metal and masonry, at all openings, shall be with a nonhardening caulking compound.

(e) Flashing embedded in masonry shall be copper, aluminum, plastic or bituminous fabric.

1415.2—HEAD FLASHING OF WALL OPENINGS

Sheet-metal flashing shall be installed extending from the front edge of the trim or lintel, up and over the trim or lintel and up two (2) inches behind the sheathing paper, or behind the sheathing when sheathing paper is omitted. For cavity and multiwythe masonry walls, flashing shall extend into the inner wythe.

1415.3—JAMB FLASHING

For unsheathed wood-frame walls, jambs shall be flashed with a six-inch wide strip of metal, three-ounce copper-coated paper, six-mil polyethylene or reinforced paper flashing complying with F.S. UUB-790. Paper shall not be exposed to weather at any point. Jamb flashing may be omitted when wood panel siding not requiring sheathing is used.

1415.4—SILL FLASHING

In masonry or masonry veneer walls, sill flashing shall be installed extending from the front edge of the masonry, under masonry sill, up to the underside of the window sill and under the window sill to the inside face of the wall or into a rabbet in the underside of the window sill. Sill flashing is not necessary when precast single-piece sills are used.

1415.5—OTHER WALL OPENINGS

(a) Other openings or projections through exterior walls shall be made watertight.

(b) Ventilators located in exterior walls shall be flashed in the same manner as other openings unless self-flashing metal ventilators are used or the ventilator is installed directly under rake molding.

1415.6—EXTERIOR WALL INTERSECTIONS OR DIFFERENT MATERIALS

(a) Sheet-metal flashing or concealed flashing shall be installed at all horizontal and vertical intersections when the exterior finish material does not provide a self-flashing joint.

(b) All intersections of masonry with other materials shall be caulked.

1415.7—ROOF VALLEYS

(a) Rigid shingle roof covering.

(1) Sheet-metal flashing shall be installed as follows:

Roof Slope	Minimum Width (inches)
Under 4 in 12	24
4 in 12 to 7 in 12	18
7 in 12 and over	12

(2) The minimum open valley width shall be four (4) inches at the top. Increase width at rate of one-eighth (1/8) inch per foot. Closed valleys shall not be used on roofs with less than ten-in-twelve slope.

(b) Asphalt shingle roof covering.

(1) Install sheet metal same as in Subsection (a) above.

(2) Flashing shall have a service life at least equal to the assemblies into which it is built.

(3) One (1) thickness of fifty-five-pound smooth-surface roll roofing, thirty-six (36) inches wide, may be used with closed or woven asphalt strip shingle valley treatment.

(c) Built-up roof covering. Valley flashing is not required for built-up roofs when the roof membrane does not require reinforcing.

1415.8—ROOF-TO-WALL INTERSECTIONS

(a) When shingles are used as roof covering, sheet-metal flashing shall extend at least three (3) inches under shingles and four (4) inches up the wall. Flashing installed in "step" fashion, providing a three-inch headlap, or one-piece flashing may be used. One-piece flashing shall not exceed six (6) feet in length, including overlaps.

(b) In masonry walls, install counterflashing at intersections. Embed the top of counterflashing one (1) inch into the masonry, extend down the wall at least six (6) inches, lapping flashing a minimum of four (4) inches.

(c) When built-up roofing is used, flashing may be provided by mopping the roofing directly onto the wall, provided that cant strips and suitable counterflashing are used.

1415.9—ROOF-TO-CHIMNEY INTERSECTIONS

(a) On sloping roofs, a chimney saddle shall be installed at the upper side of all chimneys thirty (30) inches or more in width, when not intersecting the ridge. Cover the saddle with sheet metal or roofing. If sheet metal is used, extend at least six (6) inches under shingles.

(b) When shingles are used as roof covering, sheet-metal flashing and counter-flashing shall be installed at the intersection as required in 1415.8 (a) and (b).

(c) When a saddle is not installed, flashing on the high side of the chimney shall extend up at least four (4) inches on the chimney and extend under the shingles to a point equal in height to the flashing on the chimney but not less than one and one-half (1½) times the shingle exposure. Counterflash in accordance with 1415.8(c).

(d) When built-up roofing is used, flashing may be provided as in 1415.8(c).

(e) For chimneys and vents other than masonry, install metal flashing to provide watertight joints.

1415.10—PIPE PROJECTING THROUGH ROOF

(a) Flash with one-piece sheet-metal flashing, one-piece neoprene gasket-type flashing or two-piece flange-and-sleeve flashing. The flange shall extend at least six inches on all sides but not less than one and one-half ($1\frac{1}{2}$) times the shingle exposure.

(b) Counterflash pipes or seal joints with mastic or gasket.

1415.11—EAVE AND RAKE FLASHING

(a) For all shingle roofs having a slope of less than four (4) in twelve (12), install a metal drip edge along the eaves and rake. Apply below the underlay at the eaves and over the underlay at the rake.

(b) For gravel-surfaced built-up roofing, install gravel stop at the eaves and rake. In areas subject to winds in excess of ninety (90) miles per hour, joints in gravel stop shall be covered with a metal cover plate. The cover plate shall be precisely profiled to fit over the gravel stop.

1415.12—PORCH AND ENTRANCE PLATFORM SLABS

Provide sheet-metal flashing where concrete slabs abut wood construction. Sheet metal shall extend at least four (4) inches above the top of slab.

1415.13—PARAPET FLASHING

Where wall coping is not an impervious material with watertight joints, through flashing shall be placed in the mortar bed under the coping. Flashing shall extend not less than one-fourth ($\frac{1}{4}$) inch on both sides of the wall and shall be turned down to form a drip when copings are flush with wall surfaces. Where copings furnish an adequate drip, the flashing may stop at wall surface.

1415.14—SPANDREL FLASHING

(a) Provide continuous waterproofing at beams. Turn horizontal flashing two (2) inches minimum up on the inner face of the masonry wall. Two-piece flashing may be used when pieces are lapped four (4) inches minimum.

(b) Reglets may be used to receive flashing.

(c) Flash structural support for exterior masonry facing.

(d) Where cavity walls are supported on concrete spandrel beams, flashing shall be placed on the shelf angle and extend eight (8) inches up the beam to a corrosion-resistant reglet.

1415.15—BASE FLASHING

Base flashing shall be corrosion-resistant sheet metal, thirty-pound asphalt-saturated felt or membrane-type flashing. Install flashing to extend from the outside of the wall under the outer course, up between courses at least four (4) inches and embed in back-course. In single-unit walls, extend under the wall and up on the inside at least four (4) inches under furring.

1415.16—MISCELLANEOUS FLASHING

Special flashing, such as at planter boxes, dormer windows, roof ventilators, etc., shall be provided. Details of flashing shall be acceptable to the Building Official.

1703.3.5—CRAWL SPACE CONSTRUCTION [Added 6-13-1989 by Ord. No. 1989-10]

When wood joists or the bottom of wood structural floors without joists are closer than twenty-four (24) inches or wood girders are closer than eighteen (18) inches to exposed ground located within the periphery of the building over a crawl space or unexcavated areas, they shall be of approved naturally durable wood or pressure-treated wood.

1706.3—FLOOR JOISTS

1706.3.4—Floor joists shall be supported laterally by bridging or blocking installed at intervals not exceeding eight (8) feet.

2204.0—MOVING OF BUILDINGS

No permit to remove/move a building or structure shall be granted until signatures have been obtained from adjoining property owners of the parcel upon which said building or structure is to be moved. If any of the adjoining property owners refuse to sign for the placement of the moved building, the applicant may appeal to the County Council, whereupon the adjoining property owners must be notified of the date, time and place of the appeal in order to give them an opportunity to be heard upon this application. All buildings for which a moving permit is granted as stipulated in this section must be

repaired, remodeled or restored by the owner thereof to a condition suitable for occupancy in accordance with the conditions set forth in this code within a period of six (6) months from the date said building is moved to the new location, and one (1) extension of said six-month period may be granted upon application by the owner thereof to the County Council of Wicomico County; the granting of such extension shall be in the sole discretion of said County Council of Wicomico County.

2301.2—CLASSIFICATIONS

This section shall be deleted from the Southern Standard Building Code.

2301.3(b)—EXCEPTION

This section shall be deleted from the Southern Standard Building Code.

2301.4—IDENTIFICATION OF SIGNS

This section shall be deleted from the Southern Standard Building Code.

2301.5—SIGN INSPECTION

This section shall be deleted from the Southern Standard Building Code.

2301.6—UNSAFE SIGNS

This section shall be deleted from the Southern Standard Building Code.

2301.7—MAINTENANCE

This section shall be deleted from the Southern Standard Building Code.

2301.8—UNLAWFUL SIGNS

This section shall be deleted from the Southern Standard Building Code.

2301.9—LOCATION RESTRICTIONS

This section shall be deleted from the Southern Standard Building Code.

2301.10—SIGNS PROJECTING OVER PUBLIC PROPERTY

This section shall be deleted from the Southern Standard Building Code.

§ 117-6. Code declared remedial.

This code is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof, which are the health, general public safety and welfare of the general public.

§ 117-7. Violations and penalties.

Any person, firm, corporation or agent who shall violate a provision of this chapter or fail to comply therewith or with any of the requirements thereof shall be guilty of a misdemeanor and, if convicted, thereof before a court of competent jurisdiction, shall be punished by a fine of not less than one hundred dollars (\$100.) and not more than one thousand dollars (\$1,000.). Each day of violation shall constitute a separate and additional offense. Upon failure or refusal of the party convicted to pay such fine and costs, he or she shall be committed to the Detention Center of Wicomico County for a period not exceeding thirty (30) days, unless the person convicted shall pay such fine and costs before the day limited in the commitment, in which case he shall be released. In addition thereto, Wicomico County, Maryland, may institute injunctive mandamus and any other appropriate action or proceeding at law or equity for the enforcement of this chapter or to correct violations of this chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate forms of remedy or relief.