

ORDINANCE NO. 35

AN ORDINANCE TO ADOPT THE PROVISIONS OF THE WICOMICO COUNTY PLUMBING CODE, AND TO PROVIDE FOR ENFORCEMENT THEREOF IN THE TOWN OF MARDELA SPRINGS.

WHEREAS, the Commissioners of Mardela Springs believe that it is in the best interest of the residents of Mardela Springs that certain plumbing regulations be implemented; and

WHEREAS, the Commissioners believe that the best and most effective means to provide effective enforcement of a plumbing code is to adopt the Wicomico County Plumbing Code with the understanding that the Wicomico County Health Department will enforce its provisions within the corporate limits of the Town upon the adoption of this Ordinance.

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

SECTION ONE: That the provisions of the Wicomico County Code, Chapter 183, Sections 183-1 through 183-39, inclusive, as amended from time to time, be and hereby are adopted as fully as if set forth herein and shall be known as the Mardela Springs Plumbing Code.

SECTION TWO: That the Wicomico County Health Department is hereby authorized to administer and enforce the Mardela Springs Plumbing Code within the corporate limits of the Town of Mardela Springs, Maryland, in the same manner as it is administered and enforced in the County as a whole.

SECTION THREE: 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: Leland Smith
Leland Smith, President

PLUMBING

Chapter 183

PLUMBING

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[HISTORY: Adopted by the County Council of Wicomico County 6-15-1981 as Bill No. 1981-7. Amendments noted where applicable.]

(Cont'd on page 18303)

GENERAL REFERENCES

Building construction — See Ch. 117.
Electrical standards — See Ch. 138.
Housing standards — See Ch. 160.

ARTICLE I
General Provisions

§ 183-1. Authority; purpose; scope.

Under and by virtue of the authority contained in Article 25A, § 5, of the Annotated Code of Maryland (1957 Edition) and the amendments thereto, Article 25 of the Annotated Code of Maryland (1957 Edition) and the amendments thereto and Chapter 22 of the Wicomico County Code,¹ and further for the protection and promotion of the health, safety, comfort and welfare of the citizens of Wicomico County, the following rules, regulations and provisions are enacted, adopted and established with respect to all plumbing installations, alterations, repairs, replacements or fittings or appurtenances thereto 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.

§ 183-2. Title.

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

§ 183-3. Remedial nature of code; construal of provisions.

This code is hereby declared to be remedial and shall be construed to secure the beneficial interest and purposes thereof, which are health, sanitation, general public safety and welfare, by regulating installation and maintenance of all plumbing.

¹ Editor's Note: See Ch. 22, County Council, § 22-10, Housing, Plumbing and Electrical Codes.

§ 183-4. Adoption of standards. [Amended 2-13-1990 by Ord. No. 1990-4]

The County Council of Wicomico County hereby adopts that certain document, one (1) copy of which is on file in the office of the County Council of Wicomico County, Maryland, being marked and designated as the "Department of Licensing and Regulations, Code of Maryland Regulations, 09.20, State Board of Plumbing, 501 St. Paul Place, Baltimore, Maryland 21202," hereinafter referred to as the Wicomico County, Maryland, Plumbing Code, for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the Maryland Plumbing Code and all amendments thereto, not otherwise amended as set forth in this chapter, are hereby referred to, 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 plumbing installations within the corporate limits of Wicomico County, Maryland.

ARTICLE II

Administration and Enforcement

§ 183-5. (Reserved)¹

§ 183-6. Applicability.

The provisions of this code shall apply to every plumbing installation, including alterations, repairs, equipment, appliances, fixtures, fittings or appurtenances thereto, within the county or its police jurisdiction or when connected to the water or sewerage system.

(Cont'd on page 18305)

¹ Editor's Note: Former § 183-5, BOCA provisions deleted, was repealed 2-13-1990 by Ord. No. 1990-4.

§ 183-7. Intent.

This code shall be construed liberally and justly to secure the proper installation of systems for furnishing potable water, for sanitary sewage disposal and storm drainage and to ensure public safety, health and welfare insofar as they are affected by the installation and maintenance of plumbing.

§ 183-8. Exceptions.

- A. Plumbing installation by home owner. Nothing in this code shall prevent any legal owner of a single-family dwelling unit, who resides therein, and his family from installing or maintaining plumbing within his own property boundaries. Such privilege does not convey the right to violate any provisions of this code, nor is it construed as exempting such legal property owner from obtaining a permit and paying the required fees therefor, and the posting of a proper bond.
- B. Notwithstanding any provisions of this code, property used exclusively for agricultural purposes shall be excluded from all provisions of this chapter, provided that no repairs, maintenance, installation or other work hereunder shall in any way be provided for human consumption. The bona fide use of a parcel of land for the cultivation, raising of poultry and livestock or similar agrarian activity and the related buildings, structures and appurtenances necessary to carry out the aforementioned activities, except any dwellings thereon, shall be deemed agricultural.

§ 183-9. Existing structures.

The invalidity of any provision in any section of this code as applied to existing buildings and structures shall not be held to affect the validity of such section in its application to buildings and structures hereafter erected.

§ 183-10. Existing plumbing systems.

- A. This code shall apply to existing plumbing systems as described in this section.
- B. Alterations in excess of fifty percent (50%). Plumbing systems where the extent of additions or alterations exceeds fifty percent (50%) of the total length of pipe in the existing systems.
- C. Damages exceeding fifty percent (50%). If the structure is damaged by fire or any other cause to an extent in excess of fifty percent (50%) of the physical value of the structure before the damage was incurred, this code's requirements for new structures shall apply.
- D. Additional loads. Where additions or alterations subject parts of existing systems to loads exceeding those permitted herein, such parts shall be made to comply with this code.

§ 183-11. Existing uses.

- A. Continuation. The legal use and occupancy of any structure existing on the date of adoption of this code or for which it had been heretofore approved, may be continued without change, except as may be specifically covered in this code or as may be deemed necessary by the Plumbing Official for the general safety and welfare of the occupants and the public.
- B. Change in use. It shall be unlawful to make any change in the use or occupancy of any structure which would subject it to any special provision of this code without approval of the Plumbing Official and his certification that such structure meets the intent of the provisions of law governing building construction for the proposed new use and occupancy and that such change does not result in any greater hazard to public health, safety or welfare.

§ 183-12. Repairs and maintenance.

- A. Ordinary repairs. Minor repairs or replacements of any existing system may be made in the same manner and arrangement as in the existing system, provided that such repairs or replacements are made in a safe and sanitary manner and are approved by the Plumbing Official.
- B. Maintenance. All plumbing, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Code shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of plumbing.

§ 183-13. Demolition of structures.

Before a structure can be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

§ 183-14. Moved structures.

Buildings and structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings and structures.

§ 183-15. Point of connection to public sewer and water main.

Building sewers and water service pipes shall connect, when possible, to the public sewer and water main at a point designated by the proper authority.

§ 183-16. Excavations.

- A. A permit shall be required from the Department of Public Works of the county for each excavation in a public street or alley before the work is commenced. Work under such permit shall be commenced within forty-eight (48) hours, otherwise the permit shall become void. All permits shall be kept at the place of excavation while the work is being done and exhibited whenever called for by any person having an authority to examine same. There shall be no more than one-half ($\frac{1}{2}$) the width of any street or alley opened or obstructed at any one time; tunneling shall not be allowed, and no authorized underground construction shall be injured or interfered with. All portions of the street excavated shall be put in as good condition as before the excavation was made. The trench or excavation shall be refilled, thoroughly rammed and puddled within forty-eight (48) hours after making the connection or repairs. When an excavation is made in any paved street where it is necessary to remove paving, the person, firm or corporation to whom the permit was issued for such excavation shall leave a written notice with the Department of Public Works, and said notice shall state that the excavation has been properly filled, tamped and is ready for repaving. Whenever any person, firm or corporation making any excavation in the street or alley fails to refill, in the proper manner, as required by this code or fails to maintain same for a period of one (1) year, then the Director of Public Works shall cause the work to be done and the cost thereof shall be charged against the bond as heretofore provided.
- B. It is hereby required that, for every excavation made on public property, proper safeguards shall be provided against injury to the public; barricades shall be provided at five-foot distance, and such barricades shall completely encircle all open excavations or trenches. All barricades, as required by this code, shall have at least one (1) sign placed thereon in a conspicuous manner, indicating the name of the person, firm or corporation causing such excavation. When approved by the Director of Public Works, steel

plates of sufficient strength may be used to cover the excavation to prevent blocking of streets.

- C. From sunup to sundown there shall be placed, at a distance of not less than one hundred (100) feet, sufficient numbers of red flags to warn the public of the dangerous excavation. From sunset to sunrise there shall be placed at a distance of not less than one hundred (100) feet sufficient red lights or flambeaux to indicate the length of the excavation in the public thoroughfare and to warn the public of the dangerous excavation. In addition to the above, there shall be placed on or by the barricades sufficient red lights or flambeaux to indicate the point of excavation and size.

§ 183-17. Approval by Plumbing Official required.

- A. Approved materials and equipment. All materials, equipment and devices approved for use by the Plumbing Official shall be constructed and installed in accordance with such approval.
- B. Modifications. When there are practical difficulties involved in carrying out the provisions of this code or of an approved rule, the Plumbing Official may vary or modify such provisions upon application of the owner or his representative, provided that the spirit and intent of the law shall be observed and public health safety and welfare be assured.
- C. Records. The application for modification and the final decision of the Plumbing Official shall be in writing and shall be officially recorded with the application for the permit in the permanent records of the Department.
- D. Used materials and equipment. Used materials, equipment and devices may be used, provided that they have been reconditioned, tested and placed in good and proper working condition and approved for use by the Plumbing Official.
- E. Alternate materials and equipment. The provisions of this code are not intended to prevent the use of any material or

equipment not specifically prescribed by this code, provided that any such alternate has been approved. The Plumbing Official may approve any such alternate, provided that he finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

- F. Research and investigations. He shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly, and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, he may approve its use, subject to the requirements of this code. The costs of all tests, reports and investigations required under these provisions shall be paid by the applicant.
- G. Research reports. He may accept as supporting data to assist him in his determination duly authenticated research reports from the Building Officials and Code Administrators International or from other approved authoritative sources for all materials or assemblies proposed for use which are not specifically provided for in this code.

§ 183-18. Plumbing Official designated.

- A. The State Health Department and the Wicomico County Department of Health are authorized by the county to enforce the provisions of this chapter and are designated as the Plumbing Official for all purposes of this Plumbing Code.
- B. Relief from personal responsibility. The Plumbing Official, its officers or employees charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby render itself liable personally, and it is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required

or permitted in the discharge of its official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. In no case shall the Plumbing Official or any of his subordinates be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this code; and any officer of the Plumbing Official, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his official duties in connection therewith.

§ 183-19. Duties and powers of Plumbing Official.

- A. General. The Plumbing Official shall enforce all the provisions of this code and shall act on any question relative to the mode or manner of construction and the materials to be used in the installation of plumbing work, except as may otherwise be specifically provided for by other requirements or as provided in the following sections.
- B. Applications and permits. The Plumbing Official shall receive applications and issue permits for the installation of plumbing and inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.
- C. Notices and orders. The Plumbing Official shall issue all necessary notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance with all the code requirements for safety, health and general welfare of the public.
- D. Inspections. The Plumbing Official shall make all the required inspections or he may accept reports of inspection by authoritative and recognized services or individuals, and all reports of such inspections shall be in writing and

certified by a responsible officer of such authoritative service or by the responsible individual, or he may engage such expert opinions as he may deem necessary to report upon unusual technical issues that may arise, subject to the approval of the appointing authority.

- E. Credentials. The Plumbing Official or his authorized representative shall carry proper credentials of his respective office for the purpose of inspecting any and all buildings and premises in the performance of his duties.
- F. Department records. The Plumbing Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections and notices and orders issued. Such records shall be retained in the official records so long as the building or structure to which they relate remains in existence, unless otherwise provided by other regulations.
- G. The Plumbing Official, with the approval of the County Council of Wicomico County, Maryland, may appoint such number of officers, inspectors, assistants and other employees to administer this code as shall be authorized from time to time.

§ 183-20. Permit required; application procedure.

- A. Permit required. Plumbing work shall not be commenced until a permit for such work has been issued by the Plumbing Official. Repairs which involve only the working parts of a faucet or valve, the clearance of stoppages or the repairing or the replacement of defective faucets or valves may be made without a permit, provided that alterations are not made in the existing piping or fixtures.
- B. Form. Application for a permit for plumbing work shall be made on forms prepared and provided by the Plumbing Official and shall be accompanied by an adequate description of the proposed plumbing work.
- C. By whom application is made. Application for a permit shall be made by the owner or his authorized agent to

install all or part of any plumbing system. The applicant, other than a homeowner, shall meet all qualification, licensing or bonding requirements as may be established by rules promulgated with the code or by another ordinance or statute. The full names and addresses of the owner, lessee, applicant and of the responsible officers, if the owner or lessee is a corporate body, shall be in the application.

- D. Description of work. The applicant shall list the number of fixtures of each type to be installed, the location of the work, the use and occupancy of the building in which the work is to be performed and additional information as may be required by the Plumbing Official.
- E. Plans and specifications. The Plumbing Official may require the submission and approval of plans and specifications in duplicate showing the nature and extent of the proposed work before a permit is issued. If, in the course of the work, it is found necessary to make any change from the approved plans and specifications on which a permit has been issued, amended plans and specifications shall be submitted, and if approved, a supplementary permit shall be issued to cover the change after the same conditions required to secure the original permit have been satisfied.
- F. Type of plans. Plans and specifications where required by the Plumbing Official shall include a plan view and riser diagram showing the work. Such plans shall show the direction of flow, pipe size, grade of horizontal piping, elevations and drainage fixture unit loading of both stacks and drains in the drain, waste and vent (DWV) system and the supply fixture unit load for water system and any branch supplies which serve more than one (1) plumbing fixture, appliance or hose outlet. Symbols used thereon shall be in accordance with accepted engineering practice.
- G. Site plan. There shall also be filed a site plan showing the location of water service and sewer connections with respect to any building in which a plumbing system is to be

installed. Vent stack terminations shall be shown with respect to building ventilation openings which could cause introductions of sewer gases into the building or any adjacent building.

- H. Engineering detail. The Plumbing Official may require adequate details of plumbing work including computations and other technical data to be filed.
- I. Amendments. Subject to the limitations of Subsection E, amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the permit is sought or issued, and such amendments shall be deemed part of the original application and shall be filed therewith.
- J. Time limit. An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after date of filing, unless such application has been diligently prosecuted or a permit shall have been issued, except that for reasonable cause, the Plumbing Official may grant one (1) or more extensions of time for additional periods not exceeding ninety (90) days each.

§ 183-21. Issuance of permit.

- A. Action on application. The Plumbing Official shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to the requirements of all pertinent laws, he shall reject such application in writing stating the reasons therefor. If he is satisfied that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, he shall issue a permit therefor as soon as practicable. A plumbing permit shall not be transferable.
- B. Previous approvals. A provision in this code shall not require changes in the plumbing system of a building for which a lawful permit has been heretofore issued or

otherwise lawfully authorized and the installation of which shall have been actively persecuted within ninety (90) days after the effective date of this code and completed with dispatch.

- C. Signature to permit. The Plumbing Official shall attach his signature to every permit or he may authorize a representative to affix such signature thereto.
- D. Approved plans. The Plumbing Official shall stamp or endorse in writing all sets of corrected plans approved, and one (1) set of such approved plans shall be retained by him and the other set shall be kept at the building site, open to inspection of the Plumbing Official or his authorized representative at all reasonable times.
- E. Approval in part. The Plumbing Official may issue a permit for the installation of part of a plumbing system before the entire plans and specifications for the whole system have been submitted, provided that adequate information and detailed statements have been filed with all the pertinent requirements of this code. The holder of such permit shall proceed at his own risk with the work and without assurance that a permit for the entire system will be granted.
- F. Revocation. The Plumbing Official may revoke a permit or approval issued under the provisions of this code in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

§ 183-22. Conditions of permit.

- A. Payment of fees. A permit shall not be issued until the fees designated by the Wicomico County Council have been paid. [Amended 2-13-1990 by Ord. No. 1990-4]
- B. Compliance with code. The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this code, except as specifically stipulated by

modification or legally granted variation as described in the application.

- C. Compliance with permit. All work shall conform to the approved application and plans for which the permit has been issued and any approved amendments thereto.

§ 183-23. Fees.

- A. General. A permit to begin work for a new construction or alteration shall not be issued until the application fee and permit fee prescribed have been paid, nor shall an amendment to a permit necessitating an additional fee because of the additional work involved be issued until the additional fee shall have been paid.
- B. Where plumbing is commenced before a permit is obtained, the permit fees shall be doubled. [Amended 10-13-1984 by Ord. No. 1984-9; 2-13-1990 by Ord. No. 1990-4]
- C. Separate permits shall be obtained whenever the following conditions prevail:
- (1) For each dwelling unit and/or structure.
 - (2) In apartments, condominiums or townhouse projects, separate permits shall be obtained for each dwelling unit, accessory unit and for the on-site plumbing installation.
 - (3) In the case of shopping centers, malls, groups of offices within a single structure and/or similar uses, a separate permit shall be obtained for each respective store, office and/or use for the on-site plumbing installation.
- D. Permit fees. Permit fees shall be as recommended by the Plumbing Official and approved by the Wicomico County Council. [Added 2-13-1990 by Ord. No. 1990-4]

§ 183-24. Inspections.

- A. Required. It shall be the duty of the Plumbing Official to enforce the provisions of this code and to make such in-

spections and tests as may be required under Article 18, entitled "Inspection, Tests and Maintenance."

- B. Inspection services. The Plumbing Official may accept reports of approved inspection services which satisfy his requirements as to qualifications and reliability.
- C. Inspection reports. All inspection reports shall be in writing and shall be certified by the approved authority or responsible officer of the service or the individual, when expert inspection services are accepted. An identifying label or stamp permanently fixed to the product, indicating that required inspection has been made, shall be accepted in lieu of the aforesaid inspection report in writing, if the intent or meaning of such identifying label or stamp is properly substantiated.
- D. Final inspections. Upon completion of the plumbing work, a final inspection shall be made and all violations of the approved plans and permit shall be noted and the holder of the permit shall be notified of the discrepancies.
- E. Right of entry. In the discharge of his duties, the Plumbing Official or his authorized representative shall have the authority to enter at any reasonable hour any building, structure or premises in the county under the provisions of this code.

§ 183-25. Workmanship.

All work shall be conducted, installed and completed in a workmanlike and acceptable manner so as to secure the results intended by this code and the standards referenced herein.

§ 183-26. Violations and penalties.

- A. If any person commences any work on a plumbing installation before obtaining the necessary permit from the Plumbing Official, he shall be subject to the penalty prescribed herein.

- B. Unlawful acts. It shall be unlawful to install, extend, alter, repair or maintain plumbing systems in or adjacent to buildings except in conformity with this code.
- C. Notice. The Plumbing Official shall serve a notice of violation or order on the person responsible for the installation of plumbing work in violation of the provisions of this code or in violation of a detail statement or a plan approved thereunder or in violation of a permit or certificate issued under the provisions of this code, and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- D. Prosecution. If the notice of violation is not complied with promptly, the Plumbing Official shall request the legal counsel of the jurisdiction to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of any plumbing system in violation of the provisions of this code or of the order or direction made pursuant thereto.
- E. Penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall install plumbing work in violation of an approved plan or directive of the Plumbing Official or of a permit or certificate issued under the provisions of this code shall be guilty of a misdemeanor, punishable by fine of not more than one thousand dollars (\$1,000.) or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.
- F. Abatement. The imposition of the penalties herein prescribed shall not preclude the County Solicitor, Wicomico County, and/or the Plumbing Official from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or use of a building or structure in or about any premises.

§ 183-27. Stop-work order.

- A. Notice. Upon notice from the Plumbing Official that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop-work order shall be in writing and shall be given to the owner of such property or to his agent or to the person doing the work and shall state the conditions under which work may be resumed.
- B. Unlawful continuance. Any person who shall continue any plumbing work in or about the structure after having been served with a stop order, except such work as he is directed to perform to remove a violation of unsafe conditions, shall be liable to fine of not less than one hundred dollars (\$100.) or more than five hundred dollars (\$500.).

§ 183-28. Notice of approval.

- A. Approval. After the prescribed tests and final inspection indicate that the work complies in all respects with this code, a notice of approval shall be issued by the Plumbing Official.
- B. Temporary occupancy. Upon the request of the holder of a permit, the Plumbing Official may issue a temporary authorization before the entire work covered by the permit shall have been completed, provided that such portion or portions may be put into service safely prior to full completion of the building or structure without endangering health or public welfare.

§ 183-29. Unsafe conditions.

All plumbing installations, regardless of type, which are unsanitary or which constitute a hazard to human life, health or welfare are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure as outlined in the Building Code of Wicomico County or any future ordinances dealing with the subject matter hereof.

§ 183-30. Licensing of plumbers. [Amended 10-13-1984 by Ord. No. 1984-9; 2-13-1990 by Ord. No. 1990-4]

- A. Before any person, firm or corporation shall engage in the plumbing business within the county, he shall be qualified as set forth herein, and a license shall be obtained from the Wicomico County Plumbing Official when proof of liability insurance of at least three hundred thousand dollars (\$300,000.) and a valid Maryland State master plumbers license is presented. Where any plumbing work is being done, a master or journeyman plumber shall at all times be in actual control and in charge of the work being done, except as follows: Those persons, firms or corporations meeting the requirements of Subsection B must have a qualified supervisor at all times on the job.
- B. Whoever desires to enter the plumbing business or offers plumbing services within the county shall apply for registration to the Wicomico County Plumbing Official and present certificates from the state, together with satisfactory proof as to competency to enter the plumbing business; except that those persons or firms desiring to install, repair or maintain on-site waste disposal systems on any premises shall start five (5) feet outside the building line and shall not be required to be registered master plumbers. Those persons or firms engaged in the practice of installing groundwater heat pump equipment shall not be required to be registered master plumbers. Those persons or firms engaged in the practice of installing groundwater heat pump equipment or on-site waste water-disposal systems must be registered and licensed with the Wicomico County Plumbing Official and provide a proper bond of five thousand dollars (\$5,000.), together with satisfactory proof as to the competency to perform this type of business to the county.
- C. A license shall be obtained from Wicomico County, Maryland, after fully complying with Subsection B. The initial registration and license fee shall be determined by the Plumbing Officer with the approval of the County Council. All licenses shall expire on April 30 of each year and shall be renewed

annually thereafter only upon written application to the Wicomico County Plumbing Official. Renewal fees shall be the same as those for initial licensing.

- D. Any person, firm or corporation engaged in the plumbing business whose work does not conform to the rules and regulations hereinafter set out or whose workmanship or materials are of inferior quality shall, on notice from the Plumbing Official, make necessary changes or corrections at once so as to conform to this code. If the work has not been so changed after ten (10) days' notice from the Plumbing Official, the Plumbing Official shall then refuse to issue any more permits until such work has fully complied with the rules and regulations of this code and shall revoke the registration of such person, firm or corporation. The Plumbing Official may appear before the Wicomico County Plumbing Board and advise that all licenses and/or registration have been revoked because of continuous violations. When the revocation of any such license and/or registration is to be considered at any meeting, the person, firm, company, association or corporation to whom the license and/or registration has been issued shall have at least three (3) days' notice, in writing, of the time and place of such meeting, together with a statement of the grounds upon which it is proposed to revoke such license and/or registration.
- E. Before any person, firm or corporation shall engage in the business of plumbing within the county, he, it or they shall first obtain the proper license and show proof to the Wicomico County Plumbing Official of the three hundred thousand dollars' (\$300,000.) worth of general liability insurance, as required by the Maryland State Plumbing Board. Groundwater heat pump installers and on-site waste-disposal installers must obtain a proper license and a bond in the sum of five thousand dollars (\$5,000.) approved by the County Attorney. The business will faithfully observe all the laws pertaining to plumbing, drain laying, blasting and excavating; further, the county shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm or

corporation engaged in the plumbing business or by any other unfaithful inadequate work done either by themselves or their agents or employees, and such person, firm or corporation will maintain in a safe condition for one (1) year all ditches and excavations which may be opened in the performance of any plumbing work; and, further, all dirt and other material excavated will be replaced with similar materials. Where such excavation is made in an unpaved street or any street paved with chert or macadam, the word "street," as herein used, shall apply to sidewalks, curbs, gutters and street paving.

- F. Allowing one's name, license or bond to be used to obtain a permit fraudulently. No person, firm or corporation engaged in the business of plumbing shall allow his, its or their names to be used by any other person, firm or corporation, directly or indirectly, to obtain a permit or for the construction of any work under his, its or their names, license or bond, nor shall he, it or they make any misrepresentations or omission in his, its or their returns.

§ 183-31. Emergency measures.

When, in the opinion of the Plumbing Official, there is actual and immediate danger of contamination or sanitation hazard which would endanger life, the Plumbing Official hereby is authorized and empowered to order and require the occupants to vacate a structure forthwith. He shall cause to be posted at each entrance to such structure a notice reading as follows: "THIS STRUCTURE IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE PLUMBING OFFICIAL." It shall be unlawful for any person to enter such structure except for the purpose of making the required repairs or removal.

ARTICLE III
Appeals

§ 183-32. Right of appeal.

- A. The owner of a building or structure or any other person may appeal from a decision of the Plumbing Official

refusing to grant a modification of the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a plumbing system to the Wicomico County Plumbing Board.

- B. Application for appeal. Application for appeal may be made when it is claimed that the true intent of this code or the rules legally adopted thereunder have not been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction can be used.

§ 183-33. Plumbing Board.

- A. There is created a Wicomico County Plumbing Board who shall administer appeals under the provisions of this chapter.
- B. The Board shall consist of five (5) members, residents of this county and citizens of the United States, and the County Council may designate itself to act as such Board. If appointed by the County Council, one (1) member shall be appointed for a one-year term, two (2) members shall be appointed for a two-year term and two (2) members shall be appointed for a three-year term. Thereafter, members shall be appointed for a term of three (3) years.
- C. Appointments to fill a vacancy occurring otherwise than through the expiration of a term shall be for the unexpired term.
- D. Every member of the Board shall receive a commission of his appointment from the County Council.
- E. The Wicomico County Council may remove any member of the Board for misconduct, incompetency, neglect of duty or for any other sufficient cause in the sole discretion of the County Council.
- F. The Board shall annually elect a President and a Secretary-Treasurer. No member of the Board shall receive any compensation for the duties provided in this chapter. The members shall be reimbursed for all actual and necessary

traveling expenses incurred in carrying out the provisions of this chapter.

G. Powers and duties.

- (1) The Board may adopt and amend all rules and regulations not inconsistent with the Constitution,

(Cont'd on page 18325)

laws and ordinances of this state and county and of cities which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it.

- (2) In carrying into effect the provisions of this chapter, the Board, under the hand of its President and the seal of the Board, may subpoena witnesses and compel their attendance and also may require the production of papers or documents in any case involving the revocation of registration or practicing or offering to practice without registration.
- (3) Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.
- (4) If any person refuses to obey a subpoena so issued or refuses to testify or produce any books, papers or documents, the Board may present its petition to the Circuit Court for Wicomico County setting forth the facts. Thereupon the court shall, in a proper case, issue its subpoena to such person requiring his attendance before such court and there to testify or produce such papers and documents as may be deemed necessary and pertinent by the Board.
- (5) Any person failing or refusing to obey the subpoena or order of the court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the Circuit Court.

H. Receipts and expenditures.

- (1) All money received by the Board shall be paid monthly to the Director of Finance and shall be credited to the general fund of the county.
- (2) All disbursements made by the Board for salaries, expenses or other authorized expenditures shall be paid by the Director of Finance, out of funds appropriated by the County Council for such purpose, on vouchers signed by the President and attested by the Secretary-Treasurer of the Board.

- (3) The Secretary-Treasurer of the Board shall give surety bond to the county in such sum as the County Council may determine. The premium on such bond shall be regarded as a proper and necessary expense of the Board.
- (4) The Board may employ such clerical or other assistants as the County Council deems proper. The Board may make expenditures of this fund for any purpose which is reasonably necessary for the proper performance of its duties under this chapter.

I. Records.

- (1) The Board shall keep a record of its proceedings.
- (2) The records of the Board and the Plumbing Official shall be prima facie evidence to the proceedings of the Board set forth therein. A transcript thereof, duly certified by the Secretary-Treasurer of the Board, under seal, shall be admissible in evidence with the same force and effect as if the original were produced.
- (3) Annually, prior to September 1, the Board shall submit to the County Council a report of its transactions for the fiscal year ending June 30 and shall also transmit to them a complete statement of the receipts and expenditures of the Board, attested by affidavits of its President and its Secretary-Treasurer.

§ 183-34. Appeals procedure.

- A. Notice of meetings. The Board shall meet upon notice of the Chairman within ten (10) days of the filing of an appeal or at stated periodic meeting if warranted by the volume of work.
- B. Public hearing. All hearings shall be public, and the appellant, his representative, the official of the jurisdiction and any other person whose interests may be affected by the matter on appeal shall be given an opportunity to be heard.

- C. Adjourned meeting. When four (4) qualified members are not present to consider a specific appeal, either the appellant, the Plumbing Official or their representatives may request a postponement of the hearing.
- D. Action of Board. The Board shall affirm, modify or reverse the decision of the Plumbing Official by a concurring vote of four (4) members.
- E. Resolutions of Board. Every action of the Board shall be by resolution, and certified copies shall be furnished to the appellant and to the Plumbing Official.
- F. Determining vote. Failure to secure three (3) concurring votes shall be deemed a confirmation of the decision of the Plumbing Official, except that the appellant shall be entitled to further hearing before a full board if there were not three (3) qualified members present when the vote was taken.
- G. Enforcement of decision. The Plumbing Official shall take immediate action in accordance with the decision of the Board.
- H. Court review. Any person aggrieved by a decision of the Board of Appeals, whether or not a previous party to the decision, or any officer or official board of the jurisdiction may apply to the appropriate court for a writ of certiorari to correct errors of law in such decisions. Application for review shall be made to the proper court of jurisdiction within fifteen (15) days after the filing of the Board's decision in the office of the Plumbing Official.

ARTICLE IV
Amendments to Maryland Plumbing Code
[Amended 10-13-1984 by Ord. No. 1984-9;
2-13-1990 by Ord. No. 1990-4]

§ 183-35. Administrative authority.

The Maryland Plumbing Code definition of administrative authority is deleted in its entirety and is redefined as follows:

ADMINISTRATIVE AUTHORITY — The Plumbing Official is the Wicomico County Health Department, authorized by the county to administer and enforce the provisions of the Plumbing Code as adopted or amended.

§ 183-36. Amendments and additions.

The following sections of the Maryland Plumbing Code, 1990 Edition, as hereinbefore referred to, are hereby amended, revised and/or added to as indicated.

A. Section 09.20.03.16 shall be amended to read as follows:

09.20.03.16. Freezing or overheating. Water service piping shall be installed below frost penetration but not less than two (2) feet six (6) inches below grade for water piping and one (1) foot six (6) inches below grade for sewers connected to public sewers. Water, soil or waste piping may not be installed outside a building or in an exterior wall unless complete and proper provisions is made to protect the pipe from freezing or overheating.

B. A new Section 09.20.03.19 C shall be added as follows:

09.20.03.19 C. Separate services for each building.

1. All buildings, lots, premises or establishments shall have separate water and sanitary sewer connections, except as provided for herein. This does not prevent a dwelling and a garage or other building on the same lot from being supplied from a single-water and/or sanitary sewer connection, provided that they are not used wholly or partially as a separate residence or place of business.
2. Condominiums, malls and plazas shall have separate water and/or sanitary sewer connections for each unit of occupancy, unless written approval has been given by the Plumbing Official for separate water and/or sanitary sewer connections for each building and/or structure or for a cluster of buildings and/or structures. Approval may be granted, provided that the lines are defined in and listed under the common areas and facilities in the master

deed, management agreements and/or covenant, which shall be reviewed and approved by the County Attorney and recorded among the land records of Wicomico County for condominiums, mall or plaza projects. The Association/Board of Directors, as established by the declaration or bylaws, shall be responsible for the payment of water and sewer charges.

3. Apartments, industrial and/or commercial complexes, motels, hotels, motor lodges and trailer parks shall have separate water and/or sanitary sewer connections for each building and/or structure owned by a single owner, firm and/or corporation used for the same type of occupancy and may be served by a separate connection upon written approval by the administrative authority and upon signing of a special covenant which would require additional service to each building in the event that there is a change of use and/or ownership of one (1) or more building(s) and/or structure(s) of the cluster. Each building and/or structure changing use and/or ownership will be required to have a separate water and/or sanitary sewer connection at the entire expense of the owner prior to change of use and/or ownership. Such covenant shall be filed among the land records of Wicomico County and with the Plumbing Official.

4. Each townhouse unit shall have a separate water and/or sewer connection.

C. New Sections 09.20.03.20 B, C and D shall be added as follows:

09.20.03.20 B. Location: Bath, toilet or rest rooms shall not open directly into a kitchen or room used for the preparation of food.

09.20.03.20 C. Ventilation systems required: Ventilation from toilet rooms, washrooms, shower rooms and locker rooms shall be separate and distinct, and their ventilating systems shall have no connection whatever with the other ventilating ducts in the structure. The exhaust duct shall discharge into the outside air above the room and in such a manner as not to create objectionable odors or a nuisance on the premises or

adjacent premises. Adequate provisions for the admittance of tempered make-up air shall be made in accordance with accepted engineering practice and acceptable to the administrative authority.

09.20.03.20 D. Toilet rooms and bathroom doors: All toilet rooms and bathrooms must have doors installed to afford privacy to users unless otherwise approved by the Plumbing Official.

D. Section 09.20.08.16 B shall be amended as follows:

09.20.08.16 B. Size of floor drains. Floor drains shall be of a size to serve efficiently the purpose of which it is intended, but the minimum size of the trap and outlet pipe shall be three (3) inches.

E. A new Section 09.20.08.16. D shall be added as follows:

09.20.08.16 D. Public toilet rooms: Floor drains shall be installed in all public toilet rooms [see definition of "Public or public use" in Section 09.20.02.01 (135)].

F. A new Section 09.20.08.24 D shall be added as follows:

09.20.08.24 D. Shopping centers and shopping malls: In addition to providing the minimum number of plumbing fixtures for employees in each respective store within shopping centers and shopping malls, plumbing facilities for customers within such occupancies shall also be provided, exclusive of restaurants and assemblies (theaters) that are within the shopping centers and/or malls, which shall provide the required facilities shown in Table 09.20.08.24 A. The required facilities for customers shall be based on total square footage, and facilities may be installed in individual stores or in central toilet areas if the distance of travel from the main entrance of any store does not exceed three hundred (300) linear feet or more than one (1) flight of stairs. The number of fixtures required will be the same as shown on Table 09.20.08.24 A for assembly places of worship, and the basis for determination will be one (1) person per one hundred (100) square feet of floor area.

G. Table 09.20.08.24 A, Minimum Number of Plumbing Fixtures, shall be added as follows:

Table 09.20.08.24
A Minimum Number of Plumbing Fixtures (Continued)

Type of Building Occupancy	Number of Each Sex*	Water Closets		Urinals (Men Only)	Lavatories	Drinking Fountains
		Women	Men			
Restaurants*** by sex*	1 to 15	1	1	1	1	1**
	16 to 50	2	1	1	1	1**
	51 to 100	3	2	1	2	1**
	101 to 200	4	3	1	3	2**
	201 to 500	5	3	2	4	2**
	500					

NOTES:

* This figure shall be based on the permissible seating capacity or equivalent area for on-premises food consumption, plus employees where no other employee facilities are available.

** Where food is consumed indoors, water stations may be substituted for drinking fountains. These provisions shall apply for new construction only. Employee toilet facilities are not included in the above table. Urinals may be provided in the men's toilet room in lieu of water closets, but not for more than one-third (1/3) of the required amount of water closets.

*** When a facility is designed for a total seating capacity of not more than fifteen (15) persons of either or both sexes at a time, where separate employee facilities do not exist, a single restroom facility designed for use by one (1) person at a time, containing a single water closet and a single lavatory with hot and cold water, having proper ventilation, may be provided. The total combination of seats and employees may not exceed fifteen (15). The restroom, in this case, must have provisions to lock from the interior.

H. New Sections 09.20.11.04 M and N shall be added as follows:

09.20.11.04 M. Connections to groundwater heat pumps: Where the water supply branches to supply a groundwater heat pump, a suitable backflow prevention device, as approved by the administrative authority, shall be installed.

09.20.11.04 N. Groundwater heat pump discharge: Where water from a groundwater heat pump is discharged other than to a recharge well, the discharge line shall be screened at the outfall with a one-fourth-inch screen.

I. Amend Section 09.20.11.12 D 1 and 2 to read as follows:

09.20.11.12.D. Valves in dwelling units.

1. All plumbing fixtures shall have individual fixture valves installed. All sill cocks and wall hydrants shall be

separately controlled by a valve inside the building and shall be accessibly located. This shall include all frostproof sill cocks.

2. In all dwelling units, one (1) or more control valves shall be provided so that the water to any plumbing fixture or group of fixtures in any one (1) dwelling unit may be shut off without stopping the flow of water to fixtures in other dwelling units. These valves shall be accessible inside the building unit controlled.

ARTICLE V

Septage Collection of Disposal and Treatment [Added 10-14-1991 by Bill No. 1991-13]

§ 183-37. Definitions.

The following words and phrases shall have the meanings indicated:

SCAVENGER — Any person, partnership, firm or corporation engaged in the business of cleaning and emptying septic tanks, holding tanks, seepage pits, privies or any other on-site disposal facility.

SEEPAGE PIT — A dug or drilled hole extending into porous soils for the purpose of introducing sewage effluent into the ground.

SEPTIC TANK — A water-type receptacle which receives the discharge of sewage from a building sewer or part of it and is designed and constructed to permit the settling and the digestion of the organic matter by an anaerobic bacterial action.

SEWAGE — Water-carried human, domestic and other waste and includes all human and animal excreta.

SEWAGE DISPOSAL SYSTEM — A sewage treatment unit, collection system, disposal area, and related appurtenances.

§ 183-38. Disposal.

- A. All waste material and septage collected by scavengers must be discharged at an approved location or facility. The Wicomico County Council, in executive session, by resolution, shall specify approved locations or facilities which may accept the discharge. Discharge at an approved facility shall be subject to the facility's operating rules and regulations.
- B. Any discharge of waste material or septage into ditches, watercourses, lakes, ponds, tidewater or other waters of the state or county, or at any other point within the county, not approved by the County Council of Wicomico County as provided in Subsection A of this section is specifically prohibited.

§ 183-39. Violations and penalties.

- A. It shall be a misdemeanor for any person to violate any provision of this Article, and, upon conviction thereof, such persons shall be punished by a fine of not more than one thousand dollars (\$1,000.) or imprisoned for not more than six (6) months, or both. Each day that a violation exists or continues shall constitute a separate offense.
- B. Violation of the provisions of this Article may result in the revocation of the individual, firm, partnership or corporation's permit to operate as a scavenger.
- C. The imposition of the penalties herein prescribed shall not preclude Wicomico County, Maryland, and/or the owner and/or manager of an approved facility from instituting appropriate action to prevent, restrain, correct or abate violations of this Article or the rules and regulations of the approved facility.