

Chapter 32

BUILDING CONSTRUCTION

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[HISTORY: Adopted by the Town Commissioners of the Town of Perryville 1-8-85 as Ord. No. 85-1. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage control – See Chapter 46.

Property maintenance – See Chapter 63.

Soil erosion and sediment control – See Chapter 71.

Water and sewers – See Chapter 82.

§ 32-1. Adoption of standards by reference.

- A. A certain document, copies of which are on file in the office of the County Commissioners, Cecil County, Maryland, in the Town Hall of Perryville, Maryland, and in the office of the Building Inspector, being marked and designated as the “BOCA Basic Building Code/1981, Eighth Edition”, as published by the Building Officials and Code Administrators International Inc. is hereby adopted as the Building Code of Perryville, Maryland, for the control of buildings and structures as herein provided; and each and all regulations, provisions, penalties, conditions and terms of the BOCA Basic Building Code/1981, Eighth Edition, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 32-2 of this chapter.

- B. Further, the document marked as designated as the “One and Two Family Dwelling Code, Third Edition, 1979” are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

§ 32-2. Amendments, additions and deletions.

- A. The following sections of the BOCA Building Code/1981 are hereby revised as follows:
- (1) Section 100.1 (page 1, second line) shall be revised to insert “Cecil County, Maryland, or Town of Perryville, Maryland, as appropriate.”
 - (2) Section 114.3.1 (page 11, third line) shall be revised to insert “Fee schedule as adopted by Cecil County Commissioners on May 7, 1979, said fee schedule having become effective on July 1, 1979. This schedule is subject to change by resolution of the Board of County Commissioners from time to time; and upon adoption of any additional fees schedule, said schedule shall be incorporated by reference herein and adopted as fully as if set forth herein.”
 - (3) Section 117.4 (page 13, fifth line) shall be revised to insert “misdemeanor.”
 - (4) Section 117.43 (page 13, sixth line) shall be revised to insert “five-hundred dollars.”
 - (5) Section 117.4 (page 13, seventh line) shall be revised to insert “ninety (90) days.”
 - (6) Section 118.2 (page 13, fourth line) shall be revised to insert “fifty dollars”.
 - (7) Section 118.2 (page 13, fifth line) shall be revised to insert “five-hundred dollars (\$500).”
 - (8) Section 123.3 (page 17, second line) shall be revised to insert “twenty-five dollars (\$25).”
 - (9) Section 1807.2.1 (page 361, second line) shall be revised to insert “three (3) feet.”
 - (10) Section 1807.2.2 (page 361, second line) shall be revised to insert “three (3) feet.”

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- (11) Section 1906.1 (page 372, fourth line) shall be revised to insert “twenty-five thousand dollars (\$25,000).”
- (12) Section 1906.1 (page 372, fifth line) shall be revised to insert “fifty-thousand dollars (\$50,000).”
- (13) Section 1906.1 (page 372, sixth line) shall be revised to insert “twenty-five thousand dollars (\$25,000.).”
- (14) Sections 2000.0 through 2005.3, being all of Article 20 on electric wiring and equipment are hereby deleted, as it is administered by its Board as appointed by the Board of County Commissioners for Cecil County, Maryland.
- (15) Sections 2200.0 through 2206.3.1, being all of Article 22 on plumbing systems are deleted, as it is administered by the Plumbing Board as appointed by the Board of County Commissioners, Cecil County, Maryland.
- (16) Any section not specifically referred to herein which contains in parenthetical form “name of municipality” shall have inserted therein “Town of Perryville, Maryland.” Any section not specifically referred to herein which may have in parenthetical form “dollar amount” for penalty or “number of days” for penalty shall be controlled by § C12-3A of the Code of the Town of Perryville.

B. One and Two Family Dwelling Code, 1979 Edition.

- (1) Chapters 16, 17, 18 and 19, Part V, Plumbing, in its entirety, and Part VI, Electrical, in its entirety, are deleted from the Building Code.

§ 32-3. Adoption of amendments.

The Building Officials and Code Administrators International, Inc., has been issuing an amended Basic Building Code every three (3) years. Amendments incorporated into subsequent BOCA Basic Building Codes and One and Two Family Dwelling Codes are hereby adopted prospectively. The date that such amendments shall be effective in Perryville shall be that date when the Building Inspector shall have received at least three (3) copies of said future editions and shall deliver one of said copies to the Board of County Commissioners as the new official Building Code of Cecil County. The insertions of amendments and penalties and other matters as set forth hereinbefore in § 32-2 shall be the same in meaning and context as those adopted herein, regardless of number designation or page number in the newly amended code or codes.

§ 32-4. Certain buildings exempted.

All farm buildings and all other outbuildings, with a cost less than two thousand five hundred dollars (\$2,500.) shall be exempted from the provisions and regulations of this Code.

§ 32-5. Effect of adoption.

Nothing in this chapter or in the Building code hereby adopted shall be constructed to affect any suit or proceeding pending in any court or any rights acquitted or liability incurred or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

§ 32-6. Review of building permit applications for flood hazard.

- A. The Director of Public Works or his designate, the Building Inspector of the county, when reviewing applications for building permits, including the plans and specifications for proposed construction, will review all building permit applications to determine if the proposed construction is consistent with the need to minimize flood damage.
- B. The Director of Public Works or his designate, the Building Inspector, shall review all building permit applications to determine if the site of the proposed construction is reasonably safe from flooding and to make recommendations for construction in all locations which have flood hazards.
- C. The Director of Public Works or his designate, the Building Inspector, in reviewing all applications for construction in flood hazard locations within the county, shall require that any such proposed construction shall:
 - (1) Be designed and anchored to prevent flotation, collapse or lateral movement of the structure or portions of the structure due to flooding.
 - (2) Use construction materials and utility equipment that are resistant to flood damage.
 - (3) Use construction methods and practices that will minimize flood damage.
 - (4) Provide adequate drainage in order to reduce exposure to flood hazards.

- (5) Locate public utilities and facilities on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities to include sewer, gas, electrical and water systems.
- D. The Technical Advisory Committee and/or the Cecil County Office of Planning, in reviewing all subdivision applications, shall determine to its satisfaction that:
- (1) All such proposed developments are consistent with the need to minimize flood damage.
 - (2) Adequate drainage is provided so as to reduce exposure to flood hazards.
 - (3) Adequate drainage is provided so as not to increase the exposure to flood hazards of adjacent lands.
 - (4) All public utilities and facilities are located, elevated and constructed so as to minimize or eliminate flood damage, these utilities and facilities to include sewer, gas, electrical and water systems.

§ 32-7. Withholding of building permit under certain circumstances.
[Amended 1-9-2001 by Ord. No. 2000-7]

It shall be unlawful to commence the construction of any building within the Town of Perryville in violation of this chapter. Any violation shall be a misdemeanor subject to a fine of Five Hundred Dollars (\$500.) or imprisonment of ninety (90) days or both. In addition, the Town shall have the authority to commence an action in a court of competent jurisdiction to enjoin any violation of this section. If any applicant applies for a building permit and, at the time of said application, said applicant, or the owner of the property, has been found guilty of a violation of the Town Code and has not remedied said violation, or said applicant and/or property owner, has not paid any fines assessed against said applicant or property owner as a result of a previous violation of the code of the Town of Perryville, the Town shall not issue a building permit until said fine has been paid and/or said violation has been remedied.