

Subject: Building Code - To Amend Chapter
203 of the *Code of St. Mary's County,*
Maryland

ORDINANCE

TO AMEND CHAPTER 203 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND

WHEREAS, Article 25, Section 10D of the *Annotated Code of Maryland* enables the Commissioners of St. Mary's County to adopt, amend and enforce a building code to provide for the construction, maintenance and repair of any and all buildings and structures located in or to be located in St. Mary's County; and

WHEREAS, pursuant to §12-503 of the *Public Safety Article* of the *Annotated Code of Maryland*, the State of Maryland has adopted, effective as of January 1, 2012, the 2012 versions of the International Building Code (hereinafter "IBC"), including the International Residential Code for One and Two family Dwellings (hereinafter "IRC") and the International Energy Conservation Code (hereinafter "IECC"), with the modifications incorporated by the Maryland Department of Housing and Community Development, as the Maryland Building Performance Standards; and

WHEREAS, pursuant to §12-503 and §12-505 of the *Public Safety Article* of the *Annotated Code of Maryland*, the Maryland Building Performance Standards apply to each building or structure in the State, and each local jurisdiction is required to enforce the most current version of the Standards and any local amendments to the Standards; and

WHEREAS, pursuant to §12-504 of the *Public Safety Article* of the *Annotated Code of Maryland*, local jurisdictions may adopt amendments to the Maryland Building Performance Standards; and

WHEREAS, the Board of County Commissioners held a public hearing on November 12, 2013, for the purpose of receiving public testimony and to consider a local amendment to the Maryland Building Performance Standards after notice was published in the *Enterprise*, a local newspaper of general circulation in St. Mary's County, Maryland, on October 25, 2013, and November 1, 2013; and

WHEREAS, the Board of County Commissioners has determined that an amendment to the Maryland Building Performance Standards would be in the best interest of the health, safety and welfare of the citizens of St. Mary's County,

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SECTION 1. NOW THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, that §203-13 of the *Code of St. Mary's County, Maryland*, be amended as follows:

The following sections of Appendix G (retaining any subsections, tables and figures not specifically enumerated) and the following specifically enumerated subsections and tables of Appendix G of the *2012 International Residential Code for One- and Two- Family Dwellings* are amended as follows:

SECTION AG101.1. General. The provisions of this appendix shall control the design and construction of swimming pools, spas, and hot tubs installed in or on the *lot* of a one- or two-family dwelling. The provisions of this appendix do not apply to an above-ground swimming pool or an on-ground swimming pool or a portable spa. The exemption of above-ground swimming pools, on-ground swimming pools and portable spas from the provisions of this appendix does not limit the applicability of this Ordinance to any permanent structure appurtenant to an above-ground swimming pool or an on-ground swimming pool or a portable spa. The provisions of the *St. Mary's County Electrical Code* are applicable in all cases and instances.

SECTION AG101.2. Pools in Flood Hazard Areas. Pools that are located in flood hazard areas established by Table R301.2(1) that involve placement of fill shall comply with Section AG101.2.1 or AG101.2.2.

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SECTION AG102. DEFINITIONS.

ABOVE-GROUND/ON-GROUND POOL. *[Deleted.]*

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground swimming pools and above-ground and on-ground hot tubs and spas.

SECTION AG103.2. *[Deleted.]*

SECTION AG104.2. *[Deleted.]*

SECTION AG105.2. Outdoor swimming pool. An outdoor swimming pool, including a hot tub or spa, shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool.

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Where the top of the pool structure is above grade, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be not greater than 4 inches (102 mm).

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8. Access doors or gates shall comply with the requirements of Sections AG105.1.1 through AG105.1.6 and shall be equipped to accommodate a locking device. Pedestrian access doors or gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Doors or gates other than pedestrian access doors or gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the door or gate, the release mechanism shall be located on the pool side of the door or gate 3 inches (76 mm) or more, below the top of the door or gate, and the door or gate and barrier shall be without openings greater than inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

- 8.1. Release mechanisms shall be in accordance with Sections 1008.1.9 and 1109.13 of the International Building Code.

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10. Where a pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:
 - 10.1. The ladder or steps either shall be capable of being secured, locked or removed to prevent access: or
 - 10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

SECTION AG105.5 Barrier Exceptions. A swimming pool with a power safety cover or spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AG107, shall be exempt from the provisions of this appendix.

SECTION 2. BE IT FUTHER ORDAINED, by the Commissioners of St. Mary's County, that:

- (1) The Director of Land Use and Growth Management or his designee shall forward a copy of the local amendment to the Maryland Department of Housing and Community Development at least 15 days prior to the effective date of this amendment.

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(2) This Ordinance shall be effective as of the date set forth below.

Those voting Aye: _____

Those voting Nay: _____

Those absent: _____

Adopted: _____

Effective Date: _____

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

Rebecca B. Bridgett,
County Administrator

Francis Jack Russell, President

Lawrence D. Jarboe, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Cynthia L. Jones, Commissioner

Todd B. Morgan, Commissioner

George R. Sparling
County Attorney

Daniel L. Morris, Commissioner