

COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION 2019-19

BILL NO. 2019-17

Title of Bill: Amendment – Energy Conservation Standards

Synopsis: A Bill to amend certain provisions of the Cecil County Code, Chapter 195, ENERGY CONSERVATION STANDARDS to revise references to update references to the Division of Permits and Inspections and Division Chief, and to update the edition of the International Energy Conservation Code to 2018.

Introduced by: Council President at the request of the County Executive

Introduced and order posted on: October 1, 2019

Public hearing scheduled on: November 5, 2019 at 7:00 p.m.

Consideration scheduled on: November 19, 2019

By: _____
Council Manager

PUBLIC HEARING

Notice of time and place of public hearing and title of Bill having been posted by Date at the County Administration Building, 200 Chesapeake Blvd., Elkton, and having been published according to the Charter on Date and Date, a public hearing was held on Date and concluded on Date.

By: _____
Council Manager

Explanation: CAPITAL LETTERS INDICATE LANGUAGE ADDED TO EXISTING DOCUMENT
~~Strike through~~ indicates language deleted from existing document
Underlining indicates language added to document by amendment.
~~Double Strike through~~ indicates language stricken from document by amendment.

1 **WHEREAS**, pursuant to Section 402 of the Cecil County Charter (the “Charter”), the County
2 Executive (the “Executive”) shall see that the affairs of the executive branch are administered properly
3 and efficiently, and that employees of the executive branch faithfully perform their duties; and

4 **WHEREAS**, pursuant to Section 402 of the Charter, the duties and responsibilities of the Executive
5 include, but are not limited to: (a) Supervising and directing offices, agencies and divisions of the
6 executive branch and ensuring that County employees as well as County boards and commissions
7 faithfully perform their duties; and, (b) preparing and submitting to the Council the annual County
8 Budget; and

9 **WHEREAS**, pursuant to Chapter 195, of the Cecil County Code, there is Energy Conservation
10 Standards; and

11 **WHEREAS**, the Chief, Permits and Inspections Division, Cecil County Department of Land Use and
12 Development Services has recommended amendments, insertions, and deletions to Chapter 195 of the
13 Cecil County Code, as more fully set forth herein; and

14 **WHEREAS**, the County Executive has submitted the amendments set forth herein to the County
15 Council for consideration and approval.

16 **NOW, THEREFORE, BE IT HEREBY ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY,**

17 **MARYLAND**, that Chapter 195, Energy Conservation Standards, is amended as follows:

18 Chapter 195

19 Energy Conservation Standards

20 General References

21 Building construction — See Ch. 157.

22 Electrical standards — See Ch. 191.

23 Housing standards — See Ch. 225.

24 HVAC standards — See Ch. 229.

25 Plumbing — See Ch. 270.

26 § 195-1. Adoption of standards.

27 § 195-2. Higher standards to govern.

28 Additional requirements concerning energy conservation for buildings and structures may be required by the
29 Energy Conservation Building Standards, Public Utilities Article, §§ 7-401 through 7-408, Annotated Code of
30 Maryland, as amended.

31 § 195-3. Adoption of amendments.

32 A. A certain document, copies of which are on file in the **DIVISION Department** of Permits and
33 Inspections of Cecil County, being marked and designated as the "International Energy
34 Conservation Code, ~~2018 2015~~ Edition," as published by the International Code Council, be and is
35 hereby adopted as the Energy Conservation Code of Cecil County, Maryland, for regulating and
36 governing energy-efficient envelopes and installation of energy-efficient mechanical, lighting and
37 power systems as therein provided, providing for the issuance of permits and collection of fees
38 therefor; and each and all regulations, provisions, penalties, conditions and terms of said Energy
39 Code on file in the Office of Permits and Inspections are hereby referred to, adopted and made a
40 part hereof, as if fully set out in this chapter. [Amended 7-5-2016 by Bill No. 2016-12]

41 B. In addition to the code listed in Subsection A above, local jurisdictions are responsible for the
42 implementation and enforcement of the Maryland Building Performance Standards.

43 § 195-3 Adoption of amendments.

44 The International Code Council issues an amended Energy Conservation Code approximately every three years.
45 Amendments incorporated into subsequent International Energy Conservation Codes are hereby adopted
46 prospectively. The date that such amendments shall be effective in Cecil County shall be the date when the
47 **DIVISION Director** of Permits and Inspections shall have received copies of said future editions and shall have
48 presented to and received adoption by the Cecil County Council as the new official Energy Conservation Code of
49 Cecil County.

50 § 195-4. Amendments, additions and deletions.

51 [Amended 7-5-2016 by Bill No. 2016-12]

52 The following sections of the ~~2018 2015~~ International Energy Conservation Code are hereby revised and amended
53 as follows:

54 A. Section C101.1 Title.

55 (1) "Cecil County" (Name of Jurisdiction).

56 (2) In addition to the International Energy Conservation Code, local jurisdictions are responsible for
57 implementation and enforcement of the Maryland building performance standards.

58 B. Section C101.2.1 Additional requirements concerning energy conservation for buildings and
59 structures may be required by the Energy Conservation Building Standards, Public Utility Companies
60 article, §§ 7-401 through 7-408, Annotated Code of Maryland, as amended.

61 C. Section C108.4 Failure to comply.

62 (1) Delete: "shall be liable to a fine of not less than \$250 dollars or more than \$2,500 dollars."

63 (2) Insert: "may be liable to a fine as adjudicated by the court having jurisdiction and may also be
64 responsible for any and all costs incurred by the County in pursuit of compliance."

- 65 D. Section C202 General Definitions.
- 66 Add: Equivalent Modification — Per the flexibility intended in the IECC, the State of Maryland shall
- 67 recognize alternatives accepted by the County for the design and conservation of energy for
- 68 buildings that, when installed, reduce annual energy usage or reduce the annual cost of energy
- 69 usage equal to or less than the amount specified within any pathway in the current IECC edition or
- 70 corresponding Residential Code edition. Allowable energy neutral trade-offs shall include, but not
- 71 be limited to, building air tightness, building envelope and fenestration components, equipment,
- 72 duct tightness, lighting, appliances and renewable energy systems.
- 73 E. Section 405 Electrical Power and Lighting Systems.
- 74 Section C405.2.1 Occupant Sensor Controls.
- 75 Add: Section C405.2.1.3 Specific Application Controls.
- 76 For the construction of new hotels:
- 77 A) Each hotel guest room shall be equipped with a master control device that
- 78 automatically turns off the power to all lighting fixtures in the guest room no more than
- 79 30 minutes after the room has been vacated; and
- 80 B) A master control device may also control the heating, ventilation, or air conditioning
- 81 default settings in hotel guest rooms 30 minutes after a room has been vacated by:
- 82 (1) Increasing the set temperature by at least 3° F when in the heating mode.
- 83 § 195-5. Fees.
- 84 All fees shall be established by the County as provided for by law. Copies of the fee schedule will be available in the
- 85 **DIVISION Department** of Permits and Inspections.
- 86 § 195-6. Definitions.
- 87 As used in this chapter, the following terms shall have the meanings indicated:
- 88 BUILDER/CONTRACTOR — The party to whom a permit for the building or structure not in compliance was issued
- 89 and shall also include any party actually performing the work of construction upon said building. The
- 90 builder/contractor shall also include any officer of any corporation, any partner of any partnership or any related
- 91 corporation, partnership, limited liability company or limited-liability partnership owned in whole or in part by any
- 92 aforementioned party.
- 93 CODE — The building, plumbing, mechanical, electrical or energy codes or other construction-related codes
- 94 adopted by Cecil County and enforced by the **DIVISION Department** of Permits and Inspections.
- 95 CODE OFFICIAL — The official or his designee appointed by the County Executive, who is charged with the
- 96 enforcement of the building, plumbing, mechanical, electrical and energy codes or other construction-related codes
- 97 as adopted by Cecil County.

98 PERSON; OWNER — Any person, corporation, association, partnership, firm, syndicate, joint venture, limited-
99 liability corporation, or organization of any kind holding title to any land or lot in the County; lessees, tenants and
100 principal occupants of any land or lot in the County or agent of persons holding title to such lands or lots, having
101 care, custody, control or management of land or lots in the County for others.

102 STOP-WORK ORDER — A legal notice posted on a specific property, building, structure or equipment by a Code
103 Official, indicating that a violation(s) of a code enforced by the **DIVISION Department** of Permits and Inspections
104 has been found and therefore all construction, alterations or repairs on the specific premises or equipment shall be
105 stopped until such time as any and all violations have been remedied.

106 VIOLATION — Any person or authorized agent who constructs, enlarges, alters, repairs, moves, demolishes, or
107 changes the occupancy of a building or structure or erects, installs, enlarges, repairs, removes, converts or replaces
108 any gas, mechanical, plumbing, energy or electrical system, the installation of which is regulated by the codes
109 enforced by the **DIVISION Department** of Permits and Inspections, or to cause such work to be done without
110 obtaining the proper permits which are found to be in noncompliance with the applicable codes.

111 § 195-7. Suspension, withholding or revocation of permits.

112 A. Suspension. Whenever the **DIVISION Department** of Permits and Inspections or any designated
113 Code Official of the County determines that an owner or contractor, as defined in this chapter, is in
114 violation of the provisions of this code or other rules and regulations of any other department or
115 agency of Cecil County in connection with the erection, alteration or demolition of buildings,
116 structures, lands, or equipment thereon or therein, the **CHIEF Director** of Permits and Inspections
117 or his designee may suspend all active permits and inspections necessary which the individual has
118 acquired or may need until such time as any and all violations have been corrected.

119 B. Withholding. Whenever the **DIVISION Department** of Permits and Inspections or any designated
120 Code Official of the County shall find that any contractor or owner, as defined in this chapter, is in
121 violation of this code or the rules and regulations of any other department or agency of Cecil
122 County in connection with the erection, alteration or demolition of buildings, structures, land or
123 equipment thereon or therein, the **CHIEF Director** of Permits and Inspections or his designee may
124 refuse to grant any additional permits to the contractor or owner until all such violations have been
125 corrected.

126 C. Revocation. The **DIVISION Department** of Permits and Inspections or any designated Code Official
127 of the County may revoke a permit or approval issued under the provisions of the code when it is
128 determined that any owner or contractor, as defined in this chapter, is in violation of this code in
129 the case of any false statement or misrepresentation of fact in the application or on the plans on
130 which the permit or approval was based. If any permit is issued in violation of the provisions of this

code or other laws, resolutions and regulations of Cecil County, or laws of the State of Maryland, or without proper authority, it may be voided as if it had never been issued.

- D. Notice. Once it has been determined by the designated Code Official that a violation of the provisions of this code or any other construction related code of the County has occurred, notice shall be sent to the owner or contractor, as defined in this chapter, who is responsible for said violation, advising said owner or contractor. Said notice shall be presumed received upon being mailed to the address of said owner or contractor that is provided for on the permit issued to said owner or contractor for said building/structure three days after mailing. If no permit exists, said notice shall be presumed received upon being mailed to the address for the individuals responsible based on tax assessments or other information available three days after mailing. Until such violation has been corrected, the ~~DIVISION Department~~ of Permits and Inspections and/or any appropriate Code Official of the County shall have the power to withhold any further permits requested by said owner or contractor.

§ 195-8. Violations and penalties; stop-work orders.

- A. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building, structure or equipment in violation of an approved plan or directive of the Code Official of his designee or of a permit or certificate issued under the provisions of this code may be liable upon judicial finding of said violation to a fine of not more than \$1,000 or imprisonment for not more than 90 days and, in addition, shall pay all costs and expenses associated with the County's abatement of said violation, as well as any and all fair and reasonable attorneys' fees incurred as a result of said abatement efforts. Each day a violation exists shall be deemed a separate offense. Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.
- B. Unlawful continuance. Any person who shall continue work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable for a fine of not less than \$250 and not more than \$1,000 and shall be liable for all costs, expenses and reasonable attorneys' fees associated with the County's administrative actions and/or legal proceedings taken to discontinue any such work after the service of said stop-work order. Each day that a violation continues shall be deemed a separate offense.

AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND, that this Act shall take effect in 60 calendar days from the date it becomes law.

CERTIFICATION

I, HEREBY CERTIFY that the above Bill was posted for the public on the public bulletin board with the date, time and location of the public hearing meeting, copies were made available for the public, a copy was distributed to the press, and copy was made available on the Cecil County website.

BY Council Manager