COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2017 Legislative Session, Legislative Day No. : February 14, 2017

Bill No.: 1353

Expiration Date: April 20, 2017

Introduced by: Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms. Price, Ms. Williams

A BILL TO ADOPT A LOCAL AMENDMENT TO THE MARYLAND BUILDING PERFORMANCE STANDARDS (THE "STANDARDS") EXEMPTING PARCELS OF LAND GREATER THAN ONE (1) ACRE IN SIZE FROM THE RESIDENTIAL POOL BARRIER REQUIREMENTS IN THE STANDARDS PURSUANT TO PUBLIC SAFETY ARTICLE § 12-504, MARYLAND CODE ANNOTATED

By the Council: February 14, 2017

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, March 14, 2017 at 6:30 p.m. at the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order Susan W. Moran

Susan W. Moran, Secretary

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WHEREAS, the Maryland Building Performance Standards (the "Standards"), set forth in COMAR 05.02.07 *et seq.*, as amended from time to time, establish statewide standards for residential construction; and,

WHEREAS, the current version of the Standards provides that all outdoor swimming pools shall be surrounded by a barrier meeting certain height and clearance requirements, among others; and,

WHEREAS, pursuant to Public Safety Article § 12-504, Talbot County is authorized to adopt local amendments to the Standards and, with certain limited exceptions, to the extent of a conflict between the Standards and any local amendment, the local provision shall prevail; and,

WHEREAS, Talbot County has historically made the following pool barrier exemption for parcels greater than one (1) acre in size:

> In all zoning districts on lots greater than one acre in size an outdoor swimming pool shall not be required to provide a barrier.

WHEREAS, Talbot County desires to adopt a local amendment to the Maryland Building Performance Standards to exempt lots greater than one acre in size from the Standards' pool barrier requirements consistent with the above language.

KEY

Boldface..... Heading or defined term

Underlining.....Added by bill

~~Strikethrough~~.....Deleted by bill

Double underlining.....Added by amendment

~~Double strikethrough~~.....Deleted by amendment

* * *.....Existing text unaffected.

SECTION ONE: BE IT ENACTED by the Talbot County Council of Talbot County, Maryland, that Chapter 28 of the Talbot County Code (Building Construction) shall be and is hereby amended as set forth below:

* * *

§ 28-3. Supplements.

* * *

C. Maryland Building Performance Standards. Talbot County hereby incorporates the following local amendments to the Maryland Building Performance Standards (the "Standards"), set forth in COMAR 05.02.07 *et seq.*, as amended from time to time, which local amendments shall continue to apply and be effective without further action notwithstanding any future amendment, modification, or update to the Standards:

(1) Residential Construction. Talbot County hereby adopts and incorporates by reference the Talbot County Residential Construction Supplement to the Standards (the "Supplement"). The Supplement amends the Standards by supplementing, superseding, modifying, replacing, adding, deleting or amending those provisions governing residential construction set forth in the Standards.

* * *

SECTION TWO: AND BE IT FURTHER ENACTED, that if any provision of this Ordinance or the application hereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose he provisions of this Ordinance are declared severable.

SECTION THREE: AND BE IT FURTHER ENACTED, that the title and a summary of this Bill shall be published once on the first publication date after enactment of the Bill in accordance with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is amended, the title may be administratively revised if required to conform the title to the content of the Bill as finally enacted.

SECTION FOUR: AND BE IT FURTHER ENACTED, that the Publishers of the Talbot County Code or the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, shall make non-substantive corrections to codification, style capitalization, punctuation, grammar, spelling, and any internal or external reference or citation to the Code that is incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION FIVE: AND BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.

TALBOT COUNTY RESIDENTIAL CONSTRUCTION SUPPLEMENT TO THE MARYLAND BUILDING PERFORMANCE STANDARDS

Authority: Public Safety Article § 12-504, Md. Code Ann., as amended from time to time

Talbot County hereby adopts the following local amendments to the Maryland Building Performance Standards (the "Standards"), set forth in COMAR 05.02.07 *et seq.*, as amended from time to time, which local amendments shall supplement, supersede, modify, replace, add, delete or amend the provisions governing residential construction in the Standards:

Chapter 1

ADMINISTRATION

[Reserved]

Chapter 2

DEFINITIONS

[Reserved]

Chapter 3

BUILDING PLANNING

Outdoor Swimming Pools. In all zoning districts on lots greater than one acre in size an outdoor swimming pool shall not be required to provide a barrier.

Chapters 4 through 44

[Reserved]

Appendices "A" through "U"

[Reserved]

Adopted: March ___, 2017
Revised: [Reserved]

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. _____ having been published, a public hearing was held on _____ at _____ in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the third time.

ENACTED: _____

By Order _____
Susan W. Moran, Secretary

Williams -

Price -

Bartlett -

Pack -

Callahan -

EFFECTIVE DATE: _____