



100 West Washington Street, Suite 1101 | Hagerstown, MD 21740-4735 | P: 240.313.2200 | F: 240.313.2201
WWW.WASHCO-MD.NET

BOARD OF COUNTY COMMISSIONERS
December 3, 2019
OPEN SESSION AGENDA

08:30 A.M. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Jeffrey A. Cline*
APPROVAL OF MINUTES – November 19, 2019

08:35 A.M. CLOSED SESSION

(To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; To consult with counsel to obtain legal advice on a legal matter; & To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.)

10:00 A.M. RECONVENE IN OPEN SESSION

- I. COMMISSIONERS' REPORTS AND COMMENTS
- II. REPORTS FROM COUNTY STAFF
- III. CITIZENS PARTICIPATION
- IV. RELIEF WITHOUT PREJUDICE FROM CONTRACT AWARD / BID AWARD (PUR-1431) FIRE SERVICE PERFORMANCE TESTING / INSPECTION OF FIRE HOSES, FIRE PUMPS, GROUND LADDERS – *Brandi Naugle, CPPB, Buyer, Purchasing Department and Jonathan D. Hart, Assistant Director, Emergency Services*
- V. BID AWARD (PUR-1442) – PAVING REPAIR AT THE WASHINGTON COUNTY SHERIFF'S DEPARTMENT AND DETENTION CENTER – *Brandi Naugle, CPPB, Buyer, Purchasing Department and Terry Hill, Senior Systems Mechanic*
- VI. INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-19-0025) – PLAYGROUND EQUIPMENT FOR PARKS AND FACILITIES – *Rick Curry, CPPO, Director, Purchasing Department and Danny Hixon, Operations Supervisor of Parks and Facilities*
- VII. CHANGE ORDER REQUEST– REPAIR OF AIRPORT FIRE FIGHTING VEHICLE – *Rick Curry, CPPO, Buyer, Director, Purchasing Department and Garrison Plessinger, Director, Hagerstown Regional Airport*

- VIII. CITY/COUNTY – FIRE, RESCUE AND EMS AUTOMATIC/MUTAL AID MEMORANDUM OF UNDERSTANDING – *R. David Hays, Director, Division of Emergency Services (DES) and Steve Lohr, Fire Chief, City of Hagerstown*
- 11:00 A.M. PUBLIC HEARING – REPEAL, ENACTMENT, AND ADOPTION – *Rich Eichelberger, Director/Code Official, Division of Construction; Frank Quillen, Chief Plans Examiner/Deputy Code Official, Division of Construction; Ashley Holloway, Director, Division of Plan Review and Permitting*
- IX. EXPENDITURE OF ACCRUED PAYMENT-IN-LIEU OF FUNDS IN ACCORDANCE WITH THE FOREST CONSERVATION ACT – *Jill Baker, Director, Planning & Zoning and Elmer Weibley, District Manager, Washington County Soil Conservation District*
- 11:30 A.M. PUBLIC HEARING – APPLICATION FOR ZONING MAP AMENDMENT RZ-19-004 – *Jill Baker, Director, Planning & Zoning*
- X. WASHINGTON COUNTY MOBILE HOME PARK REVENUE TAX – *Sara Greaves, Chief Financial Officer and Kirk Downey, County Attorney / Interim County Administrator*
- 12:00 P.M. ADJOURNMENT



Open Session Item

SUBJECT: Relief Without Prejudice from Contract Award / Bid Award (PUR-1431) Fire Service Performance Testing / Inspection of Fire Hoses, Fire Pumps, Ground Ladders

PRESENTATION DATE: December 3, 2019

PRESENTATION BY: Brandi Naugle, CPPB, Buyer, Purchasing Department and Jonathan D. Hart, Assistant Director, Division of Emergency Services

RECOMMENDED MOTION: Motion to relieve from the contract award made July 30, 2019, without prejudice, FireOne Inc. of Drexel Hill, PA for Option No. 2, Group A (Fire Pump Testing) and Group B (Hose Testing) and to award to the next responsive, responsible bidder with the lowest Total Sum Bid to Waterways of Southwest PA, LLC. of Bethel Park, PA in the amount of \$60,985.00 for Option No. 2, Group A (Fire Pump Testing) and Group B (Hose Testing).

REPORT-IN-BRIEF: On June 3, 2019 the County issued an Invitation to Bid (ITB) for the subject services. The bid was advertised in the local newspaper, listed on the State's *eMaryland Marketplace* website and on the County's website. The contract period is for a one (1) year period tentatively commencing November 1, 2019, with an option by the County to renew for up to two (2) additional consecutive one (1) year periods with the first term ending October 31, 2020. Four (4) persons/companies registered and downloaded the bid document on-line. Two (2) bids were received as indicated on the bid tabulation matrix and one of which was deemed unresponsive.

Original contract awards were made on July 30, 2019 as follows:

<u>Option No.</u>	<u>Vendor</u>	<u>Total Sum Bid Price for Group</u>
Option 2A & 2B	FireOne, PA	\$15,125.00 (2A)
	Bethel Park, PA	\$43,100.00 (2B)
Option 2C	Waterways of Southwest, PA	\$5,724.00 (2C)
	Bethel Park, PA	

After notice of award was provided to FireOne for Option 2A and 2B the Purchasing office received a call from the company's owner stating that they would not be registering with Maryland Department of Assessments and Taxation, which a status of good standing is a requirement within the Invitation to Bid for doing business with Washington County. Since this requirement has not been fulfilled, FireOne is considered non-responsive and it is recommended that they be relieved from the contract award without prejudice.

These services will provide testing of apparatus mounted fire pumps (engines, tankers, and, quints) in accordance with current NFPA 1911 standards. The bidder will be responsible for conducting fire pump testing for sixteen (16) fire companies/departments with fifty-five (55) pieces of apparatus. The contractor will provide testing of various diameters of fire hose, in accordance with current NFPA 1962 standards. The awarded contractor will be responsible for conducting fire pump testing for fifteen (15) fire companies. The contractor will provide testing of various sized, fire service, ground ladders. These tests will be conducted in accordance with current NFPA 1932 standards. The awarded contractor will be responsible for conducting ground ladder testing for seventeen (17) fire companies.

DISCUSSION: N/A

FISCAL IMPACT: Funds are budgeted in the department's account 515270-10-11525 for these services.

CONCURRENCES: Division Director of Emergency Services

ALTERNATIVES: Do not award the testing of the equipment.

ATTACHMENTS: Bid Tabulation Matrix

AUDIO/VISUAL NEEDS: N/A

PUR 1431

**Fire Service Performance Testing / Inspection
of Fire Hoses, Fire Pumps, and Ground Ladders**

OPTION NO. 1 (Award for All Services):				FireOne, Inc. Drexel Hill, PA		Waterways of Southwest PA, LLC. Bethel Park, PA	
Item No.	Description	Unit of Measure	Quantity	Unit Price/Each	Total Price	Unit Price/Each	Total Price
1	Fire Pump Testing	EA	55	\$275.00	\$15,125.00	NO BID	NO BID
2	Hose Testing – Diameter 1-1/2 – 2”	LF	73,000	\$0.20	\$14,600.00	NO BID	NO BID
3	Hose Testing – Diameter 2-1/2 – 3”	LF	41,000	\$0.22	\$9,020.00	NO BID	NO BID
4	Hose Testing – Diameter 4 – 5”	LF	77,000	\$0.24	\$18,480.00	NO BID	NO BID
5	Hose Testin - Hard Suction	Ea	100	\$10.00	\$1,000.00	NO BID	NO BID
6	Ground Ladder Testing – 10’ Folding (Attic)	EA	52	\$20.00	\$1,040.00	NO BID	NO BID
7	Straight Ladders Testing (12’ – 20’)	EA	68	\$30.00	\$2,040.00	NO BID	NO BID
8	Extension Ladders Testing (16’ – 28’)	EA	57	\$40.00	\$2,280.00	NO BID	NO BID
9	Extension Ladders (30’ – 45’)	EA	24	\$45.00	\$1,080.00	NO BID	NO BID
TOTAL SUM BID PRICE <i>(for Item Nos. 1 through 9)</i>				\$64,665.00		NO BID	
OPTION NO. 2 (Individual Awards for Each Service):				FireOne, Inc. Drexel Hill, PA		Waterways of Southwest PA, LLC. Bethel Park, PA	
Item No.	Description	Unit of Measure	Quantity	Unit Price/Each	Total Price	Unit Price/Each	Total Price
Group A 1	Fire Pump Testing	EA	55	\$275.00	\$15,125.00	\$325.00	\$17,875.00
TOTAL SUM BID PRICE FOR GROUP A				\$15,125.00		\$17,875.00	

PUR 1431
Fire Service Performance Testing / Inspection
of Fire Hoses, Fire Pumps, and Ground Ladders

Group B 2	Hose Testing – Diameter 1-1/2 – 2”	LF	73,000	\$0.20	\$14,600.00	\$0.21	\$15,330.00
Group B 3	Hose Testing – Diameter 2-1/2 – 3”	LF	41,000	\$0.22	\$9,020.00	\$0.21	\$8,610.00
Group B 4	Hose Testing – Diameter 4 – 5”	LF	77,000	\$0.24	\$18,480.00	\$0.21	\$16,170.00
Group B 5	Hose Testing - Hard Suction	EA	100	\$10.00	\$1,000.00	\$30.00	\$3,000.00
TOTAL SUM BID PRICE FOR GROUP B				\$43,100.00		\$43,110.00	
Group C 6	Ground Ladder Testing – 10’ Folding (Attic)	EA	52	\$20.00	\$1,040.00	\$15.00	\$780.00
Group C 7	Straight Ladders Testing (12’ – 20’)	EA	68	\$30.00	\$2,040.00	\$24.00	\$1,632.00
Group C 8	Extension Ladders Testing (16’ – 28’)	EA	57	\$40.00	\$2,280.00	\$36.00	\$2,052.00
Group C 9	Extension Ladders (30’ – 45’)	EA	24	\$45.00	\$1,080.00	\$52.50	\$1,260.00
TOTAL SUM BID PRICE FOR GROUP C				\$6,440.00		\$5,724.00	

REMARKS:

FireOne, Inc

Ground Ladder testing includes heat sensor replacement and safety label replacement as needed at no additional cost. Halyards can be replaced for \$25.00 per extension ladder.

Waterway's of Southwest PA, LLC

If heat sensors need replaced cost is \$1.00 per sensor. If warning labels need replaced or missing cost is \$10.00 per set. If any repairs are needed cost will be discussed with department.



Agenda Report Form

Open Session Item

SUBJECT: Bid Award (PUR-1442) – Paving Repair at the Washington County Sheriff’s Department and Detention Center.

PRESENTATION DATE: December 3, 2019

PRESENTATION BY: Brandi Naugle, CPPB, Buyer, Purchasing Department and Terry Hill, Senior Systems Mechanic

RECOMMENDED MOTION: Move to award the contract for the paving repair work at the Washington County Sheriff’s Department and Detention Center to the responsible, responsive bidder, Craig Paving, Inc. of Hagerstown, Md who submitted the lowest total sum price of \$118,484.

REPORT-IN-BRIEF: On October 17, 2019 the County issued an Invitation to Bid (ITB) for the Paving Repair at the Washington County Sheriff’s Department and Detention Center and on October 23, 2019 the county accepted the bids for this service. The bid was advertised on the State of Maryland’s (eMMA) “eMaryland Marketplace Advantage” web site, on the County’s web site, and in the local newspaper. Twenty-One (21) persons/companies registered/downloaded the bid document on-line and three (3) bids were received.

The services consist of the vendor paving, repairing, patching, removing weeds from cracks, milling around concrete curbing, drains and all areas necessary to maintain existing elevations of current parking lot. The project consists of repaving and overlaying 10,863.49 square yards of asphalt and restriping the parking lot located at 500 Western Maryland Parkway, Hagerstown, MD 21740.

DISCUSSION: N/A

FISCAL IMPACT: Funds are budgeted in the Sheriff’s Department and Detention Centers Capital Improvement Plan (CIP) account (BLD089) 600100-30-11320.

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: The complete Bid Tabulation may be viewed on-line at:
<https://www.washco-md.net/wp-content/uploads/purch-pur-1442-bidtab.pdf>

AUDIO/VISUAL NEEDS: N/A

PUR-1442
Paving Repair at the Washington County Sheriff's Department and Detention Center

	Craig Paving, Inc. Hagerstown, MD	Huntzberry Brothers, Inc. Smithsburg, MD	Advantage Landscape and Construction Hagerstown, MD
<p>Paving repair/patching, removing weeds from cracks. Milling around concrete, drains and all areas necessary to maintain existing elevations. Overlaying 10,863.49 square yards/entire area with 1.5" or 2", 2" where applicable and in accordance with standard plates. The face of the asphalt shall be 9.5 mm at the Washington County Sheriff's Office and Detention Center, located at 500 Western Maryland Pkwy., Hagerstown, MD 21740.</p>	\$118,484.00	\$122,945.00	\$125,000.00

Remarks:

Advantage Landscape and Construction
All pricing are subject to Asphalt escalation.
Monthly Liquid Asphalt Index \$461.67.

Open Session Item

SUBJECT: Intergovernmental Cooperative Purchase (INTG-19-0025) Playground Equipment for Parks and Facilities

PRESENTATION DATE: December 3, 2019

PRESENTATION BY: Rick Curry, CPPO, Director, Purchasing Department and Danny Hixon, Operations Supervisor of Parks and Facilities

RECOMMENDATION: Move to authorize, by Resolution the Parks and Facilities Department to purchase playground equipment from Miracle Recreation Equipment Company of Monett, MS and to utilize the Sourcewell contract No. 030117-LTS for the total amount of \$179,714.

REPORT-IN-BRIEF: Section 106.3 of the Public Local Laws of Washington County grants authorization for the County to procure goods or services under contracts entered into by other government entities. On items over \$50,000, a determination to allow or participate in an intergovernmental cooperative purchasing arrangement shall be by Resolution and shall indicate that the participation will provide cost benefits to the county or result in administrative efficiencies and savings or provide other justification for the arrangement.

Acquisition of the equipment by utilizing the Sourcewell contract and eliminating our County's bid process would result in administrative efficiencies for the Parks and Facilities Department as well as overall better pricing due to economies of scale offered by the subject contract.

Sourcewell is a nationwide strategic sourcing program designed by public purchasing professionals for use by government agencies and public-benefit non-profits throughout the country. The County would be purchasing new playground equipment to replace the playground equipment at Regional Park. There will be three (3) areas where the new playground equipment will be installed. Area One will include a two (2) deck play structures. Area Two will include a four (4) bay and a swing designed for tots. Area Three will contain a play structure that will consist of fitness equipment and climbers that are designed for kids 5-12 years old. Parks and Facilities personnel will dismantle and remove the old equipment. The benefit of the outdoor play equipment is that the equipment can help children develop physically, emotionally, socially and intellectually.

DISCUSSION: N/A

FISCAL IMPACT: Funds in the amount of \$242,000 are budgeted in the department's Capital Improvement Plan (CIP) account REC037. Project funding source: 90% Project Open Space (POS) monies and 10% local match.

CONCURRENCES: Director, Public Works

ALTERNATIVES: 1) Do not award the purchase of the playground equipment and process our own bid for the equipment in which pricing would not be as favorable, or (2) utilize the Sourcewell contract which does offer better pricing because of the economies of scale.

ATTACHMENTS: Miracle Recreation Equipment Company's Quote, dated October 29, 2019

AUDIO/VISUAL NEEDS: N/A

MIRACLE RECREATION EQUIPMENT COMPANY
878 E HIGHWAY 60
MONETT, MISSOURI 65708 USA
TOLL FREE: 1-800-523-4202
PHONE: 417-235-6917 • FAX: 417-235-6816
WORLD WIDE WEB: <http://www.miracle-recreation.com>



COMMERCIAL PLAYGROUNDS • FITNESS CLUSTERS
ROPE CLIMBERS • BOULDER CLIMBERS
CLIMBERS, SPRING RIDERS & WHIRLS
PICNIC TABLES, BENCHES & GRILLS • SLIDES & SWINGS
BASKETBALL GOALS, BACKSTOPS & SOCCER GOALS
BLEACHERS & PLAYER BENCHES
POOL SLIDES

October 29, 2019

Washington County Parks and Recreation
ATTN John Pennesi
1307 South Potomac Street
Hagerstown MD 21740

RE: Regional Park playground proposal

Dear John,

It was a pleasure meeting with you and several from your staff a couple weeks ago about this project. It is my understanding that the county is looking to provide new playground equipment at Regional Park. We discussed a new play structure for ages 2 to 12 years old where the existing ramped system is located, A new modern swing where the swing is located and a larger play area for the older children up on the hill behind the pavilion.

For the purpose of this proposal, we have designated the 2 to 12 play structure as AREA one, the swing as AREA two and the older childrens' play area as AREA three.

It is my understanding from the meeting that the county crews will remove ALL equipment including concrete footers, grade any areas that need grading and remove the one stump at the end of the swing. Any trees that need trimmed would be the responsibility of the county.

Miracle Recreation will furnish, deliver and install ALL the play equipment, safety signage, benches safety surfacing and borders. The installation of the playground equipment will be done by factory certified installers.

We have included with this proposal a top view rendering and color 3D drawings of each area, a bill of materials listing for each area and the total warranty and specifications to all the equipment we are proposing. The colors shown on these drawings are an EXAMPLE ONLY and you may choose from any of the Miracle colors from the color chart included with this proposal. Please note that the equipment as PROPOSED meets the requirements of the CONSUMER PRODUCT SAFETY COMMISSION, ASTM AND THE CURRENT GUIDELINES FOR THE AMERICANS WITH DISABILITIES ACT.

AREA ONE

This area will include a two deck play structure designed for children ages two to twelve years of age. The system includes three slides, two vertical climbers and a bridge between the two decks. The decks are square decks and will have roofs covering each deck. The system is accessible by a handicap accessible transfer point. The area will include an age appropriate safety sign and outside the bordered area we will place two 6' PVC coated steel permanent benches with backs. These benches will match the color of your decks on the playground. We have also placed in this area two ground level climbers, one being a gator climber and the other being an inchworm climber. This area will require a flat level surface that measures a minimum of 58'x36'.

MIRACLE RECREATION EQUIPMENT COMPANY
 878 E HIGHWAY 60
 MONETT, MISSOURI 65708 USA
 TOLL FREE: 1-800-523-4202
 PHONE: 417-235-6917 • FAX: 417-235-6816
 NATIONWIDE WEB: <http://www.miracle-recreation.com>



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 BLEACHERS & PLAYER BENCHES
 POOL SLIDES

AREA TWO

This area will include a four bay, the swing is a tots choice ARCH swing, The legs and top rails on this swing are 3 1/2"OD. The swing will contain four slashproof belt seats, three fully enclosed toddler seats and one of our Generation swings. The generation swing is such that the parent can sit on the swing and swing with their toddlers. We will also place outside of the protected area the same style benches as proposed in area one. This piece of equipment will require a flat level surface that measures a minimum of 32'x60'.

AREA THREE

This area will contain a play structure that is designed for children ages five to twelve years of age. When we met I was told to try and do something that would have fitness equipment and overhead climbers. We discussed doing this and also putting a slide on the unit as many children enjoy the slides. We have designed a unit for you that contains four decks ranging from three foot high to five foot high. We have a variety of vertical climbers along with overhead climbers. We also placed on this unit one of our two section bolder ridge rock climbing walls and two of our rock climbers. In the main area we have also placed a freestanding Gravity cube rope climber as was requested at your meeting. We will also supply an age appropriate safety sign in this area. In a separate area off to the side of this structure we have placed one of our handicap accessible ten spin whirls. We will also place outside the bordered area one of the benches described above. The ten spin area will require a flat level surface of 24'x24' and the main area will require a flat level surface of 60'x66'.

SURFACING AND BORDERS

You advised that you wanted to use the rubber borders and also the shredded rubber crumbs for surfacing. You also indicated you wanted to go with the BROWN rubber chips. We are proposing to use 48 tons of the BROWN rubber chips which will provide you with 6" of material in ALL areas described above. These are delivered in one ton bags. The borders to hold the surfacing in place will be BROWN rubber borders that are 6'x4"w and 8" high, they interlock together and caps are provided for each border. We have figured you will need 118 of these borders to surround all the areas. These are anchored in the ground with 24" spikes.

SOURCEWELL PURCHASING

Your county government is a member of SOURCEWELL cooperative purchasing agreement. I have included your membership number, the contract number for Miracle Recreation and the Maryland legal references for using this program. This information is in the tab for SOURCEWELL PURCHASING. I will provide pricing based on purchasing under the Sourcewell contract and also pricing if You DO NOT use Sourcewell for the purchase.

SOURCEWELL PRICING

List price of equipment	\$124,249.00
DISCOUNT ALLOWED ON EQUIPMENT	<\$33,000.00>
Equipment cost	\$91,249.00

MIRACLE RECREATION EQUIPMENT COMPANY
878 E HIGHWAY 60
MONETT, MISSOURI 65708 USA
TOLL FREE: 1-800-523-4202
PHONE: 417-235-6917 • FAX: 417-235-6816
WORLD WIDE WEB: <http://www.miracle-recreation.com>



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BASKETBALL GOALS, BACKSTOPS & SOCCER GOALS
BLEACHERS & PLAYER BENCHES
POOL SLIDES

Freight shipping to Maryland	\$11,900.00
48 tons of shredded rubber crumb delivered	\$23,700.00
Furnish and deliver 118 rubber borders and anchors	\$8,400.00
Installation all equipment, borders, and surfacing	\$44,465.00

YOUR TOTAL FURNISHED AND INSTALLED COST USING SOURCEWELL PURCHASING \$179,714.00

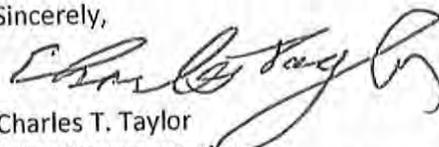
This is an option that can save the county several thousand dollars. I will provide you with pricing should you decide NOT to use Sourcewell purchasing.

List price of equipment	\$124,249.00
Discount allowed	<\$26,500.00>
Equipment cost	\$97,749.00
Freight to Maryland	\$11,900.00
48 tons of shredded rubber crumb delivered	\$26,245.00
Furnish and deliver 118 rubber borders and anchors	\$9,125.00
Installation	\$44,465.00

Your furnished and installed cost if you DO NOT use Sourcewell purchasing \$189,484.00.

Because several items that you have selected and we have used in this proposal are in our current sale flyer, these prices are VALID until December 5, 2019. Should you decide to purchase we will need your purchase order made out to MIRACLE RECREATION and sent to my office for order processing.

Sincerely,



Charles T. Taylor
Sales Representative
Miracle Recreation Equipment company



Agenda Report Form

Open Session Item

SUBJECT: Change Order Request – Repair of Airport Fire Fighting Vehicle

PRESENTATION DATE: December 3, 2019

PRESENTATION BY: Rick Curry, CPPO, Director of Purchasing and Garrison Plessinger, Director, Hagerstown Regional Airport

RECOMMENDED MOTION: Move to approve a Change Order Request in amount of \$42,246.44, the following account 45-45080 will be utilized to cover the cost of the repairs to the Airport Fire Fighting Vehicle.

REPORT-IN-BRIEF: On May 7, 2019 the Board approved the repair work for a 1999 Oshkosh fire fighting vehicle in the amount of \$59,371 to Emergency Specialist Vehicle, Inc. of Hagerstown, MD. The intent of the scope of work is to repair and/or replace non-working equipment, parts, and service the vehicle and generator. The vendor will be tasked with removing and replacing the existing thermal imaging camera, removing and replacing the existing turret to name a few of the items that will be repaired/replaced prior to the unit being ready for in-service and added the department's fleet of vehicles. The scope work was written with knowledge that some of the repair would be undetermined until the successful bidder had the opportunity to dismantle/disassemble some of the items that needed repaired.

DISCUSSION: N/A

FISCAL IMPACT: Funds are budgeted in the department's CIP account 35-45010-EQP031.

CONCURRENCES: Interim County Administrator

ALTERNATIVES: N/A

ATTACHMENTS: Emergency Specialist Vehicle's Quote, dated November 21, 2019 and Change Order

AUDIO/VISUAL NEEDS: N/A

Emergency Vehicle Specialist, Inc.

16121 Business Parkway
Hagerstown, MD. 21740-4201

Phone: 301-739-7973 Fax: 301-739-7975

Visit us on the Web at: www.EVSpecialist.com

Sub Estimate For OI

059000

Federal ID #20-2518148

Estimate for Services

Estimate Date : 11/21/2019

Hagerstown Regional Airport - Robert Hoopengardner
18434 Showalter Road
Hagerstown, MD 21742
Office: 240-313-2777 Cellular: 240-527-8928 bob h

1999 Oshkosh - T3000 -
Lic # : - MD
Unit # : Crash Truck
VIN # : 10TDK8Z14 XS065949

Odom. In: 17531

Part Description / Number	Qty	Sale	Ext	Labor Description	Extended
Windshield Washer Nozzle 99-3008	1.00	16.74	16.74	SUPPLEMENTAL 2 INVOICE OCTOBER 2019	
Heavy Duty Bolt On Wiper Blades 63-201	3.00	22.18	66.54	1a. Remove and replace 2 additional air dryer cartridges (total of 3). Removed air lines, electrical lines to access air dryer. Cut off old hardware and removed old air dryer. Installed new air dryer with new hardware. Connected air and electric lines on both passenger's and driver's sides. Removed bottom of dryer under truck. Pulled center out, pulled center out of new dryer and put it new one. Reassembled and checked all 3 for leaks.	0.00
Camera Camera	1.00	1,546.00	11,546.00	1c. Remove and replace windshield wiper blades.	63.73
Bumper Mount Light Housing Size: 3" X 7" LH37502-1	1.00	125.49	125.49	2. DOT inspection	0.00
10-32 Aluminum Rivet Nut 85433	4.00	1.76	7.04	Inspected: alignment; suspension; steering; brake systems-hydraulic/vacuum or air; tires; wheels, rims, lock rings, studs, nuts; fuel storage and delivery; exhaust system; vehicle frame, body, and sheet metal; lighting; electrical system; emergency equipment; seats and seat belts; sun visor; mirrors; glazing; windshield wipers and defroster; automatic transmission gear selector, neutral safety switch (if applicable); speedometer and odometer; clutch and brake pedal pad; horn; hitches and coupling devices (if applicable); tanks and pressure vessels.	
Water level Waterlevel KIT	3.00	1,333.36	4,000.08	Shipping	115.40
Foam level kit foam level Kit	2.00	833.35	1,666.70	5b. R & R 2 red strobes on front siren speakers w/ Whelen or equiv 700 LI Super LED Flash red. Removed old light and installed new LED on front compartment. Removed wires to strobe packs. Removed packs and installed new electrical connections in box for power and ground stud. Tested wires for power all the time. Plugged holes from old packs.	0.00
Amdor H2O LED Strip Light Size: 12" AY-LB-12HW012	22.00	86.36	1,899.92	5c. R & R 2 red strobes on driver's side, 2 red strobes on officer's side, and 2 red strobes on rear with Whelen or equiv 700 LIN Super LED Flash red and 700 series chrome flange kits. Removed and replaced 6 Whelen LED lights and bumper mount light housing. Tested all wires to find what wiring belonged to what lights. Marked as necessary. Installed box in truck. Ran wires into box and installed loom. Made connections in front, side and rear.	0.00
LFP310-400PSI Gauge 91553951	1.00	192.78	192.78	5g. Replace Kussmaul vehicle charger auto eject plug with Kussmaul super auto eject plug. Removed auto eject and installed new with new cover. Connected wires to battery and air pump.	0.00
Wide Rectangular LED Flood Light {36 Leds} Size: 6.5" 1492194	6.00	141.32	847.92	5h. Replace existing Federal Motor Vehicle Safety Standard with LED technology. Time & materials - we do not know how many lights or what the lights are. Found old flasher under dash. Removed and replaced with new. Removed lights to identify for LED replacement. Removed flood lights, removed cover in cab to remove cab lights. Installed new light and plug in passenger's side and driver's side. Reinstalled cover. Removed driver's side steps and cover plate to access step light. Removed old light and replaced with new using new hardware. Mounted new light, tested. Reinstalled cover. Installed new high beam head lights.	0.00
Square Led Flood Light {16 Leds} Size: 4.5" X 4.5" 1492128	6.00	130.78	784.68		
Shrink Tubing 1/2" X 4" {Sold By The Piece} 26984	13.00	5.46	70.98		
Small wire tie 26-678	8.00	0.84	6.72		
Wire tie 26-681	47.00	0.98	46.06		
5/16-18x3/4 ss cs 330506	6.00	1.54	9.24		
12x3/4 PH PN SMS 441206	2.00	1.04	2.08		
Stainless Steel Lock Nut Size: 5/16"-18 3322650	10.00	1.01	10.10		
5/16-18X1 SS CS 530508	4.00	0.84	3.36		
1/4-20 ss hex nut 332040	4.00	1.15	4.60		
Stainless Steel Lock Washer 1/4" 333240	4.00	1.09	4.36		

Emergency Vehicle Specialist, Inc.

16121 Business Parkway
Hagerstown, MD. 21740-4201

Phone: 301-739-7973 Fax: 301-739-7975

Visit us on the Web at: www.EVSpecialist.com

Sub Estimate For Or

059000

Federal ID #20-2518148

Estimate for Services

Estimate Date : 11/21/2019

Hagerstown Regional Airport - Robert Hoopengardner

18434 Showalter Road
Hagerstown, MD 21742

Office: 240-313-2777 Cellular: 240-527-8928 bob h

1999 Oshkosh - T3000 -

Lic # : - MD

Unit # : Crash Truck

VIN # : 10TDK8Z14 XS065949

Odom. In: 17531

Part Description / Number	Qty	Sale	Ext	Labor Description	Extended
1/4 ss AN960 flat washer 333041	8.00	0.84	6.72	5i. Test all water and foam level indicator lights and replace as needed with Oshkosh water and foam level indicator lights, if problems are found, report findings to Co. for approval of replacement.	1,529.40
1/4 -20 X 1 ss cap screw 530408	4.00	1.09	4.36	Foam and water level lights are dim in cab. Recommend replacing system with new style.	
Diesel fuel DIESEL	24.00	3.74	89.76	5m. Check all compartment lighting and if problems are found, report findings to Co. for approval of replacement.	1,019.60
Assembly Hardware MISC	1.00	33.59	33.59	Checked compartment lighting and found all lights dim and several burnt out.	
Flojet 12 Volt Water Pump 04325143S	1.00	369.82	369.82	Remove all exsisting compartment lighting. Upgrade to Amdor LED strip lighting as needed.	
Weather Proof 12V A/C Coil 7019-9DA	2.00	50.38	100.76	5n. Check all safety warning lights in cab for working condition.	0.00
Hannay Booster Reel Motor 9915.0003	1.00	713.35	713.35	Will be checked on DOT.	
OEM Front Shock 3029826	2.00	1,811.84	3,623.68	5o. Check all switches in cab for working condition. If problems are found, report findings to Co. for approval of replacement.	0.00
OEM Front Shock Bushing 3022928	4.00	174.83	699.32	Will be checked on DOT.	
OEM Oshkosh New Coil Spring 3055855	1.00	3,000.00	3,000.00	5q. Check gauges for proper operation, if problems are found, report findings to Co. for approval of replacement.	127.45
Weather Proof 12V A/C Coil 7019-9DA	2.00	50.38	100.76	Removed gauge in dash. Cut bigger hole and installed new gauge.	
Pressure Protection Valve 286500N	1.00	157.40	157.40	5r. Replace all rear facing flood lights w/ LED lights.	509.80
Drain Valve With Cable 12105	5.00	24.86	124.30	We do not know how many flood lights we will be replacing. Labor is an estimation only. Lights are \$558.34 a piece and labor is to be determined. Removed all rear facing lights and installed new LED lights.	
Spray & Stay WD-40 Gel Lube 30010	1.00	21.63	21.63	5s. Replace all deck lights on top of vehicle with LED lights.	764.70
Aluminum Diamoand Plate 1/8 ADP	1.00	563.40	563.40	We do not know how many deck lights we will be replacing. Labor is an estimation only. Lights are \$1241.69 a piece and labor is to be determined. Removed and repalced all deck lights with LED lights.	
Screw # 10-24 X 3/4" Torx Self Starters 82-2039-002	18.00	1.15	20.70	6a. Check plumbing for leaks, if problems are found, report findings to Co. for approval or replacement.	764.70
2" Cut-off Wheel 36 Grit 877031	6.00	5.26	31.56	Both driver's and passenger's side intake valves need to be reattached. Bolts are loose that secure the plumbing to the bottom of the compartment. Driver's side flow jet pump is cracked and leaking. this pump controls the water flow to the cab sprayers.	
2" Medium Roloc Disc 878431	3.00	3.08	9.24	Shipping & Handling	26.93
Stainless steel flat washer 333050	14.00	1.20	16.80	Inbound Freight	
Exhaust clamp-guillotine T500	1.00	9.07	9.07	6b. Check foam and water drains for leaks and proper operation, if problems are found, report findings to Co. for approval of replacement.	191.18
Exhaust Elbow 90 Degree 6" OD 24"X24" L690-2424SA	1.00	223.13	223.13	Foam/ sump drain locked up. Remove and rebuild manual foam/sump drain as needed.	
				6c. Check all foam and water valves for leaks and proper operation, if problems are found, report findings to Co. for approval of replacement.	892.15

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Sub Estimate For Or

059000

Federal ID #20-2518148

Estimate Date : 11/21/2019

Estimate for Services

Hagerstown Regional Airport - Robert Hoopengardner
 18434 Showalter Road
 Hagerstown, MD 21742
 Office: 240-313-2777 Cellular: 240-527-8928 bob h

1999 Oshkosh - T3000 -
 Lic # : - MD Odom. In: 17531
 Unit # : Crash Truck
 VIN # : 10TDK8Z14 XS065949

Part Description / Number	Qty	Sale	Ext	Labor Description	Extended
				Checked and found faulty solenoids controlling the air valve. Removed and replace electric solenoid. Bumper blow down air leak. (dry chem)	22.65
				Shipping & Handling	
				Inbound Freight	
				6d. Check compartment heating for proper operation, if problems are found, report findings to Co. for approval of replacement. Done during DOT.	0.00
				6e. Check pressure relief valve for proper operation, if problems are found, report findings to Co. for approval of replacement. Done during Pump Test.	0.00
				6f. Check booster hose reel for proper operation, check for leaks, test blow down switch for proper operation, if problems are found, report findings to Co. for approval of replacement. Checked booster reel. Will not high idle every time. Checked switch and found okay. Pulled flow meter out and cleaned and lubed. Reinstalled. Front hose reel rewind motor is faulty.	637.25
				6g. Check switch to charge pre-connect for proper operation, if problems are found, report findings to Co. for approval of replacement. Passenger side hose reel will throttle up when valve is opened but will not throttle up with water flow.	254.90
				7. Suspension - Inspect suspension, if problems are found, report findings to Co. for approval of replacement. Will need to replace with Oshkosh parts specific to this vehicle. Front shock are missing the rubber bushings and the mounting points. Recommend replace both front shocks and hardware.	1,019.60
				Shipping & Handling	377.16
				Inbound Freight	
				8. Air System - Check air brake system for leaks, if problems are found, report findings to Co. for approval of replacement. Removed and replaced air pressure protection valve.	0.00
				8a. Check fire pump air system and air actuators for leaks and proper operation, if problems are found, report findings to Co. for approval of replacement. Done as part of Pump Test.	0.00
				Shipping & Handling	22.65
				Inbound freight charges..	
				8b. Repair 3 air ride seats in cab to working condition. Found faulty air protection valve that controlled air to the cab. Replaced protection valve and all seats now work as design	127.45
				8c. Check all air brake drains and ensure pull cords work, if problems are found, report findings to Co. for approval of replacement.	254.90

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1999 Oshkosh - T3000 -
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 Unit # : Crash Truck
 VIN # : 10TDK8Z14 XS065949

Part Description / Number	Qty	Sale	Ext	Labor Description	Extended
				Removed and replaced 5 drain valves with cables.	
				9. Check cab doors for proper operation, if problems are found, report findings to Co. for approval of replacement.	382.35
				Checked and lubed driver's side door. Passenger's side was difficult to open. Removed door cover to access latches. Cleaned and lubed. Removed cover in cab to get to hardware. Adjusted bolt and checked door. Reinstalled covers.	
				10. Replace anti-skid on top of vehicle above water and foam tanks.	0.00
				Removed components as needed. Prepped and installed.	
				11. Check all compartment doors for proper operation, if problems are found, report findings to Co. for approval of replacement.	764.70
				Multiple compartment door are missing the return springs on the compartment handle. Replace and broken	
				12. Repair or replace cab interior wall liner.	764.70
				Need more information on wall liner. Time & materials. Removed cab wall liner. Cut diamond plate to fit, drilled and installed.	
				13. Repair exhaust leak.	382.35
				Found exhaust leak at 90 degree elbow at stack. Remove and replaced elbow and clamp.	

Parts/Supplies: 31,230.74 Labor: 11,015.70

Total: \$ 42,246.44

TEARDOWN ESTIMATE: I understand that my vehicle will be reassembled within _____ days of the date shown above if I choose not to authorize the service recommended. All Parts removed will be discarded unless instructed otherwise: Save all Parts _____. NOT RESPONSIBLE FOR LOSS OR DAMAGE TO CARS OR ARTICLES LEFT IN CARS IN CASE OF FIRE, THEFT OR ANY OTHER CAUSE.

Signature _____ Date _____ Time _____

**BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY MARYLAND
100 WEST WASHINGTON STREET, HAGERSTOWN, MARYLAND 21740-4735
CHANGE ORDER**

TO:
 Consultant: EMERGENCY VEHICLE SPECIALIST
 Contractor:
 Vendor:

Change Order No. Purchase Order No. WASHCO TBD

Contract No. PUR-1416 Oracle Account No. 35-35-45010-EQP031

Project Title: REPAIR OF AIRPORT FIRE FIGHTING VEHICLE Date: Nov 21, 2019

The contract time will: increase decrease remain the same by: 255 calendar days working days

Description of Change:

On May 17, 2019 the Board approved the repair work for a 1999 Oshkosh fire fighting vehicle in the amount of \$59,371 to Emergency Vehicle Specialist, Inc. of Hagerstown, MD. The intent of the scope of work is to repair and/or replace non-working equipment, parts, and service the vehicle and generator. The vendor was tasked with removing and replacing the existing thermal imaging camera, removing and replacing the existing turret to name a few of the items that will be repaired/replaced prior to the unit being ready for in-service and added the department's fleet of vehicles. The scope work was written with knowledge that some of the repair would be undetermined until the successful bidder had the opportunity to dismantle/disassemble some of the items that needed repaired.

Reason for Change:

After a thorough evaluation of HGR's 1999 Oshkosh fire fighting vehicle, Emergency Vehicle Specialist determined more items needed repaired and/or replaced than estimated in their initial estimate and the bid document's original scope of work The "unknowns / undetermined" repairs are described in the Estimate for Order #059000 dated 10/16/2019.

The completion date, incorporating the changes included in this change order, is:	
The original contract sum was:	\$59,371.00
Net changes by previous change orders:	\$0.00
Contract sum prior to this change order:	\$59,371.00
By this Change Order, the contract sum will be changed by:	\$42,246.44
The new contract sum including this change order will be:	\$101,617.44

The Consultant/Contractor/Vendor shall not commence with the work described hereon until this form is executed by all agents.

Consultant:

Finance:

Contractor/Vendor:

Purchasing:

Approving Agency:

County Administrator:

Outside County Entities: Please email the signed form to ChangeOrder@washco-md.net.



Open Session Item

SUBJECT: City/County - Fire, Rescue and EMS Automatic/Mutual Aid Memorandum of Understanding

PRESENTATION DATE: December 3, 2019

PRESENTATION BY: R. David Hays, Director, Division of Emergency Services (DES), Steve Lohr, Fire Chief, City of Hagerstown

RECOMMENDATION: Motion to adopt the Fire, Rescue and EMS Automatic/Mutual Aid Memorandum of Understanding (MOU), as presented, between the City of Hagerstown and the Washington County Board of County Commissioners.

REPORT-IN-BRIEF: Resolution RS2014-17 establishes that the Board of County Commissioners serves as they Authority Having Jurisdiction (AHJ) over all matters involving fire, rescue and EMS in Washington County, MD. Additionally, the City of Hagerstown (the City), being a sovereign municipality has provided within its charter the obligation and responsibility to provide fire protection to its Citizens within the corporate limits of the City boundaries. In doing so, the City is recognized as the Authority Having Jurisdiction (AHJ) for fire protection services within the City. The City employs a career Fire Chief and subsequent career staff to guarantee a specified level of service within the City boundary.

DISCUSSION: The Division of Emergency Services and the Hagerstown Fire Department have been working collectively over the past two- and one-half years to develop this MOU. The MOU would formalize fire, Rescue and EMS services in each jurisdiction for which it serves as the Authority Having Jurisdiction.

Both agencies have solidified language and direction that meets the obligations of both the BOCC and the Mayor and Council respectively. The MOU has been vetted through County, City and WCVFRA legal counsel with no stated objections. The Emergency Services Advisory Council has reviewed the MOU and offers it's full support by unanimous vote (11/07/2019).

FISCAL IMPACT: N/A

CONCURRENCES: Director of Emergency Services, Hagerstown Fire Chief, County Attorney, City Attorney

ALTERNATIVES: Not adopt the MOU and continue with current verbal agreements

ATTACHMENTS: City/County Fire, Rescue and EMS Automatic/Mutual Aid Agreement

AUTOMATIC AND MUTUAL AID FIREFIGHTING, RESCUE, AND EMS AGREEMENT

This Automatic and Mutual Aid Firefighting, Rescue, and EMS¹ Agreement (“Agreement”) is made this _____ day of _____, 2019, by and between the Mayor and Council of the City of Hagerstown, Maryland, a body corporate and politic (“City”), and the Board of County Commissioners of Washington County, Maryland, a body corporate and politic and a political subdivision of the State of Maryland (“County”). The City and the County may sometimes be referred to in this Agreement individually as a Party or a Jurisdiction and collectively as the Parties or the Jurisdictions.

RECITALS

The Parties hereto maintain respective equipment and personnel for the suppression of fires, rescue, and EMS services (collectively “Services”) within their respective boundaries.

The Parties wish to enter into this Agreement to provide for cooperative Services and to augment Services in their respective boundaries.

The City and the County agree to provide the Services which they are respectively able to provide pursuant to this Agreement.

The City has control over paid employees of the City and agrees to provide those Services over which it has control. The County has control over fire protection and rescue services in Washington County, Maryland, pursuant to the following: (1) Sections 10-401 and 10-402 of the Code of Public Local Laws for Washington County, Maryland, and (2) a Resolution Establishing Standards for Volunteer Fire, Rescue, and Ambulance Departments, Resolution No. RS-2014-17, adopted by the Board of County Commissioners on October 14, 2014.

The County and City agree to dispatch the resources referenced above by sending the closest appropriate Services in response to a request for Automatic Aid or Mutual Aid in accordance with industry best practices.

The Parties deem this Agreement to be mutually beneficial to render Aid to one another in accordance with the terms set forth herein.

¹ Emergency Medical Services

TERMS & PROVISIONS

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the Parties agree as follows:

1. Recitals – The foregoing recitals be and are hereby incorporated herein by reference.
2. Terms – The following terms are defined in this Agreement as stated:
 - a. **Aid:** Any Services rendered by a Jurisdiction to the other pursuant to this Agreement. Aid shall be provided by the Parties' employees or agents who possess all required state and local training, licenses, and certifications required for the provision of Services.
 - b. **Automatic Aid:** Services provided immediately for an emergency response and/or request for Aid. At least 50% of a Jurisdiction's firefighting capacity must remain within that Jurisdiction when it is providing Automatic Aid. The Automatic Aid dispatch will include any fire, rescue, and/or EMS units as dispatched by "company" or specific "unit." It is the intent of the City to limit initial Automatic Aid resources to two engines, one aerial, and one chief officer until such time as additional staffed ready reserve units are either transferred into the City or controlled via the career callback system.
 - c. **Mutual Aid:** Services provided upon request for an emergency response and/or request for Aid.
 - d. **First-Due Host Jurisdiction (FDHJ):** The Party within whose geographic boundaries the emergency response and/or request for Aid is located.
 - e. **Automatic Aid Jurisdiction:** The Party whose geographic boundaries are outside the FDHJ but who represents the closest department and/or company to an emergency response and/or request for Aid and, therefore, is appropriately dispatched immediately along with the FDHJ.
 - f. **Mutual Aid Jurisdiction:** The Party whose geographic boundaries are outside the FDHJ where the emergency response and/or request for Aid is located.
 - g. **Incident Commander:** The on-scene unit officer, company officer, or chief officer who has assumed operational control ("Command") of an incident and

is responsible for establishing and updating the incident goals, strategies, and tactics and the deployment of assigned resources accordingly. “Command” shall be established by the first arriving unit at the scene of every incident. Command will be continuously maintained from the arrival of the first unit until the departure of the last unit from the incident scene. However, the individual serving as the Incident Commander may change several times throughout the incident as higher levels of command authority, experience, and/or ability are required or as the incident spans multiple operational periods.

h. **Region:** The area consisting of the City of Hagerstown, Maryland, and Washington County, Maryland.

3. Mutual Aid Requests – A Jurisdiction is authorized to request Mutual Aid pursuant to this Agreement whenever it is deemed advisable by the FDHJ or by the Incident Commander.

4. In-Kind Service Delivery – Each Party shall provide Services to ensure an equitable level of in-kind service delivery (including vehicles, equipment, and staff) between the Parties.

5. Automatic Aid Unit – When appropriate during an emergency response, the Washington County Emergency Communications Center (“WCECC”), utilizing computer-aided-dispatch (CAD) procedures, shall determine the Automatic Aid Jurisdiction unit’s or units’ current location and availability for emergency response. If the Automatic Aid Jurisdiction unit(s) is/are available, the WCECC shall immediately dispatch the Automatic Aid Jurisdiction’s unit or units and simultaneously dispatch the FDHJ’s unit or units.

6. Incident Command – Whenever a fire, rescue, or EMS service, department, or company is called to provide service in the Region, the first service, department, or company to arrive will establish Incident Command as prescribed by the National Incident Management System (“NIMS”). Each Party will be responsible for training its respective personnel and will ensure that its personnel are properly and adequately trained in the NIMS.

7. Reimbursement of Costs – The Parties will perform all obligations under this Agreement without reimbursement from each other, unless by agreement or otherwise specified by law, court order, or other legally binding authority. Nothing in this Agreement will be construed to prevent either Party from seeking reimbursement of the

costs of Services from third parties, including other individuals or entities or from state or federal funding sources as permitted by law. Each Party will be responsible for payment of workers' compensation, death, and any other applicable benefits to its own employees or agents who are injured or killed while carrying out operations and activities in furtherance of this Agreement to the same extent as if the injury or death occurred in the normal course of employment in the affected individual's employing Jurisdiction, without regard to geographical location of the precipitating event. Nothing in this Agreement will be construed against the City with respect to the computation of the tax differential applied to City taxpayers. Nothing in this Agreement will be construed against the County with respect to the computation of the tax differential applied to City taxpayers. The Washington County Volunteer Fire and Rescue Association, Inc. and its member companies will not be billed, nor have any expectation to pay, for any expenses or costs incurred as a result of providing any Services pursuant to this Agreement.

8. Waiver of Claims – Each Party waives all claims or potential claims against the other Party for the compensation of any loss, damage, personal injury, or death resulting from the performance of the Parties' respective obligations under this Agreement.

9. Integration – This Agreement is the Parties' final and complete agreement and supersedes all prior mutual aid or other related agreements for Services between the Parties. Either Party may propose amendments to this Agreement from time to time, but no amendment will be effective without the written consent of both Parties.

10. Effectiveness – This Agreement will become effective on the date signed by both Parties and will remain in full force and effect until cancelled by written mutual agreement of the Parties or upon ninety (90) days' written notice by one Party to the other Party.

11. Purpose and Immunity – All services performed by the Parties and their respective employees or agents, as well as expenditures made under this Agreement, will be deemed to be for public and governmental purposes. All immunities from liability enjoyed by federal, state, and local governments within each Party's boundaries will extend to each Party's respective participation and activities in rendering Services outside each Party's respective boundaries under this Agreement.

12. Liability and Damages – To the extent permitted by applicable law, each Party shall be responsible for their respective agents' and employees' acts and omissions conducted within the scope of their duties and causing injury to persons or property. Notwithstanding the foregoing, neither Party shall be responsible to the other Party for punitive damages assessed against their respective employees or agents or for any

criminal conduct of their respective employees or agents. Nothing herein shall be deemed as a waiver of sovereign immunity or any other defense available to either Party.

13. Assignment and Applicability – This Agreement cannot be assigned without the written consent of both Parties. This Agreement shall be binding upon and inure to the benefit of the Parties’ respective successors and assigns.

14. Applicable Law – This Agreement shall be governed by and construed in accordance with the laws of the State of Maryland.

15. Notices – Notices required under this Agreement are effective if given to the following, unless updated notice information is provided by either Party to the other in the future:

If to the City:

Steven Lohr, Chief
City of Hagerstown Fire Department
25 West Church Street
Hagerstown, MD 21740

With a courtesy copy to:

Jason Morton
Salvatore & Morton, LLC
82 West Washington Street, Suite 100
Hagerstown, MD 21740

If to the County:

R. David Hays, Director
Washington County Division of Emergency Services
16232 Elliott Parkway
Williamsport, MD 21795

With a courtesy copy to:

Kirk C. Downey, County Attorney
Office of the County Attorney
100 West Washington Street, Suite 1101
Hagerstown, MD 21740

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed and delivered.

ATTEST:

MAYOR AND CITY COUNCIL OF
HAGERSTOWN, MARYLAND

Donna K. Spickler, Clerk

By: _____
Robert E. Bruchey, II, Mayor

Approved as to form and
legal sufficiency:

Recommended for approval:

Jason Morton, City Attorney

Steven Lohr, City Fire Chief

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY,
MARYLAND

Krista L. Hart, Clerk

By: _____
Jeffrey A. Cline, President

Approved as to form and
legal sufficiency:

Recommended for approval:

Kirk C. Downey, County Attorney

R. David Hays, Director, Division of
Emergency Services



Agenda Report Form

Open Session Item

SUBJECT: PUBLIC HEARING- Repeal, Enactment, and Adoption

- Repeal the 2015 Maryland Building Performance Standards, with local amendments (i.e. the *International Building Code*, the *International Residential Code*, and the *International Energy Conservation Code*, 2015 Editions)
- Enact the 2018 Maryland Building Performance Standards, with local amendments (i.e. the *International Building Code*, the *International Residential Code*, the *International Energy Conservation Code*, 2018 Editions)

- Repeal the 2015 *International Existing Building Code*, with local amendments
- Enact the 2018 *International Existing Building Code*, with local amendments

- Repeal the 2015 *International Plumbing Code*, with local amendments, the 2015 *International Mechanical Code*, with local amendments, and the 2015 *International Fuel Gas Code*, with local amendments
- Enact the *International Plumbing Code*, 2018 Edition; the *International Mechanical Code*, 2018 Edition, and the *International Fuel Gas Code*, 2018 Edition, all with local amendments

- Repeal the 2014 *National Electrical Code*, with local amendments
- Enact the 2017 *National Electrical Code*, with local amendments

- Adopt an Ordinance with amendments to the 2006 *ICC Electrical Code - Administrative Provisions*, First Printing, with local amendments and Repeal ORD-2015-33

- Adopt a Resolution Adopting Fee Schedule for Civil Citations and Repealing Resolution No. RS-2015-23

- Adopt an Ordinance entitled "An Ordinance to Adopt Fee Schedules Providing for the Collection of Fees for all Building/Trade Work Performed in Washington County, Maryland"

PRESENTATION DATE: December 3, 2019

PRESENTATION BY: Rich Eichelberger, Director/Code Official, Division of Construction; Frank Quillen, Chief Plans Examiner/Deputy Code Official, Division of Construction; Ashley Holloway, Director, Division of Plan Review and Permitting

RECOMMENDATION: N/A

REPORT-IN-BRIEF: This public hearing is being held for the purpose of considering the repeal, enactment, or adoption of the above-referenced codes, ordinances, or resolutions.

The 2018 Building/Trade Code adoption, as required by the State of Maryland, includes State Building Performance Standards and Washington County local amendments. Local amendments allow for some modification to the new codes for consistency and coordination with customers as well as external agencies.

As with prior code cycles, a 2018 Building/Trade Code Review was performed by various government, design, and construction representatives. The volunteer committee members met once a week for several months to review hundreds of pages of code. The purpose of the review was to consider safety, consistency, common sense, and customer service across agencies in the proposed amendments.

DISCUSSION: Effective March 25, 2019, the Maryland Department of Labor, Licensing and Regulation (DLLR), now Department of Labor adopted the *International Building Code (IBC) 2018*, the *International Residential Code (IRC) 2018*, and the *International Energy Conservation Code (IECC) 2018*, as modified by DLLR, as the revised 2018 Maryland Building Performance Standards (MBPS), and 2018 Editions of the *International Existing Building Code*, *International Mechanical Code*, *International Plumbing Code*, and the 2017 Edition of the *National Electrical Code*. All localities in Maryland are required to adopt the stated adopted codes, with or without modification.

As part of the 2018 Building/Trade Code adoption process, it is necessary to repeal any existing resolution or ordinance associated with permit fees and civil citations and adopt a new resolution or ordinance that references the adopted 2018 Building/Trade Codes.

FISCAL IMPACT: N/A

CONCURRENCES: Washington County 2018 Building/Trade Code Review Committee, Washington County Plumbing and Mechanical Board, Electrical Board of Examiners and Supervisors,

ALTERNATIVES: N/A

ATTACHMENTS: The proposed ordinances adopting the 2018 Maryland Building Performance Standards, the 2018 International Existing Building Code, trade codes, locals amendments thereto, and related ordinance and resolution are available online with this Agenda Report Form and also on the County's web page at www.washco-md.net.

VISUAL NEEDS: N/A

ORDINANCE NO. ORD-2019-

AN ORDINANCE TO REPEAL THE INTERNATIONAL MECHANICAL CODE, 2015 EDITION, AS PROMULGATED BY THE INTERNATIONAL CODE COUNCIL, WITH LOCAL AMENDMENTS, AND TO ENACT THE *INTERNATIONAL MECHANICAL CODE*, 2018 EDITION, AS PROMULGATED BY THE INTERNATIONAL CODE COUNCIL, WITH LOCAL AMENDMENTS FOR WASHINGTON COUNTY, MARYLAND

RECITALS

The Board of County Commissioners of Washington County, Maryland (the “Board”), being concerned with providing protection for the consumer, general public, and owners and occupants of buildings and structures in Washington County, adopted by Ordinance No. ORD-2015-30 on December 15, 2015, effective March 1, 2016, the 2015 International Mechanical Code, as promulgated by the International Code Council, with local amendments for Washington County, Maryland.

It has been recommended that the Board adopt the *International Mechanical Code*, 2018 Edition, which is more up-to-date and which provides greater safeguards for the consumer, general public, and owners and occupants of buildings and structures in Washington County, Maryland, if implemented, and provides for minimum regulations governing the design, installation, and construction of mechanical systems.

A public hearing was held on _____, 2019, following due notice and advertisement of the text of the *International Mechanical Code*, 2018 Edition, with local amendments, including Appendix A.

Public comment was received, reviewed, and considered concerning the repeal of the 2015 International Mechanical Code, as promulgated by the International Code Council, with local amendments, and the adoption of the *International Mechanical Code*, 2018 Edition, as promulgated by the International Code Council, with local amendments, including Appendix A.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the 2015 International Mechanical Code, as promulgated by the International Code Council, with local amendments, adopted by Ordinance No. ORD-2015-30, the Board of County Commissioners of Washington County, Maryland on December 15, 2015, effective March 1, 2016, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the *International Mechanical Code*, 2018 Edition, as promulgated by the International Code Council, with local amendments, including Appendix A, the contents of which are incorporated herein by reference, is enacted with the following insertions, amendments and additions:

Section 101.1	Amended	Section 108.5	Amended
Sections 101.1.1-101.1.8	Added	Section 109.1	Amended
Section 103.1	Amended	Section 109.2	Deleted
Section 106.5.2	Amended	Section 306.3	Amended
Section 106.5.3	Deleted	Section 504.8.2	Amended
Section 108.4	Amended	Appendix A	Adopted
Section 108.4.1	Added	Appendix B	Deleted

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|                                                            |
|------------------------------------------------------------|
| <b>CHAPTER 1 – ADMINISTRATION</b> , is amended as follows: |
|------------------------------------------------------------|

**SECTION 101, GENERAL**, is amended as follows:

**Section 101.1 is amended to read as follows:**

**101.1 Title.** These regulations shall be known as the *Mechanical Code of Washington County, Maryland*, hereinafter referred to as "this code."

**Sections 101.1.1 through 101.1.7 are added to read as follows:**

**101.1.1 International Residential Code.** Any reference to the *International Residential Code* shall mean the *International Residential Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, as adopted on \_\_\_\_\_, 2019, effective \_\_\_\_\_, 20\_\_\_\_, by the Board of County Commissioners of Washington County, Maryland, as part of the Maryland Building Performance Standards.

**101.1.2 International Existing Building Code.** Any reference to the *International Existing Building Code*, shall mean the *International Existing Building Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, as adopted on \_\_\_\_\_, 2019, effective \_\_\_\_\_, 20\_\_, by the Board of County Commissioners of Washington County, Maryland.

**101.1.3 ICC Electrical Code.** For the applicable electrical requirements, refer to the NFPA70:*National Electrical Code*, 2017 Edition, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on \_\_\_\_\_, 2019, effective \_\_\_\_\_, 20\_\_, as may be amended or restated from time to time, and the 2006 *ICC Electrical Code - Administrative Provisions*, First Printing, with local amendments for Washington County, Maryland, adopted on December 18, 2007, effective March 1, 2008, and amended on \_\_\_\_\_, 2019 effective \_\_\_\_\_, 20\_\_.

**101.1.4 International Fire Code.** Any reference to the *International Fire Code* shall mean the *Maryland State Fire Prevention Code* (COMAR 29.06.01), as may be amended or restated from time to time.

**101.1.5 International Plumbing Code.** Any reference to the *International Plumbing Code* shall mean the *International Plumbing Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, adopted by the Board of County Commissioners of Washington County, Maryland on \_\_\_\_\_, 2019, effective on \_\_\_\_\_, 20\_\_.

**101.1.6 International Building Code.** Any reference to the *International Building Code* shall mean the *International Building Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland adopted on \_\_\_\_\_, 2009, effective \_\_\_\_\_, 20\_\_, by the Board of County Commissioners of Washington County, Maryland, as part of the Maryland Building Performance Standards.

**101.1.7 International Fuel Gas Code.** Any reference to the *International Fuel Gas Code* shall mean the *International Fuel Gas Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland, on \_\_\_\_\_, 2019, effective \_\_\_\_\_, 20\_\_.

**101.1.8 International Energy Conservation Code.** Any reference to the *International Energy Conservation Code* shall mean the *International Energy Conservation Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland adopted on \_\_\_\_\_, 2019, effective \_\_\_\_\_, 20\_\_, by the Board of County Commissioners of Washington County, Maryland, as part of the Maryland Building Performance Standards.

**SECTION 103, DEPARTMENT OF MECHANICAL INSPECTIONS**, is amended as follows:

**Section 103.1 is amended to read as follows:**

**103.1 General.** The Director of the Washington County Division of Construction shall be known as the Code Official and the Chief Plans Examiner of the Division of Construction shall be known as Deputy Code Official and is hereby authorized and directed to administer and enforce all provisions of this code. The Code Official and Deputy Code Official shall be referred to singularly or collectively as the Code Official.

**SECTION 106, PERMITS**, is amended as follows:

**Section 106.5.2 is amended to read as follows:**

**106.5.2 Fee schedule.** The fees for all mechanical work shall be paid as required in accordance with the schedule as established by the Board of County Commissioners of Washington County, Maryland.

**Section 106.5.3 is deleted in its entirety.**

**SECTION 108, VIOLATIONS**, is amended as follows:

**Section 108.4 is amended to read as follows:**

**108.4 Criminal penalties.** Any person, firm, corporation, or entity that violates any of the provisions of this code or fails to comply with any of the requirements thereof or that erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) or more than One Thousand Dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or both fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Section 108.4.1 is added and shall read as follows:**

**108.4.1 Civil Penalties.** Any person, firm, corporation, or entity that violates any of the provisions of this code or fails to comply with any of the requirements thereof or that erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a civil offense which shall be prosecuted in accordance with Md. Code, Local Government Article, § 6-102, et seq. The fine for a civil offense shall be established by resolution by the Board of County Commissioners of Washington County, Maryland. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Section 108.5 is amended to read as follows:**

**108.5 Stop work orders.** Upon notice from the Code Official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 condition, shall be liable for a fine of not less than Two Hundred Fifty Dollars (\$250.00) or more than One Thousand Dollars (\$1,000.00).

**SECTION 109, MEANS OF APPEAL, is amended as follows:**

**Section 109.1 is amended to read as follows:**

**109.1 Application for appeal.** Any person shall have the right to appeal a decision of the Code Official to the Washington County Plumbing/Mechanical Board (the "Plumbing/Mechanical Board"). An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within twenty (20) days after the notice was served. All appeals shall be heard in accordance with the rules, regulations, and procedures adopted by the Plumbing/Mechanical Board.

**Section 109.2 is deleted in its entirety.**

**CHAPTER 3, GENERAL REGULATIONS, is amended as follows:**

**SECTION 306, ACCESS AND SERVICE SPACE, is amended as follows:**

**Section 306.3 is amended to read as follows:**

**306.3 Appliances in attics.** Attics containing appliances shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest appliance. The passageway shall not be less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), and large enough to allow removal of the largest appliance. Access shall be by a pull-down or fixed stairway.

**CHAPTER 5, EXHAUST SYSTEMS, is amended as follows:**

**SECTION 504, CLOTHES DRYER EXHAUST, is amended as follows:**

**Section 504.8.2 is amended to read as follows:**

**504.8.2 Duct Installation.** Exhaust ducts shall be supported at 4-foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the directions of airflow. Ducts shall not be joined with screws or similar fasteners that protrude into the inside of the duct. Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation.

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| <b>APPENDICES</b> |
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**THE FOLLOWING APPENDIX IS HEREBY ADOPTED:**

**APPENDIX A - CHIMNEY CONNECTOR PASS-THROUGHS**

**THE FOLLOWING APPENDIX IS HEREBY DELETED IN ITS ENTIRETY:**

**APPENDIX B - RECOMMENDED PERMIT FEE SCHEDULE**

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.  
Effective the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, MARYLAND

\_\_\_\_\_  
Krista L. Hart, Clerk

\_\_\_\_\_  
Jeffrey A. Cline, President

Approved as to form and  
legal sufficiency:

\_\_\_\_\_  
B. Andrew Bright  
Assistant County Attorney

Mail to:  
County Attorney's Office  
100 W. Washington Street, Suite 1101  
Hagerstown, Maryland 21740

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**ORDINANCE NO. ORD-2019-**

**AN ORDINANCE TO ADOPT THE 2018 MARYLAND BUILDING PERFORMANCE STANDARDS AS ADOPTED BY THE STATE OF MARYLAND (COMAR 05.02.07), WITH MODIFICATIONS, AND SUBJECT TO LOCAL AMENDMENTS FOR WASHINGTON COUNTY, MARYLAND**

**RECITALS**

The Board of County Commissioners of Washington County, Maryland (the "Board") by Curative Ordinance No. ORD-2016-04 adopted on March 1, 2016, effective March 1, 2016, (*correcting Ordinance No. ORD-2015-27 adopted on December 15, 2015, effective March 1, 2016*), adopted the *International Building Code*, 2015 Edition (IBC), the *International Residential Code*, 2015 Edition (IRC), and the *International Energy Conservation Code*, 2015 Edition (IECC), promulgated by the International Code Council as the Maryland Building Performance Standards (the "2015 Standards").

The State of Maryland has updated and adopted, with modifications, the *International Building Code*, 2018 Edition (IBC), the *International Residential Code*, 2018 Edition (IRC), and the *International Energy Conservation Code*, the 2018 Edition (IECC), promulgated by the International Code Council as the Maryland Building Performance Standards (the "2018 Standards").

Chapter 294 of the Acts of the 2009 Acts of the General Assembly of Maryland provides that local jurisdictions shall implement and enforce the most current version of the Standards and any local amendments to the Standards.

The Board now desires to adopt the 2018 Standards as adopted by the State of Maryland, with local amendments for Washington County, Maryland.

A public hearing was held on \_\_\_\_\_, 2019, following due notice and advertisement of the text of the 2018 Standards as adopted by the State of Maryland, subject to local amendments for Washington County, Maryland.

Public comment was received, reviewed, and considered concerning the adoption of the Standards.

NOW, THEREFORE, BE IT ORDAINED that ORD-2016-04 and ORD-2015-27 adopting the 2015 Standards be REPEALED.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners of Washington County, Maryland hereby **ADOPTS** the 2018 Maryland Building Performance Standards as adopted by the State of Maryland, the contents of which are incorporated herein by reference and subject to the local amendments as set forth in ARTICLES I, II, and III, attached hereto.

**ARTICLE I: Local Amendments to the *International Building Code, 2018 Edition***  
**ARTICLE II: Local Amendments to the *International Residential Code, 2018 Edition***  
**ARTICLE III: Local Amendments to the *International Energy Conservation Code, 2018 Edition***

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.  
Effective the \_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, MARYLAND

\_\_\_\_\_  
Krista L. Hart, Clerk

\_\_\_\_\_  
Jeffrey A. Cline, President

Approved as to form and  
legal sufficiency:

\_\_\_\_\_  
B. Andrew Bright  
Assistant County Attorney

Mail to:  
Office of the County Attorney  
100 W. Washington Street, Suite 1101  
Hagerstown, MD 21740

**ARTICLE I**

**LOCAL AMENDMENTS TO THE *INTERNATIONAL BUILDING CODE*, 2018 EDITION**

The *International Building Code*, 2018 Edition, as adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07) is hereby amended with the following insertions, amendments and additions:

|                             |         |                                |         |
|-----------------------------|---------|--------------------------------|---------|
| Section 101.1               | Amended | Chapter 11 Note                | Added   |
| Sections 101.1.1 – 101.1.11 | Added   | Section 1507.16                | Amended |
| Section 103.1               | Amended | Sections 1507.16.2 - 1507.16.5 | Added   |
| Section 104.10              | Amended | Section 1512.1                 | Amended |
| Section 105.2               | Amended | Sections 1512.2 - 1512.5       | Added   |
| Section 105.8               | Added   | Section 1607.2                 | Amended |
| Section 106                 | Deleted | Table 1607.1                   | Amended |
| Section 107.2.6.1           | Deleted | Section 1608.2                 | Amended |
| Section 109.4               | Amended | Section 1809.5                 | Amended |
| Section 110.3.3             | Deleted | Table 1809.7                   | Amended |
| Section 110.3.3 Note        | Added   | Table 2304.10.1                | Amended |
| Section 114.4               | Amended | Section 2308.3.1               | Amended |
| Section 114.5               | Added   | Section 2406.1.5               | Added   |
| Section 202                 | Amended | Chapter 27 - Electrical        | Deleted |
| Section 305.2.3             | Amended | Chapter 27- Electrical Note    | Added   |
| Section 308.5.4             | Amended | Section 3001.1                 | Amended |
| Section 311.1.1             | Amended | Section 3109.1 – 3109.5        | Amended |
| Section 501.2               | Amended | Appendices B, C, N AND H       | Adopted |
| Section 901.6               | Amended | Appendices A, D, E, F, G,      |         |
| Section 903.2.1.2           | Amended | I, J, K, L and M               | Deleted |
| Chapter 11                  | Deleted |                                |         |

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CHAPTER 1 – ADMINISTRATION, is amended as follows:

SECTION 101, GENERAL, is amended as follows:

Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the *Building Code of Washington County, Maryland*, hereinafter referred to as "this code."

Sections 101.1.1 through 101.1.11 are added and shall read as follows:

101.1.1 International Residential Code. Any reference to the *International Residential Code* shall mean the *International Residential Code*, 2018 Edition, as amended or restated from time to time, as promulgated by the International Code Council, with local amendments for Washington County, Maryland, as adopted on _____, 2019, effective _____, 20____, by the Board of County Commissioners of Washington County, Maryland, as part of the Maryland Building Performance Standards.

101.1.2 International Existing Building Code. Any reference to the *International Existing Building Code*, shall mean the *International Existing Building Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, as adopted on _____, 2019, effective _____, 20__ , by the Board of County Commissioners of Washington County, Maryland.

101.1.3 ICC Electrical Code. For the applicable electrical requirements, refer to the NFPA70:*National Electrical Code*, 2017 Edition, as may be amended or restated from time to time, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 2019, and the 2006 *ICC Electrical Code - Administrative Provisions*, First Printing, with local amendments for Washington County, Maryland, adopted on December 18, 2007, effective March 1, 2008, and amended on _____, 2019, effective _____, 20__.

101.1.4 International Fire Code. Any reference to the *International Fire Code* shall mean the *Maryland State Fire Prevention Code* (COMAR 29.06.01), as may be amended or restated from time to time.

101.1.5 International Plumbing Code. Any reference to the *International Plumbing Code* shall mean the *International Plumbing Code*, 2018 Edition, as may be amended or restated from time to time, as promulgated by the International Code Council, with local amendments for Washington County, Maryland, adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective on _____, 20__.

101.1.6 International Property Maintenance Code. Any reference to the *International Property Maintenance Code* shall mean the *Washington County Livability Code* adopted by the Board of County Commissioners of Washington County, Maryland on November 1, 1988, effective January 1, 1989, Revision 1 adopted and effective May 9, 2006, and as may be amended or restated from time to time.

101.1.7 International Mechanical Code. Any reference to the *International Mechanical Code* shall mean the *International Mechanical Code*, 2018 Edition, as may be amended or restated from time to time, as promulgated by the International Code Council, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective on _____, 20__.

101.1.8 International Fuel Gas Code. Any reference to the *International Fuel Gas Code* shall mean the *International Fuel Gas Code*, 2018 Edition, as may be amended or restated from time to time, as promulgated by the International Code Council, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20__.

101.1.9 International Energy Conservation Code. Any reference to the *International Energy Conservation Code* shall mean the *International Energy Conservation Code*, 2018 Edition, as may be amended or restated from time to time, as promulgated by the International Code Council, adopted on _____, 2019, effective _____, 20__ , by the Board of County Commissioners of Washington County, Maryland as part of the Maryland Building Performance Standards.

101.1.10 Flood-Resistant Construction. All sections of this code relating to applicable requirements for flood hazard areas shall refer to the *Washington County Floodplain Management Ordinance* adopted by the Board of County Commissioners of Washington County, Maryland on May 16, 2017, effective August 15, 2017, as may be amended or restated from time to time.

101.1.11 Supplementary Accessibility Requirements. All sections of this code relating to applicable requirements for handicapped accessibility issues of references to Chapter 11 shall refer to the *Maryland Accessibility Code*, (COMAR 05.02.02), as may be amended or restated from time to time.

SECTION 103, DEPARTMENT OF BUILDING SAFETY, is amended as follows:

Section 103.1 is amended to read as follows:

103.1 Creation of enforcement agency. The Director of the Washington County Division of Construction shall be known as the Building Official and the Chief Plans Examiner of the Division of Construction shall be known as Deputy Building Official and is hereby authorized and directed to administer and enforce all provisions of this code. The Building Official and Deputy Building Official shall be referred to singularly or collectively as the Building Official.

SECTION 104, DUTIES AND POWERS OF BUILDING OFFICIAL

Section 104.10 is amended to read as follows:

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Division of Plan Review and Permitting.

SECTION 105, PERMITS, is amended as follows:

Section 105.2, Work exempt from permit, Building, 1, 4, 9 & 12 are amended to read as follows:

105.2 Work exempt from permit.

Building:

1. One-story detached accessory structures, of wood or metal construction, not used for human habitation, provided the floor area does not exceed 400 square feet.

4. Retaining walls that retain less than 36-inches of unbalanced backfill unless supporting a surcharge or impounding Class I, II, or IIIA liquids.

9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2 which are less than 24 inches (610 mm) deep.

12. Noncombustible awnings or canopies shaped to positively shed snow and supported by an exterior wall that do not project more than 54 inches from the exterior wall and have a maximum height of four (4) feet and a maximum width of eight (8) feet. Awnings or canopies with proposed lighting as an integral part or that are intended to be used as a sign shall require a permit.

No. 14 is added and shall read as follows:

14. Agricultural Building in accordance with Section 202. (A structure designed and constructed to house farm implements, hay, grain poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be used by the public.)

Section 105.8 is added and shall read as follows:

105.8 Withholding of permits. Wherever the Building Official shall find that any person, agent, firm or corporation, whether as owner, lessee or occupant, is in violation of the provisions of this code or of the rules and regulations of any other department or agency of Washington County in connection with the erection, maintenance, use or repair of buildings, structures, lands or equipment thereon or therein, he may refuse to grant any further permits or inspections until all violations have been corrected and approved.

SECTION 106, FLOOR AND ROOF DESIGN LOADS, is deleted in its entirety.

SECTION 107, SUBMITTAL DOCUMENTS, is amended as follows:

Section 107.2.6.1, Design flood elevations, is deleted in its entirety.

Section 107.2.8, Relocatable buildings, is amended to read as follows:

107.2.8 Relocatable buildings. Construction documents for relocatable buildings shall comply with Section 3113.

SECTION 109, FEES, is amended as follows:

Section 109.4 is amended to read as follows:

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to one hundred percent (100%) of the usual permit fee in addition to the required permit fees.

SECTION 110, INSPECTIONS, is amended as follows:

Section 110.3.3 Lowest floor elevation, is deleted in its entirety.

[Add] NOTE: For the applicable requirements concerning flood hazard areas, refer to the *Washington County Floodplain Management Ordinance* adopted by the Board of County Commissioners of Washington County, Maryland on May 16, 2017, effective August 15, 2017, as may be amended or restated from time to time.

SECTION 114, VIOLATIONS, is amended as follows:

Section 114.4 is amended to read as follows:

114.4 Criminal penalties. Any person, firm, corporation, or entity that violates a provision of this code or fails to comply with any of the requirements thereof or that erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) or more than One Thousand Dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or both fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 114.5 is added and shall read as follows:

114.5 Civil Penalties. Any person, firm, corporation or entity that violates a provision of this code or fails to comply with any of the requirements thereof or that erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a civil offense which shall be prosecuted in accordance with Md. Code, Local Government Article, §6-102, et seq. The penalty for a civil offense shall be established by resolution by the Board of County Commissioners of Washington County, Maryland. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

CHAPTER 2, DEFINITIONS, is amended as follows:

SECTION 202, DEFINITIONS, is amended as follows:

The following definition is amended to read as follows:

TOWNHOUSE. A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides and is separated by a property line.

The following definitions are added and shall read as follows:

AGRICULTURE. The raising of farm products for use or sale, including animal or poultry husbandry, animal husbandry facilities, aquaculture, and the growing of crops such as grain, vegetables, fruit, grass for pasture or sod, trees, shrubs, flowers and similar products of the soil.

AGRICULTURAL OPERATION. Any parcel of land that has an agricultural assessment as determined by the Maryland State Department of Assessments and Taxation.

CHAPTER 3, USE AND OCCUPANCY CLASSIFICATION, is amended as follows:

SECTION 305, EDUCATIONAL GROUP E, is amended as follows:

Section 305.2.3 is amended to read as follows:

305.2.3 Eight or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having eight or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

SECTION 308, INSTITUTIONAL GROUP I

Section 308.5.4 is amended to read as follows:

308.5.4 Eight or fewer persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having eight or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

SECTION 311, STORAGE GROUP S

Section 311.1.1 is amended to read as follows:

311.1.1 Accessory Storage Spaces. A room or space used for storage purposes that is less than 100 square feet (9.3 m²) in area and accessory to another occupancy shall be classified as part of that occupancy. The aggregate area of such rooms or spaces shall not exceed the allowable area limits of Section 508.2.

CHAPTER 5, GENERAL BUILDING HEIGHTS AND AREAS, is amended as follows:

SECTION 501, GENERAL is amended as follows:

Section 501.2 is amended to read as follows:

501.2 Address identification. New and existing buildings shall be provided with approved address numbers or letters. Each character shall be not less than 6 inches in height and not less than 0.5 inch in width. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property. When required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address numbers shall be maintained.

CHAPTER 9, FIRE PROTECTION SYSTEMS, is hereby deleted in its entirety.

SECTION 901 GENERAL, is amended as follows:

Section 901.6 is amended to read as follows:

901.6 Supervisory service. Where required by the authority having jurisdiction, fire protection systems shall be monitored by an approved supervising station in accordance with NFPA 72.

SECTION 903, AUTOMATIC SPRINKLER SYSTEMS, is amended as follows:

Sections 903.2.1.2 is amended to read as follows:

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for fire areas containing Group A-2 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464.5m²);
2. The fire area has an occupant load of 100 or more or a night club with an occupant load of 50 or more; or
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

CHAPTER 11, ACCESSIBILITY, is hereby deleted in its entirety.

[Add] NOTE: For the applicable requirements concerning accessibility requirements refer to the *Maryland Accessibility Code*, (COMAR 05.02.02), as may be amended or restated from time to time.

CHAPTER 15, ROOF ASSEMBLIES AND ROOFSTOP STRUCTURES, is amended as follows:

SECTION 1507, REQUIREMENTS FOR ROOF COVERINGS, is amended as follows:

Sections 1507.16 is amended to read as follows:

1507.16 Vegetative roofs, rooftop gardens and landscaped roofs. Rooftop gardens and landscaped roofs shall be installed and maintained in accordance with this chapter and Sections 1505, 1607.13.3 and the State Fire Prevention Code.

Sections 1507.16.2 through 1507.16.5 are added and shall read as follows:

1507.16.2 Rooftop garden or landscaped roof size. Rooftop garden or landscaped roof areas shall not exceed 15,625 square feet (1,450 m²) in size for any single area with a maximum dimension of 125 feet (39 m) in length or width. A minimum 6-foot-wide (1.8 m) clearance consisting of a Class A-rated roof system complying with ASTM E 108 or UL 790 shall be provided between adjacent rooftop gardens or landscaped roof areas.

1507.16.3 Rooftop structure and equipment clearance. For all vegetated roofing systems abutting combustible vertical surfaces, a Class A-rated roof system complying with ASTM E 108 or UL 790 shall be achieved for a minimum 6-foot-wide (1.8 m) continuous border placed around rooftop structures and all rooftop equipment including, but not limited to, mechanical and machine rooms, penthouses, skylights, roof vents, solar panels, antenna supports, and building service equipment.

1507.16.4 Vegetation. Vegetation shall be maintained in accordance with Sections 1507.16.4.1 and 1507.16.4.2.

1507.16.4.1 Irrigation. Supplemental irrigation shall be provided to maintain levels of hydration necessary to keep green roof plants alive and to keep dry foliage to a minimum.

1507.16.4.2 Dead foliage. Excess biomass, such as overgrown vegetation, leaves, and other dead and decaying material, shall be removed at regular intervals not less than two times per year.

1507.16.4.3 Maintenance plan. The Building Official is authorized to require a maintenance plan for vegetation placed on roofs due to the size of a roof garden, materials used, or when a fire hazard exists to the building or exposures due to the lack of maintenance.

1507.16.5 Maintenance equipment. Fueled equipment stored on roofs and used for the care and maintenance of vegetation on roofs shall be stored in accordance with the State Fire Prevention Code.

SECTION 1512, SOLAR PHOTOVOLTAIC PANELS and MODULES, is amended as follows:

Sections 1512.1 is amended to read as follows:

1512.1 Solar photovoltaic panels and modules. Solar photovoltaic panels and modules installed upon a roof or as an integral part of a roof assembly shall comply with the requirements of this code and NFPA 70 and the State Fire Prevention Code.

Exception: Detached, non-habitable Group U structures including, but not limited to, parking shade structures, carports, solar trellises, and similar structures shall not be subject to the requirements of this section.

Sections 1512.2 through 1512.5 are added and shall read as follows:

1512.2 Marking. Marking is required on interior and exterior direct-current (DC) conduit, enclosures, raceways, cable assemblies, junction boxes, combiner boxes, and disconnects.

1512.2.1 Materials. The materials used for marking shall be reflective, weather resistant, and suitable for the environment. Marking as required in Section 1512.2.2 through 1512.2.4 shall have all letters capitalized with a minimum height of 3/8 inch (9.5 mm) white on red background.

1512.2.2 Marking content. The marking shall contain the words “WARNING: PHOTOVOLTAIC POWER SOURCE.”

1512.2.3 Main service disconnect. The marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the disconnect is operated.

1512.2.4 Location of marking. Marking shall be placed on interior and exterior DC conduit, raceways, enclosures, and cable assemblies every 10 feet (3048 mm), within 1 foot (305 mm) of turns or bends and within 1 foot (305 mm) above and below penetrations of roof/ceiling assemblies, walls, or barriers.

1512.3 Locations of DC conductors. Conduit, wiring systems, and raceways for photovoltaic circuits shall be located as close as possible to the ridge or hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities. Conduit runs between sub arrays and to DC combiner boxes shall be installed in a manner that minimizes the total amount of conduit on the roof by taking the shortest path from the array to the DC combiner box. The DC combiner boxes shall be located such that conduit runs are minimized in the pathways between arrays. DC wiring shall be installed in metallic conduit or raceways when located within enclosed spaces in a building. Conduit shall run along the bottom of load bearing members.

1512.4 Access and pathways. Roof access, pathways, and spacing requirements shall be provided in accordance with Sections 1512.4.1 through 1512.4.3.3.

Exceptions:

1. Residential structures shall be designed so that each photovoltaic array is no greater than 150 feet (45720 mm) by 150 feet (45720 mm) in either axis.
2. Panels/modules shall be permitted to be located up to the roof ridge where an alternative ventilation method approved by the fire chief has determined vertical ventilation techniques will not be employed.

1512.4.1 Roof access points. Roof access points shall be located in areas that do not require the placement of ground ladders over openings such as windows or doors and located at strong points of building construction in locations where the access point does not conflict with overhead obstructions such as tree limbs, wires, or signs.

1512.4.2 Residential systems for one- and two-family dwellings. Access to residential systems for one- and two-family dwellings shall be provided in accordance with Section 1511.4.2.1 through 1511.4.2.4.

1512.4.2.1 Residential buildings with hip roof layouts. Panels/modules installed on residential buildings with hip roof layouts shall be located in a manner that provides a 3-foot wide (914 mm) clear access pathway from the eave to the ridge on each roof slope where panels/modules are located. The access pathway shall be located at a structurally strong location on the building capable of supporting the live load of fire fighters accessing the roof.

Exception: These requirements shall not apply to roofs with slopes of two units vertical in 12 units horizontal (2:12) or less.

1512.4.2.2 Residential buildings with a single ridge. Panels/modules installed on residential buildings with a single ridge shall be located in a manner that provides two, 3-foot-wide (914 mm) access pathways from the eave to the ridge on each roof slope where panels/modules are located.

Exception: This requirement shall not apply to roofs with slopes of two units vertical in 12 units horizontal (2:12) or less.

1512.4.2.3 Residential buildings with roof hips and valleys. Panels/modules installed on residential buildings with roof hips and valleys shall be located no closer than 18 inches (457 mm) to a hip or a valley where panels/modules are to be placed on both sides of a hip or valley.

Where panels are to be located on only one side of a hip or valley that is of equal length, the panels shall be permitted to be placed directly adjacent to the hip or valley.

Exception: These requirements shall not apply to roofs with slopes of two units vertical in 12 units horizontal (2:12) or less.

1512.4.2.4 Residential building smoke ventilation. Panels/modules installed on residential buildings shall be located no higher than 3 feet (914 mm) below the ridge in order to allow for fire department smoke ventilation operations.

1512.4.3 Other than residential buildings. Access to systems for occupancies other than one- and two-family dwellings shall be provided in accordance with Sections 1512.4.3.1 through 1512.4.3.3.

Exception: Where it is determined by the Building Official that the roof configuration is similar to that of a one- or two-family dwelling, the residential access and ventilation requirements in Sections 1512.4.2.1 through 1512.4.2.4 shall be permitted to be used.

1512.4.3.1 Access. There shall be a minimum 6-foot-wide (1829 mm) clear perimeter around the edges of the roof.

Exception: Where either axis of the building is 250 feet (76200 mm) or less, there shall be a minimum 4-foot-wide (1219 mm) clear perimeter around the edges of the roof.

1512.4.3.2 Pathways. The solar installation shall be designed to provide designated pathways. The pathways shall meet the following requirements.

1. The pathway shall be over areas capable of supporting the live load of fire fighters accessing the roof.
2. The centerline axis pathways shall be provided in both axes of the roof. Centerline axis pathways shall run where the roof structure is capable of supporting the live load of fire fighters accessing the roof.
3. Shall be a straight line not less than 4 feet (1219 mm) clear to skylights or ventilation hatches.
4. Shall be a straight line not less than 4 feet (1219 mm) clear to roof standpipes.
5. Shall provide not less than 4 feet (1219 mm) clear around roof access hatch with at least one not less than 4 feet (1219 mm) clear pathway to parapet or roof edge.

1512.4.3.3 Smoke ventilation. The solar installation shall be designed to meet the following requirements:

1. Arrays shall be no greater than 150 feet (45720 mm) by 150 feet (45720 mm) in distance in either axis in order to create opportunities for fire department smoke ventilation operations.
2. Smoke ventilation options between array sections shall be one of the following:
 - 2.1. A pathway 8 feet (2438 mm) or greater in width

- 2.2. A 4-foot (1219 mm) or greater in width pathway and bordering roof skylights or smoke and heat vents.
- 2.3. A 4-foot (1219 mm) or greater in width pathway and bordering 4-foot by 8-foot (1219 mm by 2438 mm) “venting cutouts” every 20 feet (6096 mm) on alternating sides of the pathway.

1512.5 Ground-mounted photovoltaic arrays. Ground-mounted photovoltaic arrays shall comply with Section 1512 through 1512.3 and this section. Setback requirements shall not apply to ground-mounted, free-standing photovoltaic arrays. A clear, brush-free area of 10-feet (3048 mm) shall be required for ground-mounted photovoltaic arrays.

CHAPTER 16, STRUCTURAL DESIGN, is amended as follows:

SECTION 1607, LIVE LOADS, is amended as follows:

Section 1607.2 is amended by adding the following exception:

1607.2 Loads not specified. Where not otherwise specified, a minimum roof live load of 30 psf shall be applied to roof structures; with no reductions permitted.

TABLE 1607.1 Number 26. is amended as follows:

TABLE 1607.1
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS AND
MINIMUM CONCENTRATED LIVE LOADS^g

OCCUPANCY OR USE	UNIFORM (psf)	CONCENT RATED (lbs.)
26. Roofs		
All roof surfaces subject to maintenance workers		300
Awnings and canopies:		
Fabric construction supported by a skeleton structure	5 ^m 30	
All other construction, except one- and two-family dwellings	30 _m	
Ordinary flat, pitched, and curved roofs (that are not occupiable)		
Primary roof members exposed to a work floor		
Single panel point of lower chord of roof trusses or any point along primary structural members supporting roofs over manufacturing, storage warehouses, and repair garages		2,000
All other primary roof members	100	300
Occupiable roofs:	100 ^m	
Roof gardens	Note 1	
Assembly areas		
All other similar areas		Note 1

SECTION 1608, SNOW LOADS is amended as follows:

Section 1608.2 is amended to read as follows:

1608.2 Ground snow loads. The ground snow load to be used in determining the design snow load for roofs shall be 40 psf.

CHAPTER 18, SOILS AND FOUNDATIONS, is amended as follows:

SECTION 1809, SHALLOW FOUNDATIONS, is amended as follows:

Section 1809.5 is amended to read as follows:

1809.5 Frost protection. Except where otherwise protected from frost, foundation and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extending below the frost line of the locality; or
2. Erecting on solid rock.

Exception: Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to Risk Category I, in accordance with Section 1604.5;
2. Area of 400 square feet or less; and
3. Eave height of 10 feet (3048 mm) or less.

Shallow foundations shall not bear on frozen soil unless such frozen condition is of a permanent character.

TABLE 1809.7 is amended by adding Footnote h. and shall read as follows:

h. All structures requiring continuous footings shall be reinforced with a minimum two (2) #4 reinforcing bars or as specified by a design professional.

CHAPTER 23, WOOD, is amended as follows:

TABLE 2304.10.1, Number 6, is amended to read as follows:

TABLE 2304.10.1
FASTENING SCHEDULE

DESCRIPTION OF BUILDING ELEMENTS	NUMBER AND TYPE OF FASTENER A, B, C	SPACING AND LOCATION
Roof		
***	***	***
6. Rafter to plate (pre-engineered trusses and rafters) (see Section 2308.7.5, Table 2308.7.5)	Trusses and rafters shall be connected to the wall top plate with an approved hurricane tie as required to resist up-lift and lateral loads	-
***	***	***

SECTION 2308, CONVENTIONAL LIGHT-FRAME CONSTRUCTION, is amended as follows:

Section 2308.3.1 is amended to read as follows:

2308.3.1 Foundation plates or sills. Foundation plates or sills resting on concrete or masonry foundations shall comply with Section 2304.3.1. Foundation plates or sills shall be bolted or anchored to the foundation with not less than ½-inch-diameter (12.7 mm) steel bolts or approved anchors spaced to provide equivalent anchorage as the steel bolts. Bolts shall be embedded not less than 7 inches (178 mm) into concrete or masonry. The bolts shall be located in the middle third of the width of the plate. Bolts shall be spaced not more than 4 feet (1219 mm) on center and there shall be not less than two bolts or anchor straps per piece with one bolt or anchor strap located not more than 12 inches (305 mm) or less than 4 inches (102 mm) from each end of each piece. Bolts in sill plates of braced wall lines in structures over two stories above grade shall be spaced not more than 4 feet (1219 mm) on center. A properly sized nut and washer shall be tightened on each bolt to the plate.

CHAPTER 24, GLASS AND GLAZING, is amended as follows:

SECTION 2406, SAFETY GLAZING, is amended as follows:

Section 2406.1 is amended by adding section 2406.1.5 and shall read as follows:

2406.1 Human impact loads.

2406.1.5 Code Conflict. The requirements for safety glazing set forth in Public Safety Article, Title 12, Subtitle 4, Annotated Code of Maryland, are in addition to Chapter 24, Section 2406 of the IBC related to safety glazing. In the event of conflict between this chapter and the Annotated Code of Maryland, the requirements of the Annotated Code of Maryland shall prevail.

CHAPTER 27, ELECTRICAL, is hereby deleted in its entirety.

[add]NOTE: For the applicable electrical requirements, refer to the NFPA70:*National Electrical Code*, 2017 Edition, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20__ , as may be amended or restated from time to time, and the 2006 ICC

Electrical Code - Administrative Provisions, First Printing, with local amendments for Washington County, Maryland, adopted on December 18, 2007, effective March 1, 2008, and amended on _____, 2019, effective _____, 20__.

CHAPTER 30, ELEVATORS AND CONVEYING SYSTEMS, is amended as follows:

SECTION 3001, GENERAL, is amended as follows:

Section 3001.1 is amended to read as follows:

3001.1 Scope. This chapter governs the design, construction, installation, alteration and repair of elevators and conveying systems and their components. The provisions of this chapter relate to elevators and conveying systems and are in addition to and not instead of the requirements set forth in Md. Code, Public Safety Article, Title 12, Subtitle 8. In the event of a conflict between this code and Md. Code, Public Safety Article, Title 12, Subtitle 8, the provisions of Md. Code, Public Safety Article, Title 12, Subtitle 8, shall prevail.

CHAPTER 31, SPECIAL CONSTRUCTION, is amended as follows:

SECTION 3109, SWIMMING POOL ENCLOSURES AND SAFETY DEVICES, is amended as follows:

Section 3109.1 is amended to read as follows:

3109.1 General. Swimming pools shall comply with the requirements of Sections 3109.02 through 3109.5 and other applicable sections of this code.

Section 3109.2 is amended to read as follows:

3109.2 Definition. The following term is defined in Chapter 2:

SWIMMING POOLS

Section 3109.3 is amended to read as follows:

3109.3 Public swimming pools. Public swimming pools shall be completely enclosed by a fence not less than 6 feet in height or a screen enclosure. Openings in the fence shall not permit the passage of a 4-inch diameter sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates.

Section 3109.4 is amended to read as follows:

3109.4 Residential swimming pools. Residential swimming pools shall be completely enclosed by a barrier complying with Sections 3111.4.1 through 3111.4.3.

Exception: A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F 1346 need not comply with this section.

3109.4.1 Barrier height and clearances. The top of the barrier shall be not less than 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The vertical clearance between grade and the bottom of the barrier shall be not

greater than 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the vertical clearance between the top of the pool structure and the bottom of the barrier shall be not greater than 4 inches (102 mm).

3109.4.1.1 Openings. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

3109.4.1.2 Solid barrier surfaces. Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

3109.4.1.3 Closely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall be not greater than 1¾ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 1¾ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 1¾ inches (44 mm) in width.

3109.4.1.4 Widely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall be not greater than 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 1¾ inches (44 mm) in width.

3109.4.1.5 Chain link dimensions. Mesh size for chain link fences shall be not greater than a 2¼-inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom that reduce the opening to not more than 1¾ inches (44 mm).

3109.4.1.6 Diagonal members. Where the barrier is composed of diagonal members, the opening formed by the diagonal members shall be not greater than 1¾ inches (44 mm).

3109.4.1.7 Gates. Access doors or gates shall comply with the requirements of Section 3109.4.1.1 through 3109.4.1.6 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. Release mechanisms shall be in accordance with Sections 1010.1.9 and 1109.13. 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 ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

3109.4.1.8 Dwelling wall as a barrier. Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

1. Doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. In dwellings not required to be Accessible units, Type A, units or Type B units, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In

- dwelling required to be Accessible unit, Type A unit or Type B unit, the deactivation switch shall be located not higher than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the threshold of the door.
2. The pool shall be equipped with a power safety cover that complies with ASTM F 1346.
 3. Other means of protection, such as self-closing doors with self-latching devices, which are approved, shall be accepted so long as the degree of protection afforded is not less than the protection afforded by Item 1 or 2 above.

3109.4.1.9 Pool structure as barrier. Where an above-ground 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, then the ladder or steps either shall be capable of being secured, locked, or removed to prevent access, or the ladder or steps shall be surrounded by a barrier that meets the requirements of Section 3109.4.1.1 through 3111.4.1.8. Where 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.

3109.4.2 Indoor swimming pools. Walls surrounding indoor swimming pools shall not be required to comply with Section 3109.4.1.8.

3109.4.3 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment, or similar objects from being used to climb the barriers.

Section 3109.5 is amended to read as follows:

3109.5 Entrapment avoidance. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

APPENDICES

THE FOLLOWING APPENDICES ARE ADOPTED IN THEIR ENTIRETY:

APPENDICES B, C, H AND N

THE FOLLOWING APPENDICES ARE DELETED IN THEIR ENTIRETY:

APPENDICES A, D, E, F, G, I, J, K, L and M

[End of Local Amendments to *International Building Code*, 2018 Edition]

ARTICLE II

LOCAL AMENDMENTS TO THE *INTERNATIONAL RESIDENTIAL CODE*, 2018 EDITION

The *International Residential Code*, 2018 Edition, as adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07) is hereby amended with the following insertions, amendments and additions:

Section R101.1	Amended	Section R403.3.2	Deleted
Section R101.1.1 – R101.1.9	Added	Section R403.3.3	Deleted
Section R103.1	Amended	Section R403.3.4	Deleted
Section R104.10.1	Deleted	Section R404.3	Amended
Section R105.2	Amended	Section R404.4	Amended
Section R105.3.1.1	Deleted	Section R407.3	Amended
Section R105.5	Amended	Section R408.6	Amended
Section R105.7	Amended	Section R502.6	Amended
Section R105.10	Added	Table R602.3(1)	Amended
Section R108.6	Amended	Figure R602.3(2)	Amended
Section R113.4	Amended	Section N1102.4.1.2	Amended
Section R113.5	Added	Table N1105.5.2(1)	Amended
Sections R115.1 - R115.4	Added	Section N1106.2	Amended
Section 202	Amended	Section M1305.1.3	Amended
Table R301.2(1)	Amended	Section M1502.4.2	Amended
Section R302.1.1	Added	Chapter 25	Deleted
Section R313.2	Amended	Chapter 26	Deleted
Section R321.3	Amended	Chapter 27	Deleted
Section R324.6	Amended	Chapter 28	Deleted
Section R324.6.3	Added	Section P2901	Deleted
Section R324.6.4	Added	Section P2902	Deleted
Sections R326	Deleted	Section P2903	Deleted
Section R328	Added	Section P2904.2.3	Amended
Section R329	Added	Section P2904.2.3.1	Added
Section R330	Added	Section P2905	Deleted
Section R331	Added	Section P2906	Deleted
Section R332	Added	Section P2907	Deleted
Section R333	Added	Section P2908	Deleted
Section R403.1	Amended	Chapter 30	Deleted
Section R403.1.4.1	Amended	Chapter 31	Deleted
Section 403.1.6	Amended	Chapter 32	Deleted
Section R403.3	Deleted	Chapter 33	Deleted
Section R403.3.1	Deleted	Part VIII – Electrical	Deleted
Section R403.3.1.1	Deleted	Part VIII – Note	Added
Figure R403.3(1)	Deleted	Appendices A, B, C, D, E, F, G,	
Table R403.3(1)	Deleted	H, N, O, Q, R and S	Adopted
Figure R403.3(2)	Deleted	Appendices I, J, K, L, M, P and	
Table R403.3(2)	Deleted	T	Deleted
Figure R403.3(3)	Deleted	Appendix U	Added
Section R403.3.1.2	Deleted		
Figure R403.3(4)	Deleted		

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**PART I – ADMINISTRATION, CHAPTER 1, ADMINISTRATION, is amended as follows:**

**SECTION R101, TITLE SCOPE AND PURPOSE, is amended as follows:**

**Section R101.1 is amended to read as follows:**

**R101.1 Title.** These provisions shall be known as the *Residential Code for One- and Two-family Dwellings* of Washington County, Maryland, and shall be cited as such and will be referred to herein as "this code."

**Sections R101.1.1 through R101.1.10 are added and shall read as follows:**

**R101.1.1 International Existing Building Code.** Any reference to the *International Existing Building Code* shall mean the *Maryland Building Rehabilitation Code* (COMAR Title 5, Subtitle 16), as may be amended or restated from time to time.

**R101.1.2 ICC Electrical Code.** For the applicable electrical requirements, refer to the NFPA70:*National Electrical Code*, 2017 Edition, as may be amended or restated from time to time, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on \_\_\_\_\_, 2019, effective \_\_\_\_\_, 20\_\_, and the 2006 *ICC Electrical Code - Administrative Provisions*, with local amendments for Washington County, Maryland, adopted on December 18, 2007, effective March 1, 2008, and amended on \_\_\_\_\_, 2019, effective \_\_\_\_\_, 20\_\_.

**R101.1.3 International Fire Code.** Any reference to the *International Fire Code* shall mean the *Maryland State Fire Prevention Code* (COMAR 29.06.01), as may be amended or restated from time to time.

**R101.1.4 International Plumbing Code.** Any reference to the *International Plumbing Code* shall mean the *International Plumbing Code*, 2018 Edition, as may be amended or restated from time to time, as promulgated by the International Code Council, with local amendments for Washington County, Maryland, adopted by the Board of County Commissioners of Washington County, Maryland on \_\_\_\_\_, 2019, effective on \_\_\_\_\_, 20\_\_.

**R101.1.5 International Property Maintenance Code.** Any reference to the *International Property Maintenance Code* shall mean the *Washington County Livability Code* adopted by the Board of County Commissioners of Washington County, Maryland on November 1, 1988, effective January 1, 1989, Revision 1 adopted and effective May 9, 2006, and as may be further amended or restated from time to time.

**R101.1.6 International Fuel Gas Code.** Any reference to the *International Fuel Gas Code* shall mean the *International Fuel Gas Code*, 2018 Edition, as may be amended or restated from time to time, as promulgated by the International Code Council, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on \_\_\_\_\_, 2019, effective on \_\_\_\_\_, 20\_\_.

**R101.1.7 International Mechanical Code.** Any reference to the *International Mechanical Code* shall mean the *International Mechanical Code*, 2018 Edition, as may be amended or restated from time to time, as promulgated by the International Code Council, with local

amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on \_\_\_\_\_, 2019, effective on \_\_\_\_\_, 20\_\_.

**R101.1.8 International Building Code.** Any reference to the *International Building Code* shall mean the *International Building Code*, 2018 Edition, as may be amended or restated from time to time, as promulgated by the International Code Council, with local amendments for Washington County, Maryland adopted on \_\_\_\_\_, 2019, effective on \_\_\_\_\_, 20\_\_, by the Board of County Commissioners of Washington County, Maryland as part of the Maryland Building Performance Standards.

**R101.1.9 International Energy Conservation Code.** Any reference to the *International Energy Conservation Code* shall mean the *International Energy Conservation Code*, 2018 Edition, as may be amended or restated from time to time, as promulgated by the International Code Council, adopted on \_\_\_\_\_, 2019, effective on \_\_\_\_\_, 20\_\_, by the Board of County Commissioners of Washington County, Maryland as part of the Maryland Building Performance Standards.

**SECTION R103, DEPARTMENT OF BUILDING SAFETY,** is amended as follows:

**Section R103.1 is amended to read as follows:**

**R103.1 Creation of enforcement agency.** The Director of the Washington County Division of Construction) shall be known as the Building Official and the Chief Plans Examiner of the Division of Construction shall be known as Deputy Building Official and are hereby authorized and directed to administer and enforce all provisions of this code. The Building Official and Deputy Building Official shall be referred to singularly or collectively as the Building Official.

**THE FOLLOWING SECTIONS RELATING TO FLOOD HAZARD AREAS ARE HEREBY DELETED IN THEIR ENTIRETY:**

**R104.10.1 Flood hazard areas.**

**R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas.**

**[add]NOTE:** For the applicable requirements concerning flood hazard areas, refer to the *Washington County Floodplain Management Ordinance* adopted by the Board of County Commissioners of Washington County, Maryland on May 16, 2017, effective August 15, 2017, as may be amended or restated from time to time.

**SECTION R105, PERMITS,** is amended as follows:

**Section R105.2 is amended to read as follows:**

**R105.2 Work exempt from permit.** Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

**Building:**

1. One-story detached accessory structures, of wood or metal construction, not used for human habitation, provided the floor area does not exceed 400 square feet.

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3. Retaining walls that retain less than 36-inches of unbalanced backfill unless supporting a surcharge.

**Electrical:**

\*\*\*

4. Deleted in its entirety.

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**Section R105.5 is amended to read as follows:**

**R105.5 Expiration.** Every permit issued shall become invalid if the work authorized by such permit is not commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced, or if no inspections have been performed by the Building Official for a period of 180 days. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**Section R105.7 is amended to read as follows:**

**R105.7 Placement of permit.** The permit holder or his agent shall post the inspection record on the job site in an accessible and conspicuous place to allow the Building Official to make the required entries. The record shall be maintained by the permit holder until the final inspection has been made and approved.

**Section R105.10 is added and shall read as follows:**

**R105.10 Withholding of permits.** Whenever the Building Official shall find that any person, agent, firm or corporation, whether as owner, lessee or occupant, is in violation of the provisions of this code or of the rules and regulations of any other department or agency of Washington County in connection with the erection, maintenance, use or repair of buildings, structures, lands, or equipment thereon or therein, he may refuse to grant any further permits or inspections until all violations have been corrected and approved.

**SECTION R108 FEES**, is amended as follows:

**Section R108.6 is amended to read as follows:**

**R108.6 Work commencing before permit issuance.** Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before

obtaining the necessary permits shall be subject to 100 percent (100%) of the usual permit fee in addition to the required permit fees.

**SECTION R113, VIOLATIONS**, is amended as follows:

**Section R113.4 is amended to read as follows:**

**R113.4 Criminal penalties.** Any person, firm, corporation or entity that violates any of the provisions of this code or fails to comply with any of the requirements thereof or that erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) or more than One Thousand Dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or both fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Section R113.5 is added and shall read as follows:**

**R113.5 Civil Penalties.** Any person, firm, corporation or entity that violates any of the provisions of this code or fails to comply with any of the requirements thereof or that erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a civil offense which shall be prosecuted in accordance with Maryland Code, Local Government Article, § 6-102, et seq. The fine for a civil offense shall be established by resolution by the Board of County Commissioners of Washington County, Maryland. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**SECTION R115, UNSAFE STRUCTURES AND EQUIPMENT**, is added and shall read as follows:

**R115.1 Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

**R115.2 Notice.** If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order. The Building Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**R115.3 Method of service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other

manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

**R115.4 Restoration.** The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations, or additions are made, or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and the International Existing Building Code.

**PART II, DEFINITIONS,** is amended as follows:

**SECTION R202, DEFINITIONS,** is amended as follows:

- (i) The following definition is amended to read as follows:

**BASEMENT.** That portion of a building that is partly or completely below grade with a ceiling height greater than or equal to 6 feet 8 inches (see STORY ABOVE GRADE PLANE).

- (ii) The following definition is added and shall read as follows:

**SEMI-DETACHED DWELLING UNIT.** Two single-family dwelling units separated by a property line with open space on three (3) sides and shall be regulated the same as a townhouse.

- (iii) The following definition is amended to read as follows:

**TOWNHOUSE.** A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two (2) sides and is separated by a property line.

**PART III, BUILDING PLANNING AND CONSTRUCTION, CHAPTER 3, BUILDING PLANNING,** is amended as follows:

**SECTION R301, DESIGN CRITERIA** is amended as follows:

**Table R301.2(1) is amended and Footnote l. is added and shall read as follows:**

Table R301.2(1)  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

| GROUND SNOW LOAD                      | WIND DESIGN              |                                  |                                  |                            | SEISMIC DESIGN CATEGORY <sup>f</sup> | SUBJECT TO DAMAGE FROM     |                                |                      | WINTER DESIGN TEMP | ICE BARRIER UNDERLAYMENT REQUIRED <sup>b</sup> | FLOOD HAZARDS <sup>g</sup> ,<br><sup>n</sup> | AIR FREEZING INDEX <sup>i</sup> | MEAN ANNUAL TEMP <sup>j</sup> |
|---------------------------------------|--------------------------|----------------------------------|----------------------------------|----------------------------|--------------------------------------|----------------------------|--------------------------------|----------------------|--------------------|------------------------------------------------|----------------------------------------------|---------------------------------|-------------------------------|
|                                       | SPEED <sup>d</sup> (mph) | Topographic effects <sup>k</sup> | Special wind region <sup>l</sup> | Wind-borne debris zone     |                                      | Weathering <sup>a</sup>    | Frost Line Depth <sup>b</sup>  | Termite <sup>c</sup> |                    |                                                |                                              |                                 |                               |
| 30psf                                 | 115                      | NO                               | No                               | No                         | A                                    | Severe                     | 30"                            | Moderate to Heavy    | 12°F               | Yes                                            | 2017                                         | 722                             | 53.5°F                        |
| MANUAL J DESIGN CRITERIA <sup>n</sup> |                          |                                  |                                  |                            |                                      |                            |                                |                      |                    |                                                |                                              |                                 |                               |
| Elevation                             | Latitude                 | Winter heating                   | Summer cooling                   | Altitude correction factor | Indoor design temperature            | Design temperature cooling | Heating temperature difference |                      |                    |                                                |                                              |                                 |                               |
| 704                                   | 39                       | 12                               | 91                               | 0.985                      | 70                                   | 75                         | 58                             |                      |                    |                                                |                                              |                                 |                               |
| Cooling temperature difference        | Wind velocity heating    | Wind velocity cooling            | Coincident wet bulb              | Daily range                | Winter humidity                      | Summer humidity            | –                              |                      |                    |                                                |                                              |                                 |                               |
| 16                                    | 15                       | 7.5                              | 74                               | Medium                     | –                                    | 50%                        | –                              |                      |                    |                                                |                                              |                                 |                               |

g. Or most recent adopted FEMA flood hazard map.

**SECTION R302, FIRE-RESISTENT CONSTRUCTION** is added and shall read as follows:

**R302.1.1 Balconies and decks on townhouses and semi-detached dwellings.** All portions of balconies and decks on townhouses or semi-detached dwellings constructed with combustible materials or fire retardant treated wood shall not be closer than 24 inches (609.6 mm) from any property line.

**SECTION R313, AUTOMATIC FIRE SPRINKLER SYSTEMS,** is amended as follows:

**Section R313.2 is amended to read as follows:**

**R313.2 One- and two-family dwellings automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings. This shall include modular and manufactured homes manufactured after July 1, 2015.

**Exception:** An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.

**SECTION R321, ELEVATORS AND PLATFORM LIFTS,** is amended as follows:

**Section 321.3 is amended to read as follows:**

**R321.3 Accessibility.** Elevators or platform lifts that are part of an accessible route shall comply with the Maryland Accessibility Code (COMAR 05.02.02).

**SECTION 324 SOLAR ENERGY SYSTEMS,** is amended as follows:

**Section 324.6is amended to read as follows:**

**R324.6 Roof Access and pathways.** Roof access, pathways, and spacing requirements shall be provided in accordance with Sections R324.6.1 through R324.6.4.5.

**Exceptions:**

1. Roof access, pathways, and spacing requirements need not be provided on detached accessory structures; including, but not limited to, sheds, garages, parking shade structures, carports, and solar trellises.
2. Roof access, pathways, and spacing requirements need not be provided on up to 50 percent of the dwelling roof area; including, but not limited to, one side of a single-ridge roof of equal sides.
3. No Panel or module may be located within one foot of a roof edge, ridge, hip, valley, or penetration.

**Section 324.6.1 is amended to read as follows:**

**R324.6.1 Roof access points.** Roof access points shall be located in areas that do not require the placement of ground ladders over openings such as windows or doors and located at strong points of building construction in locations where the access point does not conflict with overhead obstructions such as tree limbs, wires, or signs.

**Section 324.6.2 is amended to read as follows:**

**R324.6.2 Solar photovoltaic systems.** Solar photovoltaic systems shall comply with Sections R342.6.2.1 through R342.6.2.2.

**R324.6.2.1 Size of solar photovoltaic array.** Each photovoltaic array shall be limited to 150 feet by 150 feet (45720 by 45720 mm). Multiple arrays shall be separated by a clear access pathway not less than 3 feet (914 mm) in width.

**R324.6.2.2 Hip roof layouts.** Panels and modules installed on dwellings with hip roof layouts shall be located in a manner that provides a clear access pathway not less than 3 feet (914 mm) in width from the eave to the ridge on each roof slope where panels and modules are located. The access pathway shall be located at a structurally strong location on the building capable of supporting the live load of fire fighters accessing the roof.

**Exception:** These requirements shall not apply to roofs with slopes of 2 units vertical in 12 units horizontal (16.6 percent) and less.

**R324.6.2.3 Single ridge roofs.** Panels and modules installed on dwellings with a single ridge shall be located in a manner that provides two, 3-foot-wide (914 mm) access pathways from the eave to the ridge on each roof slope where panels or modules are located.

**Exception:** This requirement shall not apply to roofs with slopes of 2 units vertical in 12 units horizontal (16.6 percent) and less.

**R324.6.2.4 Roofs with hips and valleys.** Panels and modules installed on dwellings with roof hips or valleys shall not be less than 18 inches (457 mm) from a hip or valley where panels or modules are to be placed on both sides of a hip or valley. Where panels are to be located on one side only of a hip or valley that is of equal length, the 18-inch (457 mm) clearance does not apply.

**Exception:** These requirements shall not apply to roofs with slopes of 2 units vertical in 12 units horizontal (16.6 percent) and less.

**R324.6.2.5 Allowance for smoke ventilation operations.** Panels and modules installed on dwellings shall not be located less than one foot below the roof ridge to allow for fire department smoke ventilation operations.

**Section 324.6.2.2 is amended to read as follows:**

**R324.6.2.6 Emergency escape & rescue opening.** Panels and modules installed on dwellings shall not be placed on the portion of a roof that is below an emergency escape and rescue opening. A pathway not less than 36 inches (914 mm) wide shall be provided to the emergency escape and rescue opening.

**SECTION R326 SWIMMING POOLS, SPAS AND HOT TUBS,** is deleted as follows:

Section R326 is hereby deleted in its entirety.

**SECTION R328 SITE SAFETY,** is added and shall read as follows:

**R328.1 Scope** The provisions of this chapter shall govern safety during construction and the protection of adjacent public and private properties.

**R328.1.1 Storage and placement.** Construction equipment and materials shall not be stored on roadways or in right-of-ways or placed so as to endanger the public, workers, or adjoining property for the duration of the construction project.

**SECTION R329 CONSTRUCTION SAFEGUARDS,** is added and shall read as follows:

**R329.1 Remodeling and additions.** Required exits, existing structural elements, fire protection devices, and sanitary safeguards shall be maintained at all times during remodeling, alterations, repairs, or additions to any building or structure.

**Exceptions:**

1. When such required elements or devices are being remodeled, altered, or repaired, adequate substitute provisions shall be made.
2. When the existing building is not occupied.

**R329.2 Manner of removal.** Waste materials shall be removed in a manner which prevents injury or damage to persons, adjoining properties, and public rights-of-way.

**R329.3 Abandon sites.** Excavated sites that have been abandoned shall be protected with a 48-inch high construction fence or the excavated area shall be filled and maintained to the existing grade.

**SECTION R330 DEMOLITION** is added and shall read as follows:

**R330.1 Construction documents.** Construction documents and a schedule for demolition must be submitted when required by the building official. Where such information is required, no work shall be done until such construction documents or schedule, or both, are approved.

**R330.2 Vacant lot.** Where a structure has been demolished or removed, the site shall be filled and maintained to the existing grade or in accordance with the ordinances of the jurisdiction having authority.

**R330.3 Water accumulation.** Provision shall be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property.

**R330.4 Utility connections.** Service utility connections shall be discontinued and capped in accordance with the approved rules and the requirements of the authority having jurisdiction.

**SECTION R331 SITE WORK** is added and shall read as follows:

**R331.1 Excavation and fill.** Excavation and fill for buildings and structures shall be constructed or protected so as not to endanger life or property. Stumps and roots shall be removed from the soil to a depth of at least 12 inches (305 mm) below the surface of the ground in the area to be occupied by the building. Wood forms which have been used in placing concrete, if within the ground or between foundation sills and the ground, shall be removed before a building is occupied or used for any purpose. Before completion, loose, or casual wood shall be removed from direct contact with the ground under the building.

**R331.2 Roads, streets, alleys and entrances.** Roads, streets, alleys, and entrances shall be kept clean and free of all debris.

**R331.3 Surcharge.** No fill or other surcharge loads shall be placed adjacent to any building or structure unless such building or structure is capable of withstanding the additional loads caused by the fill or surcharge. Existing footings or foundations which can be affected by any excavation shall be underpinned adequately or otherwise protected against settlement and shall be protected against later movement.

**R331.4 Fill supporting foundations.** Fill to be used to support the foundations of any building or structure shall comply with Section R404.1.7.

**SECTION R332 PROTECTION OF ADJOINING PROPERTY SITE SAFETY** is added and shall read as follows:

**R332.1 Protection required.** Adjoining public and private property shall be protected from damage during construction, remodeling, and demolition work. Protection must be provided for footings, foundations, party walls, chimneys, skylights, and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities.

**SECTION R333 TEMPORARY USE OF STREETS, ALLEYS AND PUBLIC PROPERTY,** is added and shall read as follows:

**R333.1 Storage and handling of materials.** The temporary use of streets or public property for the storage or handling of materials or of equipment required for construction or demolition, and the protection provided to the public, shall comply with the provisions of the authority having jurisdiction and this chapter.

**R333.2 Obstructions.** Construction materials and equipment shall not be placed or stored so as to obstruct access to fire hydrants, standpipes, fire or police alarm boxes, catch basins or manholes, nor shall such material or equipment be located within 20 feet (6096 mm) of a street

intersection, or placed so as to obstruct normal observations of traffic signals or to hinder the use of public transit loading platforms.

**R333.3 Utility fixtures.** Building materials, fences, sheds, or any obstruction of any kind shall not be placed so as to obstruct free approach to any fire hydrant, fire department connection, utility pole, manhole, fire alarm box, or catch basin, or so as to interfere with the passage of water in the gutter. Protection against damage shall be provided to such utility fixtures during the progress of the work, but sight of them shall not be obstructed.

**PART III, BUILDING PLANNING AND CONSTRUCTION, CHAPTER 4, FOUNDATIONS,** is amended as follows:

**SECTION R403, FOOTINGS,** is amended as follows:

**Section R403.1 General is amended to read as follows:**

**R403.1 General.** All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, crushed stone footings, wood foundations, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Concrete footing shall be designed and constructed in accordance with the provisions of Section R403 or in accordance with ACI 332. All structures requiring continuous footings shall be reinforced with a minimum of two (2) #4 reinforcing bars or as specified by a design professional.

**Exception:** Footings are not required to be stepped or continuous where changes of footing elevations exceed 4 feet. Such footings can be connected by masonry lintels with a minimum 18 inches of bearing on concrete footings with reinforcements.

**Section R403.1.4.1, Frost protection, is amended to read as follows:**

**R403.1.4.1 Frost Protection.** Except where otherwise protected from frost, foundation walls, piers, and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extended below the frost line specified in Table R301.2.(1); or
2. Erected on solid rock.

**Exception:**

1. Protection of freestanding accessory structures with an area of 400 square feet or less with an eave height of ten (10) feet or less shall not be required.

**Section R403.1.6 Foundation anchorage is amended to read as follows:**

**R403.1.6 Foundation anchorage.** Wood sill plates and wood walls supported directly on continuous foundations shall be anchored to the foundation in accordance with this section.

Cold-formed steel framing shall be anchored directly to the foundation or fastened to wood sill plates anchored to the foundation. Anchorage of cold-formed steel framing and sill plates supporting cold-formed steel framing shall be in accordance with this section and Section R505.3.1 or R603.3.1.

Wood sole plates at all exterior walls on monolithic slabs, wood sole plates of braced wall panels at building interiors on monolithic slabs and all wood sill plates shall be anchored to the foundation with minimum ½-inch-diameter (12.7 mm) anchor bolts spaced a maximum of 4 feet on center or approved anchors or anchor straps spaced as required to provide equivalent anchorage to ½-inch-diameter (12.7 mm) anchor bolts. Bolts shall extend a minimum of 7 inches (178 mm) into concrete or grouted cells of concrete masonry units. The bolt shall be located in the middle third of the width of the plate. A nut and washer shall be tightened on each anchor bolt. There shall be a minimum of two bolts per plate section with one bolt located not more than 12 inches (305 mm) or less than seven bolt diameters from each end of the plate section. Interior bearing wall sole plates on monolithic slab foundation that are not part of a braced wall panel shall be positively anchored with approved fasteners. Sill plates and sole plates shall be protected against decay and termites where required by Sections R317 and R318.

**Exceptions:**

1. Walls 24 inches (610 mm) total length or shorter connecting offset braced wall panels shall be anchored to the foundation with a minimum of one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels at corners as shown in Item 9 of Table R602.3(1).

**The following sections, figures and tables are deleted in their entirety:**

Section R403.3 Frost protected shallow foundations.  
Section R403.3.1 Foundations adjoining frost-protected shallow foundations.  
Section R403.3.1.1 Attachment to unheated slab-on-ground structure.  
Section R403.3.1.2 Attachment to heated structure.  
Section R403.3.2 Protection of horizontal insulation below ground.  
Section R403.3.3 Drainage.  
Section R403.3.4 Termite protection.  
Figure R403.3(1)  
Table R403.3(1)  
Figure R403.3(2)  
Table R403.3(2)  
Figure R403.3(3)  
Figure R403.3(4)

**SECTION R404, FOUNDATION AND RETAINING WALLS,** is amended as follows:

**Section R404.3 Wood sill plates, is amended to read as follows:**

**R404.3 Wood sill plates.** Wood sill plates shall be a minimum of 2-inch by 6-inch nominal lumber for basement and crawl spaces with walls with unbalanced fill greater than 4 feet in height. Other sill plates shall be a minimum of 2-inch by 4-inch nominal lumber. Sill plate anchorage shall be in accordance with Sections R403.1.6 and R602.11.

**Section R404.4 Retaining walls, is amended to read as follows:**

**R404.4 Retaining walls.** Retaining walls that are not laterally supported at the top and that retain in excess of 36-inches of unbalanced fill shall be designed to ensure stability against overturning, sliding, excessive foundation pressure, and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against lateral sliding and overturning.

**SECTION 407, COLUMNS, is amended as follows:**

**R407.3 Structural requirements.** The columns shall be restrained to prevent lateral displacement at the bottom end. Wood columns shall not be less in nominal size than 4 inches by 4 inches (102mm by 102 mm). Steel columns shall not be less than 3-inch-diameter (76 mm) Schedule 40 pipe manufactured in accordance with ASTM A 53 Grade B or as required by design.

**Exception:** In Seismic Design Categories A, B, and C, columns no more than 48 inches (1219mm) in height on a pier or footing are exempt from the bottom end lateral displacement requirement within under-floor areas enclosed by a continuous foundation.

**SECTION R408, UNDER-FLOOR SPACE, is amended as follows:**

**Section R408.6 is amended to read as follows:**

**R408.6 Finished Grade.** The finished grade of under-floor surface shall not be any lower than the top of the footings; crawlspace piers must be dug in or backfilled to top. However, where there is evidence that the groundwater table can rise to within 6 inches (152 mm) of the finished floor at the building perimeter, or where there is evidence that the surface water does not readily drain from the building site, the grade in the under-floor space shall be as high as the outside finished grade, unless an approved drainage system is provided.

|                                                                                                       |
|-------------------------------------------------------------------------------------------------------|
| <p><b>PART III, BUILDING, PLANNING AND CONSTRUCTION, CHAPTER 5, FLOORS is amended as follows:</b></p> |
|-------------------------------------------------------------------------------------------------------|

**SECTION R502, WOOD FLOOR FRAMING, is amended as follows:**

**Section R502.6 is amended to read as follows:**

**R502.6 Bearing.** The ends of each joist, beam, or girder shall have not less than 1 ½ inches (38 mm) of bearing on wood or metal and not less than 3 inches (76 mm) on masonry or concrete except where supported by approved joist hangers. Alternatively, the ends of joists shall be supported on a 1-inch by 4-inch (25 mm by 102 mm) ribbon strip and nailed to the adjacent stud. The bearing on masonry or concrete shall be direct, or a sill plate of 2-inch-minimum (51 mm) nominal thickness shall be provided under the joist, beam, or girder. The sill plate shall provide a minimum nominal bearing area of 48 square inches (30 865 mm<sup>2</sup>). When steel shims are used, the shim length and width shall provide full bearing area for the beam or girder and shall not exceed 1½ inches in height.

**PART III, BUILDING, PLANNING AND CONSTRUCTION, CHAPTER 6, WALL CONSTRUCTION**, is amended as follows:

**SECTION R602, WOOD WALL FRAMING**, is amended as follows:

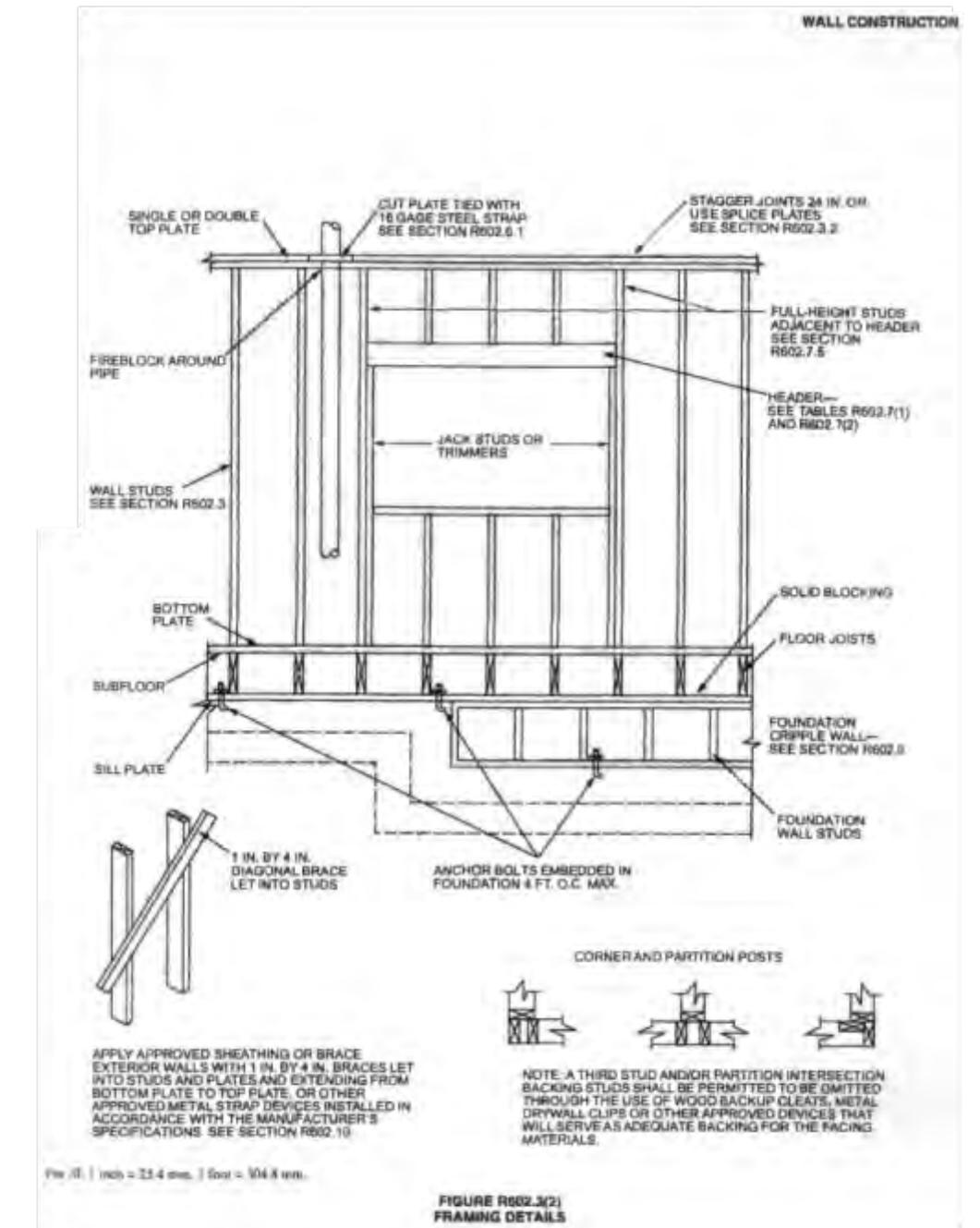
**Table 602.3(1) is amended to read as follows:**

**TABLE R602.3(1)  
FASTENER SCHEDULE FOR STRUCTURAL MEMBERS**

| ITEM        | DESCRIPTION OF BUILDING ELEMENTS                                                            | NUMBER AND TYPE OF FASTENER <sup>A, B, C</sup>                                                                                              | SPACING AND LOCATION |
|-------------|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>Roof</b> |                                                                                             |                                                                                                                                             |                      |
| ***         | ***                                                                                         | ***                                                                                                                                         | ***                  |
| 6           | Rafter to plate (pre-engineered trusses and rafters) (see Section 2308.7.5, Table 2308.7.5) | Trusses and rafters shall be connected to the wall top plate with an approved hurricane tie as required to resist up-lift and lateral loads | -                    |
| ***         | ***                                                                                         | ***                                                                                                                                         | ***                  |

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**FIGURE R602.3(2) is amended to read as follows:**



**PART IV, ENERGY CONSERVATION is hereby amended as follows:**

**SECTION N1102 (R402) BUILDING THERMAL ENVELOPE, is amended as follows:**

**Section N1102.4.1.2 (R402.4.1.2) Testing is amended to read as follows:**

**Testing.** The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding five air changes per hour Climate Zones 1 and 2, and three air changes per hour in Climate Zones 3 through 8. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Where required by the building official, testing shall be conducted by an approved third part. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope. Except as provided for in the:

- (i) Simulated Performance Path listed in Section N1105 (R405); and
- (ii) Energy Rating Index Compliance Alternative in Section N1106 (R406);

**SECTION N1105 (R405) SIMULATED PERFORMANCE ALTERNATIVE (PERFORMANCE)**, is amended as follows:

**Table N1105.5.2(1) [R405.5.2(1)] is amended to read as follows:**

| TABLE N1105.5.2(1) [R405.5.2(1)]<br>SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS |                                  |                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| BUILDING COMPONENT<br>***                                                                          | STANDARD REFERENCE DESIGN<br>*** | PROPOSED DESIGN<br>***                                                                                                                                                                                                                                                                                                             |
| Air exchange rate                                                                                  | ***                              | <p>The measured air exchange rate<sup>a</sup>.</p> <p>Not to exceed 5 air changes per hour with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for Standard Reference Design</p> <p>The mechanical ventilation rate<sup>b</sup> shall be in addition to the air leakage rate and shall be as proposed.</p> |
| ***                                                                                                | ***                              | ***                                                                                                                                                                                                                                                                                                                                |

**SECTION N1106 (R406) ENERGY RATING INDEX COMPLIANCE ALTERNATIVE**, is amended as follows:

**Section N1106.2 (R406.2) Mandatory requirements. Exception is added and shall read as follows:**

**Exception:**

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2. The maximum of 5 air changes per hour tested in accordance with Section R402.4.1.2 may be used to determine the Energy Rating index score with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for ERI Reference Design.

**PART V, MECHANICAL, MECHANICAL ADMINISTRATION** is hereby amended as follows:

**SECTION 1305 APPLIANCE ACCESS**, is amended as follows:

**Section 1305.1.2 is amended to read as follows:**

**M1305.1.2 Appliances in attics.** Attics containing appliances shall be provided with an opening and a clear and unobstructed passageway large enough to allow removal of the largest appliance, but not less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) long measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring in accordance with Chapter 5 not less than 24 inches (610 mm) wide. A level service space at least 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present along all sides of the appliance where access is required. The clear access opening dimensions shall be not less than 20 inches by 30 inches (508 mm by 762 mm), and large enough to allow removal of the largest appliance. Access shall be by a pull-down or fixed stairway.

**Exceptions:**

1. The passageway and level service space are not required where the appliance can be serviced and removed through the required opening.
2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length, the passageway shall be not more than 50 feet (15250 mm) long.

**SECTION 1502 CLOTHES DRYER EXHAUST**, is amended as follows:

**Section 1502.4.2 is amended to read as follows:**

**M1502.4.2 Duct Installation.** Exhaust ducts shall be supported at intervals not to exceed 4-foot intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws or similar fasteners that protrude into the inside of the duct. Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation.

**PART VII, PLUMBING, PLUMBING ADMINISTRATION** is hereby amended as follows:

- (a) Chapters 25 through 28 are hereby deleted in their entirety.
- (b) Chapter 29, Sections P2901 through P2903 and are hereby deleted in their entirety.
- (c) **SECTION P2904 DWELLING UNIT FIRE SPRINKLER SYSTEMS** is amended as follows:

**Section P2904.2.3 is amended to read as follows:**

**P2904.2.3. Freezing areas.** Piping shall be protected from freezing as required by Section P2904.2.3.1. Where sprinklers are required in areas that are subject to freezing, dry-

sidewall or dry-pendent sprinklers extending from a nonfreezing area into a freezing area shall be installed.

**Section P2904.2.3.1 is added and shall read as follows:**

**P2904.2.3.1. Freezing.** In localities having a winter design temperature of 32° F (0° C) or lower as shown in Table R301.2(1) of this code, a water (sprinkler pipe shall not be installed outside of a building, in exterior walls, in attics or crawl spaces, or in any other place subject to freezing temperature unless adequate provision is made to protect it from freezing by insulation or heat or both.

(c) Sections P2905 through P2908 are hereby deleted in their entirety.

(d) Chapters 30 through 33 are hereby deleted in their entirety

**[add]NOTE:** For the applicable requirements concerning plumbing systems, refer to the *International Plumbing Code, 2018 Edition*, as may be amended or restated from time to time, as promulgated by the International Code Council, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on \_\_\_\_\_, 2019, effective \_\_\_\_\_, 20\_\_.

**PART VIII, ELECTRICAL, CHAPTERS 34-43, GENERAL REQUIREMENTS** is hereby deleted in its entirety.

**[add]NOTE:** For the applicable electrical requirements, refer to the NFPA70 *National Electrical Code, 2017 Edition*, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on \_\_\_\_\_, 2019, effective \_\_\_\_\_, 20\_\_, as may be amended or restated from time to time, and the 2006 *ICC Electrical Code - Administrative Provisions*, First Printing, with local amendments for Washington County, Maryland, adopted on December 18, 2007, effective March 1, 2008, and amended on \_\_\_\_\_, 2019, effective \_\_\_\_\_, 20\_\_.

**PART IX, REFERENCED STANDARDS,** is hereby amended as follows:

**THE FOLLOWING APPENDICES ARE ADOPTED IN THEIR ENTIRETY OR AS AMENDED:**

**APPENDICES A, B, C, D, E, F, G, H, N, O, Q, R and S.**

**THE FOLLOWING APPENDICES ARE DELETED IN THEIR ENTIRETY:**

**APPENDICES I, J, K, L, M, P, and T**

**APPENDIX U SWIMMING POOLS, SPAS AND HOT TUBS, is added and shall read as follows:**

**Section AU101** is added and shall read as follows:

**AU101.1 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.

**Section AU102 Definitions** added and shall read as follows:

**AU102.1 General.** For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

**ABOVE-GROUND/ON-GROUND POOL.** See “Swimming pool.”

**BARRIER.** A fence, wall, building wall, or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

**HOT TUB.** See “Swimming pool.”

**IN-GROUND POOL.** See “Swimming pool.”

**RESIDENTIAL.** That which is situated on the premises of a detached one- or two-family dwelling, or a one-family townhouse not more than three stories in height.

**SPA, NONPORTABLE.** See “Swimming pool.”

**SPA, PORTABLE.** A nonpermanent structure intended for recreational bathing, in which all controls, water-heating, and water-circulating equipment are an integral part of the product.

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

**SWIMMING POOL, INDOOR.** A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

**SWIMMING POOL, OUTDOOR.** Any swimming pool which is not an indoor pool.

**Section AU103 Swimming Pools** is added and shall read as follows:

**AU103.1 In-ground pools.** In-ground pools shall be designed and constructed in compliance with ANSI/NSPI-5.

**AU103.2 Above-ground and on-ground pools.** Above-ground and on-ground pools shall be designed and constructed in compliance with ANSI/NSPI-4.

**Section AU104 Spas and Hot Tubs** is added and shall read as follows:

**AU104.1 Permanently installed spas and hot tubs.** Permanently installed spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-3.

**AU104.2 Portable spas and hot tubs.** Portable spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-6.

**Section AU105 Barrier Requirements** is added and shall read as follows:

**AU105.1 Application.** The provisions of this appendix shall control the design of barriers for residential swimming pools, spas, and hot tubs. These design controls are intended to provide protection against potential drowning and near-drowning by restricting access to swimming pools, spas, and hot tubs.

**AU105.2 Outdoor swimming pool.** An outdoor swimming pool, including an in-ground, above-ground, or on-ground pool, 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 which 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 which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, 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 4 inches (102 mm).
2. Openings in the barrier shall not allow the passage of a 4-inch diameter (102 mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1¾ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1¾ (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1¾ (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a 2 ¼-inch (57 mm) square, unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 1¾ inches (44 mm).

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1¾ inches (44 mm).
8. Access gates shall comply with the requirements of Items 1 through 7 and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates, other than pedestrian access 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 gate, the release mechanism and openings shall comply with the following:
  - 8.1 The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and
  - 8.2 The gate and barrier shall have no opening larger than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
  - 9.1 The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;
  - 9.2 Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or
  - 9.3 Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described herein.
10. Where an above-ground 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 ladder or steps:
  - 10.1 The ladder or steps 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 openings created shall not allow the passage of a 4-inch – diameter (102 mm) sphere.

**AU105.3 Indoor swimming pool.** Walls surrounding an indoor swimming pool shall comply with Item 9 of Section AG105.2.

**AU105.4 Prohibited locations.** Barriers shall be located to prohibit permanent structures, equipment, or similar objects from being used to climb them.

**AU105.5 Barrier exceptions.** Spas or hot tubs with a safety cover which comply with ASTM F 1346 shall be exempt from the provisions of this appendix.

**Section AU106 Entrapment Protection for Swimming Pool and Spa Suction Outlets** is added and shall read as follows:

**AU106.1 General.** Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

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**[End of Local Amendments to *International Residential Code*, 2018 Edition]**

**ARTICLE III**  
**LOCAL AMENDMENTS TO THE *INTERNATIONAL ENERGY CONSERVATION CODE*,  
2018 EDITION**

The *International Energy Conservation Code*, 2018 Edition, as adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07) is hereby amended with the following insertions, amendments and additions:

**IECC — COMMERCIAL PROVISIONS**

|                                    |         |
|------------------------------------|---------|
| Section C101.1                     | Amended |
| Sections C101.1.1-C101.1.7         | Added   |
| Section C108.4                     | Amended |
| Section C202 - General Definitions | Amended |
| Section C405.2.4                   | Amended |

**IECC — RESIDENTIAL PROVISIONS**

|                                    |         |
|------------------------------------|---------|
| Section R101.1                     | Amended |
| Sections R101.1.1–R101.1.7         | Added   |
| Section R108.4                     | Amended |
| Section R202 - General Definitions | Amended |
| Section R402.4.1.2                 | Amended |
| Table R405.5.2(1)                  | Amended |
| Section R406.2                     | Amended |



|                                                                                                       |
|-------------------------------------------------------------------------------------------------------|
| <b>IECC—COMMERCIAL PROVISIONS - CHAPTER 1[CE] – SCOPE AND ADMINISTRATION</b> , is amended as follows: |
|-------------------------------------------------------------------------------------------------------|

**Part 1-SCOPE AND APPLICATION, SECTION C101, SCOPE AND GENERAL REQUIREMENTS**, is amended as follows:

**Section C101.1 is amended to read as follows:**

**C101.1 Title.** This code shall be known as the *International Energy Conservation Code of Washington County, Maryland*, and shall be cited as such. It is referred to herein as "this code."

**Sections C101.1.1 through C101.1.7 are added and shall read as follows:**

**C101.1.1 International Residential Code.** Any reference to the *International Residential Code* shall mean the *International Residential Code*, 2018 Edition, as may be amended or restated from time to time, as promulgated by the International Code Council, with local amendments for Washington County, Maryland, as adopted on \_\_\_\_\_, 2019, effective \_\_\_\_\_, 20\_\_, by the Board of County Commissioners of Washington County, Maryland as part of the Maryland Building Performance Standards.

**C101.1.2 International Existing Building Code.** Any reference to the *International Existing Building Code* shall mean the *Maryland Building Rehabilitation Code* (COMAR Title 5, Subtitle 16), as may be amended or restated from time to time.

**C101.1.3 International Fire Code.** Any reference to the *International Fire Code* shall mean the *Maryland State Fire Prevention Code* (COMAR 29.06.01), as may be amended or restated from time to time.

**C101.1.4 International Plumbing Code.** Any reference to the *International Plumbing Code* shall mean the *International Plumbing Code*, 2018 Edition, as may be amended or restated from time to time, as promulgated by the International Code Council, with local amendments for Washington County, Maryland, adopted by the Board of County Commissioners of Washington County, Maryland on \_\_\_\_\_, 2019, effective on \_\_\_\_\_, 20\_\_.

**C101.1.5 International Building Code.** Any reference to the *International Building Code* shall mean the *International Building Code*, 2018 Edition, as may be amended or restated from time to time, as promulgated by the International Code Council, with local amendments for Washington County, Maryland adopted on \_\_\_\_\_, 2019, effective \_\_\_\_\_, 20\_\_, by the Board of County Commissioners of Washington County, Maryland as part of the Maryland Building Performance Standards.

**C101.1.6 International Fuel Gas Code.** Any reference to the *International Fuel Gas Code* shall mean the *International Fuel Gas Code*, 2018 Edition, as may be amended or restated from time to time, as promulgated by the International Code Council, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on \_\_\_\_\_, 2019, effective \_\_\_\_\_, 20\_\_.

**C101.1.7 International Mechanical Code.** Any reference to the *International Mechanical Code* shall mean the *International Mechanical Code*, 2018 Edition, as may be amended or restated from time to time, as promulgated by the International Code Council, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on \_\_\_\_\_, 2019, effective on \_\_\_\_\_, 20\_\_.

**SECTION C108, STOP WORK ORDER**, is amended as follows:

**Section C108.4 is amended to read as follows:**

**C108.4 Failure to comply.** Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work 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 condition, shall be liable to a fine of not less than Two Hundred Fifty Dollars (\$250.00) or more than One Thousand Dollars (\$1,000.00).

|                                                                                          |
|------------------------------------------------------------------------------------------|
| <b>IECC—COMMERCIAL PROVISIONS - CHAPTER 2[CE] – DEFINITIONS</b> , is amended as follows: |
|------------------------------------------------------------------------------------------|

**SECTION C202, GENERAL DEFINITIONS**, is amended as follows:

**The following definition is amended to read as follows:**

**CODE OFFICIAL.** The Director of the Washington County Division of Construction shall be known as the Code Official and the Chief Plans Examiner shall be known as Deputy Code Official and is hereby authorized and directed to administer and enforce all provisions of this code. The Code Official and Deputy Code Official shall be referenced to singularly or collectively as the Code Official.

**IECC—COMMERCIAL PROVISIONS - CHAPTER 4[CE] – DEFINITIONS,** is amended as follows:

**SECTION C405 ELECTRICAL POWER AND LIGHTING SYSTEMS,** is amended as follows:

**Section C405.2.4 Specific application controls is amended to read as follows:**

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5. Each hotel guest room shall be equipped with a master control device that automatically turns off the power to all of the lighting fixtures in the guest room no more than 30 minutes after the room has been vacated.

- 5.1 A master control device may also control the heating, ventilation, or air conditioning default settings in hotel guest rooms 30 mins after a room has been vacated by:

- 5.1.1 Increasing the set temperature by at least 3 degrees Fahrenheit when in the air conditioning mode; or

- 5.1.2 Decreasing the set temperature by at least 3 degrees Fahrenheit when in the heating mode.

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IECC—RESIDENTIAL PROVISIONS - CHAPTER 1[RE] – SCOPE AND ADMINISTRATION, is amended as follows:

Part 1-SCOPE AND APPLICATION, SECTION R101, SCOPE AND GENERAL REQUIREMENTS, is amended as follows:

Section R101.1 is amended to read as follows:

R101.1 Title. This code shall be known as the *International Energy Conservation Code of Washington County, Maryland*, and shall be cited as such. It is referred to herein as "this code."

Sections R101.1.1 through R101.1.7 are added and shall read as follows:

R101.1.1 International Residential Code. Any reference to the *International Residential Code* shall mean the *International Residential Code*, 2018 Edition, as may be amended or restated from time to time, as promulgated by the International Code Council, with local amendments for Washington County, Maryland, as adopted on _____, 2019, effective _____, 20____, by the Board of County Commissioners of Washington County, Maryland as part of the Maryland Building Performance Standards.

R101.1.2 International Existing Building Code. Any reference to the *International Existing Building Code* shall mean the *Maryland Building Rehabilitation Code* (COMAR Title 5, Subtitle 16), as may be amended or restated from time to time.

R101.1.3 International Fire Code. Any reference to the *International Fire Code* shall mean the *Maryland State Fire Prevention Code* (COMAR 29.06.01), as may be amended or restated from time to time.

R101.1.4 International Plumbing Code. Any reference to the *International Plumbing Code* shall mean the *International Plumbing Code*, 2018 Edition, as may be amended or restated from time to time as promulgated by the International Code Council, with local amendments for Washington County, Maryland, adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective on _____, 20__.

R101.1.5 International Building Code. Any reference to the *International Building Code* shall mean the *International Building Code*, 2018 Edition, as may be amended or restated from time to time as promulgated by the International Code Council, with local amendments for Washington County, Maryland adopted on _____, 2019, effective _____, 20__, by the Board of County Commissioners of Washington County, Maryland as part of the Maryland Building Performance Standards.

R101.1.6 International Fuel Gas Code. Any reference to the *International Fuel Gas Code* shall mean the *International Fuel Gas Code*, 2018 Edition, as promulgated by the International Code Council, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20__, as may be amended or restated from time to time.

R101.1.7 International Mechanical Code. Any reference to the *International Mechanical Code* shall mean the *International Mechanical Code*, 2018 Edition, as may be amended or restated from time to time, as promulgated by the International Code Council, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective on _____, 20__.

SECTION R108, STOP WORK ORDER, is amended as follows:

Section R108.4 is amended to read as follows:

R108.4 Failure to comply. Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work 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 condition, shall be liable to a fine of not less than Two Hundred Fifty Dollars (\$250.00) or more than One Thousand Dollars (\$1,000.00).

IECC—RESIDENTIAL PROVISIONS - CHAPTER 2[RE] – DEFINITIONS, is amended as follows:

SECTION R202, GENERAL DEFINITIONS, is amended as follows:

The following definition is amended to read as follows:

CODE OFFICIAL. The Director of the Washington County Division of Construction shall be known as the Code Official and the Chief Plans Examiner shall be known as Deputy Code Official and is hereby authorized and directed to administer and enforce all provisions of this code. The Code Official and Deputy Code Official shall be referenced to singularly or collectively as the Code Official.

IECC—RESIDENTIAL PROVISIONS - CHAPTER 4[RE] – RESIDENTIAL ENERGY EFFICIENCY, is amended as follows:

SECTION R402, BUILDING THERMAL ENVELOPE, is amended as follows:

Section R402.4.1.2 Testing is amended to read as follows:

Section R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding five air changes per hour Climate Zones 1 and 2, and three air changes per hour in Climate Zones 3 through 8. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Where required by the building official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope. Except as provided for in the:

- (i) Simulated Performance Path listed in Section R405; and
- (ii) Energy Rating Index Compliance Alternative in Section R406;

SECTION R405 SIMULATED PERFORMANCE ALTERNATIVE (PERFORMANCE), is amended as follows:

Table R405.5.2(1) is amended to read as follows:

**TABLE R405.5.2(1)
SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS**

BUILDING COMPONENT ***	STANDARD REFERENCE DESIGN ***	PROPOSED DESIGN ***
Air exchange rate	***	The measured air exchange rate. ^a Not to exceed 5 air changes per hour with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for Standard Reference Design The mechanical ventilation rate ^b shall be in addition to the air leakage rate and shall be as proposed.
***	***	***

SECTION R406 ENERGY RATING INDEX COMPLIANCE ALTERNATIVE, is amended as follows:

Section R406.2 Mandatory requirements. Exception is added and shall read as follows:

Exception:

2. The maximum of 5 air changes per hour tested in accordance with Section R402.4.1.2 may be used to determine the Energy Rating index score with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for ERI Reference Design.

[End of Local Amendments to the *International Energy Conservation Code*, 2018 Edition]

ORDINANCE NO. ORD-2019-

AN ORDINANCE TO REPEAL THE 2015 INTERNATIONAL PLUMBING CODE, AS PROMULGATED BY THE INTERNATIONAL CODE COUNCIL, WITH LOCAL AMENDMENTS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND AS THE PLUMBING CODE OF WASHINGTON COUNTY, MARYLAND ON DECEMBER 15, 2015, EFFECTIVE MARCH 1, 2016, AND TO ENACT THE *INTERNATIONAL PLUMBING CODE, 2018 EDITION*, AS PROMULGATED BY THE INTERNATIONAL CODE COUNCIL, WITH LOCAL AMENDMENTS FOR WASHINGTON COUNTY, MARYLAND

RECITALS

The Board of County Commissioners of Washington County, Maryland, being concerned with securing 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 regulating and controlling the design, construction, quality of materials, installation, alteration, repair, location, relocation, replacement, addition to use, or maintenance of plumbing systems, adopted by Ordinance No. ORD-2015-29, the 2015 International Plumbing Code with local amendments on December 15, 2015, effective March 1, 2016.

It has been recommended that the Board of County Commissioners adopt the *International Plumbing Code, 2018 Edition*, as promulgated by the International Code Council, which is more up-to-date and which provides greater safeguards for residents of Washington County, Maryland, if implemented.

A public hearing was held on _____, 2019 following due notice and advertisement of the text of the *International Plumbing Code, 2018 Edition*, as promulgated by the International Code Council, with certain requested insertions, deletions, and amendments.

Public comment was received, reviewed, and considered concerning the repeal of the 2015 International Plumbing Code, as promulgated with the International Code Council, with local amendments and the adoption of the *International Plumbing Code, 2018 Edition*, as promulgated by the International Code Council, including Chapters 1 through 15, Appendices B, C, D, and E, and local amendments.

NOW, THEREFORE, be it ordained and enacted that the 2015 International Plumbing Code, as promulgated by the International Code Council, with local amendments, adopted as the Plumbing Code of Washington County, Maryland on December 15, 2015, effective March 1, 2016 (ORD-2015-29), and all other ordinances or parts of ordinances in conflict herewith are repealed; and

NOW, THEREFORE, be it ordained and enacted that the *International Plumbing Code*, 2018 Edition, as promulgated by the International Code Council, the contents of which are incorporated herein by reference, is enacted with the following insertions, deletions, and amendments:

The following sections, tables, and appendix are hereby deleted, amended, or added:

Section 101.1	Amended	Section 312.2	Amended
Section 101.1.1	Added	Section 312.2.1	Added
Section 101.1.2	Added	Section 312.2.2	Added
Section 101.1.3	Added	Section 401.3.1	Added
Section 101.1.4	Added	Section 403.1	Amended
Section 101.1.5	Added	Section 404.1	Amended
Section 101.1.6	Added	Section 418.3	Added
Section 101.1.7	Added	Section 603.1	Amended
Section 101.1.8	Added	Table 605.3	Amended
Section 103.1	Amended	Table 605.4	Amended
Section 103.1.1	Added	Section 608.12	Added
Section 103.3	Amended	Section 608.14.10	Added
Section 106.2	Amended	Section 608.15	Amended
Section 106.3	Amended	Section 701.2	Amended
Section 106.3.1.1	Added	Table 702.1	Amended
Section 106.6.2	Amended	Table 702.2	Amended
Section 106.6.3	Deleted	Table 702.3	Amended
Section 107.2.2.1	Added	Table 702.4	Amended
Section 107.2.3.1	Added	Table 706.3	Amended
Section 108.4	Amended	Section 708.1.10.3	Added
Section 108.4.1	Added	Section 802.4.1	Amended
Section 108.5	Amended	Section 903.1	Amended
Section 109.1	Amended	Section 904.1	Amended
Section 109.2 - 109.6.2	Deleted	Section 905.1	Amended
Section 301.4.1	Added	Section 918.1	Amended
Section 305.4	Amended	Sections 918.2 - 918.8	Deleted
Section 305.4.1	Amended	Chapter 16	Added
Section 306.3	Amended	Appendix A	Deleted
Section 309.1	Amended	Appendices B, C, D, and E	Adopted
Section 309.2-309.3	Deleted		

CHAPTER 1 – ADMINISTRATION – is amended as follows:

SECTION 101 – GENERAL – is amended as follows:

Section 101.1 is amended and shall read as follows:

101.1 Title. These regulations shall be known as the Plumbing Code of Washington County, Maryland, hereinafter referred to as "this code."

Section 101.1.1 is added and shall read as follows:

101.1.1 International Building Code. Any reference to the *International Building Code* shall mean the *International Building Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland adopted on _____, 2019, effective _____, 20__, by the Board of County Commissioners of Washington County, Maryland as part of the Maryland Building Performance Standards.

Section 101.1.2 is added and shall read as follows:

101.1.2 International Residential Code. Any reference to the *International Residential Code* shall mean the *International Residential Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, as adopted on _____, 2019, effective _____, 20__, by the Board of County Commissioners of Washington County, Maryland as part of the Maryland Building Performance Standards.

Section 101.1.3 is added and shall read as follows:

101.1.3 International Existing Building Code. Any reference to the *International Existing Building Code*, shall mean the *International Existing Building Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, as adopted on _____, 2019, effective _____, 20__, by the Board of County Commissioners of Washington County, Maryland.

Section 101.1.4 is added and shall read as follows:

101.1.4 International Energy Conservation Code. Any reference to the *International Energy Conservation Code* shall mean the *International Energy Conservation Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, adopted on _____, 2018, effective _____, 20__, by the Board of County Commissioners of Washington County, Maryland as part of the Maryland Building Performance Standards.

Section 101.1.5 is added and shall read as follows:

101.1.5 International Fire Code. Any reference to *International Fire Code* in this code shall mean the *Maryland State Fire Prevention Code* (COMAR 29.06.01), as may be amended or restated from time to time.

Section 101.1.6 is added and shall read as follows:

101.1.6 ICC Electrical Code. For the applicable electrical requirements, refer to the *NFPA 70:National Electrical Code*, 2017 Edition, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20__, and the 2006 *ICC Electrical Code - Administrative Provisions*, First Printing, as may amended or restated from time to time, with local amendments for Washington County, Maryland, adopted on December 18, 2007, effective July 1, 2008, and amended on _____, 2019, effective _____, 20__.

Section 101.1.7 is added and shall read as follows:

101.1.7 International Fuel Gas Code. Any reference to *International Fuel Gas Code* in this code shall mean the *International Fuel Gas Code*, 2018 Edition, as may be amended or restated from time to time, as promulgated by the International Code Council, with local amendments for Washington County, adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20__.

Section 101.1.8 is added and shall read as follows:

101.1.8 International Mechanical Code. Any reference to *International Mechanical Code* in this code shall mean the *International Mechanical Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20__.

SECTION 103 is amended to read: DIVISION OF CONSTRUCTION

Section 103.1 is amended to read as follows:

103.1 General. The Director of the Washington County Division of Construction shall be known as the Code Official and the Chief Plans Examiner of the Division of Construction shall be known as Deputy Code Official and is hereby authorized and directed to administer and enforce all provisions of this code. The Code Official and Deputy Code Officials shall be referred to singularly or collectively as the Code Official.

Section 103.1.1 is added and shall read as follows:

103.1.1 Qualifications. Plumbing Inspectors hired by the County or State government after October 1, 1988 shall meet the minimum standards established by the County and the State Plumbing Board.

A. Applicant(s) for Inspector(s) III shall hold a Master Plumber's license issued by the State of Maryland or the applicant shall be a licensed professional mechanical engineer with at least four (4) years' experience and shall pass a written examination administered by the State Board.

B. Plumbing Inspector(s) shall attend annually at least one refresher course to be conducted by the State Board, or a course which is consistent in content with the State Board.

C. Plumbing Inspector(s) shall not be engaged or financially interested in any plumbing business, directly or indirectly, during their term of employment.

Section 103.3 is amended to read as follows:

103.3 Deputies. Plumbing Inspector(s) shall be hired by the Board of County Commissioners of Washington County, upon recommendation by the Director of the Division of Construction.

SECTION 106-PERMITS –is amended as follows:

Section 106.2 is amended as follows:

106.2 Exempt work is amended by adding No. 3 which shall read as follows:

3. Replacement of a single fixture only to include garbage disposal, dish washer, lavatory, or sink. However, if any of these exceptions (fixtures) are included as part of remodeling or in conjunction with any other plumbing work, these fixtures shall be permitted and inspected.

Section 106.3 is amended to read as follows:

106.3 Application for permit; by whom application is made. Each application for a permit, with the required fee, shall be filed with the Code Official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the Code Official. Application for a permit shall be made by a person, or an agent, to install all or part of any plumbing system. The applicant shall meet all qualifications established by rules promulgated with this code or by ordinance, resolution, 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 stated in the application. The application must be signed by the Master Plumber holding a Washington County plumbing license and doing the work. The only exception would be when the homeowner successfully passes a written or oral exam issued by the Washington County Department of Permitting. Upon successfully passing the exam, the property owner shall sign a release agreement stating his or her intention to do the plumbing in his or her existing place of residence according to the Washington County homeowner provision and releasing the County from any liability therefrom. Homeowner provisions do not apply to applications for public or private water and sewer systems and mobile homes or gas lines. Permits shall not be processed until it is completely filled out by the licensed contractor or homeowner.

Section 106.3.1.1 is added and shall read as follows:

106.3.1.1 Emergency situation. Where equipment replacement and repairs must be performed in an emergency situation, the permit application shall be submitted to the Code Official within the next working business day.

Section 106.6.2 is amended to read as follows:

106.6.2 Fee schedule. The fees for all plumbing work shall be paid in accordance with the schedule as established by the Board of County Commissioners of Washington County, Maryland, as may be amended from time to time.

Section 106.6.3 is deleted in its entirety.

SECTION 107-INSPECTIONS AND TESTING -is amended as follows:

Section 107.2.2.1 is added and shall read as follows:

107.2.2.1 Responsibility. The responsibility for requesting an inspection shall rest entirely with the licensed master plumber, master well driller, on-site utility contractor, or appliance, pump, and water conditioner installer who applied for the permit, or the homeowner who has successfully passed the homeowner's examination. No work shall be covered or concealed until the work has been inspected and approved. Improper workmanship shall be remedied, and unsatisfactory materials shall be replaced as ordered by the inspector, and the corrections shall be re-inspected. All requests for inspections shall be made 24 hours in advance of the date requested. All requests for final inspections shall be made within 48 hours after completion of all plumbing by the licensed contractor. Should the contractor fail to do so, the homeowner may call for the final inspection.

Section 107.2.3.1is added and shall read as follows:

107.2.3.1 Final Inspections. All work must be inspected and receive final approval after all plumbing fixtures and appliances connected with the water or sewer systems are set, sewers and wells are covered, and domestic hot water must be supplied at the time of inspection. All commercial facilities shall mark different types of piping within the structure and tag all valves. A directory of the system in all commercial facilities shall be placed in the mechanical room.

SECTION 108 -VIOLATIONS – is amended as follows:

Section 108.4 is amended to read as follows:

108.4 Criminal penalties. Any person, firm, corporation or entity that violates a provision of this code or shall fail to comply with any of the requirements thereof or that erects, installs, alters, or repairs plumbing work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provision of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 or by imprisonment not exceeding one year, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.4.1 is added and shall read as follows:

108.4.1 Civil penalties. Any person, firm, corporation, or entity that violates a provision of this code or fails to comply with any of the requirements there of or that erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a civil offense which shall be prosecuted in accordance with Maryland Code, Local Government Article, § 6-102, et seq. The penalty for a civil offense shall be established by resolution by the Board of County Commissioners of

Washington County, Maryland. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5 is amended to read as follows:

108.5 Stop work orders. Upon notice from the Code Official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any 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 condition, shall be liable to a fine of not less than \$250.00 or more than \$1,000.00.

SECTION 109 - MEANS OF APPEAL - is amended as follows:

Section 109.1 is amended to read as follows:

109.1 Application for appeal. Any person shall have the right to appeal a decision of the Code Official to the Washington County Plumbing/Mechanical Board. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the Code Official within twenty (20) days after the notice was served. All appeals shall be heard in accordance with the rules, regulations, and procedures adopted by the Plumbing/Mechanical Board.

Sections 109.2 through 109.6.2 are deleted in their entirety.

CHAPTER 3 – GENERAL REGULATIONS – is amended as follows:

SECTION 301 – GENERAL – is amended as follows:

Section 301.4.1 is added and shall read as follows:

301.4.1 Public Systems Available. A public water main or public sewer system shall be considered available to a building when the building is located within 350 feet of the public water main or sewer.

SECTION 305 – PROTECTION OF PIPES AND PLUMBING SYSTEM COMPONENTS is amended to read as follows:

Section 305.4 is amended to read as follows:

305.4 Water line depth. Water service and well line piping shall be installed below recorded frost penetration but not less than 3 feet (915 mm) below grade. In climates with freezing temperatures, plumbing piping in exterior building walls or areas subjected to freezing temperatures shall be protected against freezing by insulation or heat or both. 10 AWG, blue in color, tracer wire needs to be installed with all nonmetallic water mains (MD COMAR 09-20-01)

Section 305.4.1 is amended to read as follows:

305.4.1 Sewer and Storm Sewer Depth. Building sewer connections shall be a minimum of 12 inches below the finished grade. All nonmetallic sewer mains, forced mains, and storm pipe will need tracer wire in ditch 10 AWG, green in color (MD COMAR 09-20-01)

SECTION 306 – TRENCHING, EXCAVATION AND BACKFILL – is amended as follows:

Section 306.3 is amended to read as follows:

306.3 Backfilling. Backfill shall be free from discarded construction material and debris.

- (a) Backfill of water lines not in a sleeve shall be as follows:
Stone dust or sand a minimum of 3 inches under, over, and along sides of pipe, then dirt free of rocks larger than 6 inches in diameter.
- (b) Backfill of water lines installed in a rigid conduit that meets the specification of Table 605.3 water service pipe shall be as follows:
6 inches of dirt over, under, and along sides of pipe free of rocks larger than 2 inches in diameter, then dirt free of rocks larger than 6 inches in diameter.
- (c) Backfill of sewer lines shall be as follows:
Gravel bedding a minimum of 4 inches over, under, and along sides of pipe that is free of rocks larger than 1½ inches in diameter, then dirt free of rocks larger than 6 inches in diameter.

SECTION 309 – FLOOD HAZARD RESISTANCE – is amended as follows:

Section 309.1 is amended and shall read as follows:

309.1 General. Plumbing systems and equipment in structures erected in areas prone to flooding shall be constructed in accordance with the requirements of this section and the Washington County Floodplain Management Ordinance adopted by the Board of County Commissioners of Washington County, Maryland on May 16, 2017, effective August 15, 2017, and in accordance with the American Society of Civil Engineers (ASCE-24-98).

Sections 309.2 through 309.3 are deleted in their entirety.

SECTION 312 -TESTS AND INSPECTIONS -is amended as follows:

Section 312.2 is amended by adding the following Exception:

312.2 Drainage and vent water test.

Exception:

1. Existing single-family dwelling renovations, additions, and/or pipe replacement will not require a drainage and vent water test.

Section 312.2.1 is added and shall read as follows:

312.2.1 Testing. Testing shall terminate a minimum of two (2) feet below the roof line. Testing can be achieved by 10 foot water column or 5 PSI air test for 15 minutes.

Section 312.2.2 is added and shall read as follows:

312.2.2 Trenchless installation. Any trenchless installation of water and sewer lines shall be tested or certified.

CHAPTER 4 – FIXTURES, FAUCETS AND FIXTURE FITTINGS – is amended as follows:

SECTION 401 -GENERAL – is amended as follows:

Section 401.3.1 is added and shall read as follows:

401.3.1 Lavatory faucets. Lavatory faucets shall be designed and manufactured according to ASME A112.18.1.

- (1) Public faucets, other than the metering type, shall be designed and manufactured according to ASME A112.18.1.
- (2) Self-closing or self-closing/metering faucets shall be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service stations, train stations, airport terminals, restaurants, and convention halls. Metering faucets shall deliver not more than 0.25 gallons of water per use when tested in accordance with ASME A112.18.1. Self-closing faucets shall be designed and manufactured so that they will not exceed a water flow rate of 0.5 gallons per minute when tested in accordance with A112.18.1.

SECTION 403 – MINIMUM PLUMBING FACILITIES – is amended as follows:

Section 403.1 is amended by adding the following Exception:

403.1 Minimum number of fixtures.

Exception:

1. Where approved by the Code Official, the actual number of occupants for whom each occupancy space, floor, or building is designed, although less than those determined by calculation, may be used in the determination of the minimum number of plumbing fixtures.

SECTION 404 – ACCESSIBLE PLUMBING FACILITIES – is amended as follows:

Section 404.1 is amended and shall read as follows:

404.1 Where required. Accessible plumbing fixtures shall conform to COMAR 05.02.02 Maryland Accessibility Code.

SECTION 418 – LAUNDRY TRAYS – is amended as follows:

Section 418.3 is added and shall read as follows:

418.3 Service Sinks and Mop Receptors. Service sinks and mop receptors shall be installed with walls and floors that are water proof and have a smooth, readily cleanable surface at least one foot in front of the sink or receptor, at least one foot on each side, and up to a point one foot above the faucet height.

CHAPTER 6 – WATER SUPPLY AND DISTRIBUTION – is amended as follows:

SECTION 603 – WATER SERVICE – is amended as follows:

Section 603.1 is amended to read as follows:

603.1 Size of Water Service Pipe. All water service pipe, including new or replacement, shall be sized to supply water to the structure in the quantities and at the pressures required in this code. All water service pipe, including new or replacement, shall not be less than 1 inch in diameter.

Section 603.2 is amended by adding the following Exception:

603.2 Separation of water service and building sewer.

Exception:

1. 2 inch and larger water mains are not required to be sleeved in common trench with building sewer only.

SECTION 605 – MATERIALS, JOINTS, AND CONNECTIONS – is amended as follows:

Table 605.3 is amended by deleting L, WL, M or WM under "Copper or copper-alloy tubing:"

An amended Table 605.3 is shown below:

**Table 605.3
WATER SERVICE PIPE**

MATERIAL	STANDARD
Acrylonitrile butadiene styrene (ABS) plastic pipe	ASTM D 1527; ASTM D 2282
Asbestos-cement pipe	ASTM C 296
Brass pipe	ASTM B 43
Copper or copper-alloy pipe	ASTM B 42; ASTM B 302
Copper or copper-alloy tubing (Type K, WK)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447
Chlorinated polyvinyl chloride (CPVC) plastic pipe	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6
Ductile iron water pipe	AWWA C151; AWWA C115
Galvanized steel pipe	ASTM A 53
Polybutylene (PB) plastic pipe and tubing	ASTM D 2662; ASTM D 2666; ASTM D 3308; CSA B137.8
Polybutylene (PE) plastic pipe	ASTM D 2239; CSA CAN/CSA-B137.1
Polyethylene (PE) plastic tubing	ASTM D 2737; CSA B137.1
Cross-linked polyethylene (PEX) plastic tubing	ASTM 876; ASTM F 877; CSA CAN/CSA-B137.5
Cross-linked polyethylene/Aluminum/cross linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; CSA CAN/CSA B137.10
Polyethylene/aluminum/polyethylene (PE-AL-PE) pipe	ASTM F 1282; CSA CAN/CSA B 137.9
Polyvinyl chloride (PVC) plastic pipe	ASTM D 1785; ASTM D 2241; ASTM D 2672; CSA CAN/CSA B137.3

Table 605.4 is amended by deleting WL, M, or WM, under "Copper or copper-alloy tubing:"

An amended Table 605.4 is shown below:

**Table P-605.4
WATER DISTRIBUTION PIPE**

MATERIAL	STANDARD
Brass Pipe	ASTM B 43
Chlorinated polyvinyl chloride (CPVC) plastic pipe and tubing	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6
Copper or copper-alloy pipe	ASTM B 42; ASTM B 302
Copper or copper-alloy tubing (Type K, WK or L)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447
Cross-linked polyethylene (PEX) plastic tubing	ASTM F 887; CSA CAN/CSA-B137.5
Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; CSA CAN/CSA-B137.10
Galvanized steel pipe	ASTM A 53
Polybutylene (PB) plastic pipe and tubing	ASTM D 3309; CSA CAN3-B137.8

Section 608.12.1 is added and shall read as follows:

608.12.1 Potable water tanks. Any pressure tank installed in a basement and/or crawl space shall be a minimum of 7½, inches (191 mm) above finished grade. All water pressure tanks and apparatus for mobile homes shall be installed in the confines of the living space. In every case, the only exception shall be those tanks installed a minimum of 18 inches (457 mm) from the top of the tank to finished grade in an approved manhole with a water-tight lid, a minimum of 6 inches (152 mm) above finished grade.

Note: Water conditioning equipment. Water conditioning equipment shall not be connected to a BAT type septic system. A sticker or a tag must be placed on the main valve, building drain, or pump tank by the installer as a warning that water discharged from water conditioning equipment can damage components of the BAT tank.

Section 608.14.10 is added and shall read as follows:

608.14.10 Periodical testing. Periodic tests and inspections shall be made by a certified backflow technician, licensed in the state of Maryland, for all backflow preventers to determine whether they are operable. Reduced pressure principle backflow preventers (ASSE 1013), double check valve assemblies (ASSE 1015), double detector check-valve breakers (ASSE 1040), and pressure type vacuum breakers (ASSE 1020) shall be inspected and tested after their initial installation. Tests shall be done annually, and an overhaul shall be done as needed.

Section 608.14.10.1 is added and shall read as follows:

608.14.10.1 Backflow testing certification. To test backflows, the tester must have a current Washington County Journeyman or Master Plumber’s License, with a current Backflow Certification from a Maryland state certified approved course.

Section 608.15 is amended to read as follows:

608.15 Location of backflow preventers. Backflow prevention devices shall be installed in accessible locations for ease of maintenance, replacement, and testing. Adequate headroom shall be provided and a minimum of 30 inches (762 mm) of non-obstructed space shall be provided in front of devices and a minimum of 18 inches (457 mm) shall be provided behind devices larger than 2 inches (51 mm). Maximum height above floor shall not exceed four (4) feet measured to the center line of the device.

Backflow devices shall be installed inside a building in an area capable of maintaining a temperature above freezing.

CHAPTER 7 SANITARY DRAINAGE – is amended as follows:

SECTION 701 – GENERAL – is amended as follows:

Section 701.2 is amended to read as follows:

701.2 Connection to sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer, where available, or an approved private sewage disposal system.

SECTION 702 – MATERIALS – is amended as follows:

Table 702.1 is amended to read as follows:

**Table 702.1
ABOVE-GROUND DRAINAGE AND VENT PIPE**

MATERIAL	STANDARD
Brass Pipe	ASTM B 43
Cast iron Pipe	ASTM A 74; ASTM A 888; CISPI 301
Coextruded composite PVC DWV schedule 40 IPS pipe (solid)	ASTM F 1488
Coextruded composite PVC DWV schedule 40 IPS pipe (cellular core)	ASTM F 891; ASTM F 1488
Coextruded composite PVC IPS-DR, PS140, PS200 DWV	ASTM F 1488
Copper or copper alloy pipe	ASTM B 42; ASTM B 302
Copper or cooper-alloy tubing (type K, L, M or DWV)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 306
Galvanized steel pipe	ASTM A 53
Glass pipe	ASTM C 1053
Polyolefin pipe	CSA BG181.3
Polyvinyl chloride (PVC) Plastic pipe (Type DWV)	ASTM D 2665; ASTM D 2949; ASTM F 1488; CSA B181.2
Stainless steel drainage systems Type 304 and 316L	ASME A112.3.1
Polyvinylidene fluoride (PVDF) plastic pipe	ASTM F 1673; CAN/CSA B181.3

Table 702.2 is amended to read as follows:

**Table 702.2
UNDERGROUND BUILDING DRAINAGE AND VENT PIPE**

MATERIAL	STANDARD
Cast-iron pipe	ASTM A 74; ASTM A 888; CICPI 301
Coextruded composite PVC DWV schedule 40 IPS pipe (solid)	ASTM F 1488
Coextruded composite PVC ISP-DR PSI-40, PS-200, DWV	ASTM F 1488
Polyolefin pipe	AST F 1412; CSA B181.3
Polyvinyl chloride (PVC) Plastic pipe (type DWV)	ASTM D 2665; ASTM D 2949; CSA B181.2
Stainless steel drainage system, Type 3161	ASME A112.3.1
Polyvinylidene fluoride (PVDF) plastic pipe	ASTM F 1673; CAN/CSA B181.3

Table 702.3 is amended to read as follows:

**Table 702.3
BUILDING SEWERPIPE**

MATERIAL	STANDARD
Cast-iron pipe	ASTM A 74; ASTM A 888; CISPI 301
Coextruded composite PVC DWV schedule 40 IPS pipe (solid)	ASTM F 1488
Polyvinyl chloride (PVC) plastic pipe (Type DWV SDR 26)	ASTM D 2665; ASTM D 2949; ASTM D 3034; CSA B182.2; CSA B182.4
Stainless steel drainage systems, Types 304 and 316L	ASME A112.3.1
Polyvinylidene fluoride (PVDF) plastic pipe	ASTM F 1673; CAN/CSA B181.3

Table 702.4 is amended to read as follows:

**Table 702.4
PIPE FITTINGS**

MATERIAL	STANDARD
Cast Iron	ASTME B 16.4; ASTME B 16.12; ASTM A 74; ASTM A 888; CISPI 301
Copper or copper alloy	ASME B 16.15; ASME B 16.18; ASME B 16.22; ASME B 16.23; ASME B 16.26; ASME B 16.29
Glass	ASTM C 1053
Gray iron and ductile iron	AWWA C 110
Polyolefin	ASTM F 1412; CSA B181.3
Polyvinyl chloride (PVC) plastic	ASTM D 2665; ASTM D 3311; ASTM F 1866
Stainless steel drainage systems, Types 304 and 316L	ASME A 112.3.1
Polyvinylidene fluoride (PVDF) plastic pipe	ASTM F 1673; CAN/CSA B181.3

SECTION 706 – CONNECTIONS BETWEEN DRAINAGE PIPING AND FITTINGS – is amended as follows:

Table 706.3 is amended to read as follows:

**Table 706.3
FITTINGS FOR CHANGE IN DIRECTION**

TYPE OF FITTING PATTERN	CHANGE IN DIRECTION		
	Horizontal to Vertical	Vertical to horizontal	Horizontal to horizontal
Sixteenth bend	X	X	X
Eighth bend	X	X	X
Sixth bend	X	X	X
Quarter bend	X	X ^a	
Short sweep	X	X ^{a,b}	
Long sweep	X	X	X
Sanitary tee	X ^c	X ^c	
Wye	X	X	X
Combination wye and eighth bend	X	X	X

For SI: 1 inch = 25.4

a The fittings shall be permitted for a 2-inch or smaller fixture drain

b Three inches and larger

c For a limitation on double sanitary tees, see Section 706.3.

SECTION 708 – CLEANOUTS – is amended as follows:

Section 708.1.10.3 is added and shall read as follows:

708.1.10.3 Base of stack. A cleanout shall be provided at the base of each waste or soil stack. The center of the main stack cleanout shall be a maximum height of 24 inches above the finished floor.

CHAPTER 8 – INDIRECT/SPECIAL WASTE – is amended as follows:

SECTION 802 –INDIRECT WASTES – is amended as follows:

Section 802.4.1 is amended to read as follows:

802.4.1 Size of Receptors. Waste receptor shall be sized for the maximum discharge of all indirect waste pipes served by the receptor. Receptors shall be installed to prevent splashing. All waste receptor floor sinks shall be a minimum of 9 inches by 9 inches (229 mm by 229 mm) and installed with a minimum of ¼ inch raised lip above the finished floor.

CHAPTER 9 – VENTS – is amended as follows:

Section 903.1is amended to read as follows:

903.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least 12 inches (305 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

SECTION 904 – OUTDOOR VENT EXTENSION – is amended as follows:

Section 904.1 is amended to read as follows:

904.1 Main vent required. Every sanitary drainage system receiving the discharge of a water closet shall have a main vent that is either a vent stack or a stack vent. Such vent shall not be less than 3 inches (76mm) in diameter and run undiminished in size and as directly as possible from the building drain through to the open air above the roof.

SECTION 905 – VENT CONNECTIONS AND GRADES – is amended as follows:

Section 905.1is amended to read as follows:

905.1 Connection. All individual, branch and circuit vents shall connect to a vent stack, stack vent, or extend to the open air.

SECTION 918 – AIR ADMITTANCE VALVES - is amended as follows:

Section 918.1 is amended to read as follows:

918.1 General. An air admittance valve shall be permissible on a single fixture application in a

new or existing plumbing system where standard venting is impractical.

Sections 918.2 through 918.8 are deleted in their entirety.

CHAPTER 16 – MOBILE HOME & TRAVEL TRAILER PARK PLUMBING REQUIREMENTS – is added as follows:
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Sections 1601 through 1604 are added and shall read as follows:

SECTION 1601 – TRAILER PARKS PLUMBING STANDARDS – is added and shall read as follows:

Section 1601.1 is added and shall read as follows:

1601.1 Scope. The primary objection of this chapter is to assure sanitary plumbing installations in trailer home parks.

SECTION 1602 – STANDARDS – is added and shall read as follows:

Section 1602.1 is added and shall read as follows:

1602.1 General. Plumbing systems hereafter installed in trailer home parks shall conform to the provisions set forth in the preceding sections of these Regulations, where applicable, and also to the provisions set forth in this Section. Trailer home park plumbing and drainage systems, in addition, shall conform to all other applicable Administrative Authority regulations.

Section 1602.2 is added and shall read as follows:

1602.2 Plans and specifications. Before any plumbing or sewerage disposal facilities are installed or altered in any trailer park, duplicate plans and specifications shall be filed and proper permits obtained from the Administrative Authority. Plans shall show in detail:

Sections 1602.2.1 through 1602.2.4 are added and shall read as follows:

1602.2.1 Plot plan. Plot plan of the park, drawn to scale, indicating elevations, property lines, driveways, existing or proposed buildings, and the sizes of the trailer sites;

1602.2.2 Plumbing Layout. Complete specification and piping layout of the proposed plumbing system or alteration; and

1602.2.3 Sewage disposal layout. Complete specification and layout of the proposed sewage disposal system or alteration.

1602.2.4 Conformance. Trailer park plumbing system shall be designed and installed according to the requirements of the plumbing code and shall, in addition, conform to all other pertinent local ordinances and State regulations.

Section 1603.1 is added and shall read as follows:

1603.1 Materials. Materials shall conform to the approved standards set forth in other sections of

the plumbing code.

Section 1604.1 is added and shall read as follows:

1604.1 Maintenance. All required devices or safeguards shall be maintained in good working order. The owner, operator, or lessee of the trailer park or his designated agent shall be responsible for their maintenance. When wash rooms or toilet rooms are installed, they must conform with these regulations.

Section 1605.1 is added and shall read as follows:

1605.1 Operator’s responsibility - Violations. When it is evident that there exists, or may exist, a violation of any pertinent regulation, the owner, operator, lessee, person in charge of the park, or any other person causing a violation shall immediately disconnect the trailer water supply and sewer connection from the park systems and shall employ such other corrective measures as may be ordered by the Code Official.

APPENDICES

**THE FOLLOWING APPENDIX IS DELETED IN ITS ENTIRETY:
APPENDIX A - PLUMBING PERMIT FEE SCHEDULE**

**THE FOLLOWING APPENDICES ARE ADOPTED IN THEIR ENTIRETY:
APPENDIX B - RATES OF RAINFALL FOR VARIOUS CITIES
APPENDIX C – STRUCTURAL SAFETY
APPENDIX D - DEGREE DAY AND DESIGN TEMPERATURES
APPENDIX E - SIZING OF WATER PIPING SYSTEM**

Adopted this ____ day of _____, 2019.

Effective the ____ day of _____, 20__.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart, Clerk

Jeffrey A. Cline, President

Approved as to form and
legal sufficiency:

B. Andrew Bright
Assistant County Attorney

Mail to:
County Attorney’s Office
100 W. Washington Street, Suite 1101
Hagerstown, Maryland 21740

ORDINANCE NO. ORD-2019-

AN ORDINANCE TO ADOPT AND ENACT THE 2018 *INTERNATIONAL EXISTING BUILDING CODE*, AS PROMULGATED BY THE INTERNATIONAL CODE COUNCIL, WITH LOCAL AMENDMENTS FOR WASHINGTON COUNTY, MARYLAND

RECITALS

It has been recommended that the Board of County Commissioners of Washington County, Maryland (the “Board”) adopt the 2018 *International Existing Building Code*, which provides and establishes the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety, and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition to, and relocation of existing buildings.

A public hearing was held on _____, 2019, following due notice and advertisement of the text of the 2018 *International Existing Building Code*, as promulgated by the International Code Council, with local amendments for Washington County.

Public comment was received, reviewed, and considered concerning the adoption of the 2018 *International Existing Building Code*, as promulgated by the International Code Council, with local amendments for Washington County.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the 2015 *International Existing Building Code*, as promulgated by the International Code Council, with local amendments, adopted by the Board of County Commissioners of Washington County, Maryland, on December 15, 2015, effective March 1, 2016 (ORD-2015-28), and all other ordinances or parts of ordinances in conflict herewith are hereby repealed; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the 2018 *International Existing Building Code*, as promulgated by the International Code Council, with local amendments for Washington County, the contents of which are incorporated herein by reference, is enacted with the following insertions, amendments and additions:

Section 101.1	amended	Section 101.1.8	added
Section 101.1.1	added	Section 103.1	amended
Section 101.1.2	added	Section 108.2	amended
Section 101.1.3	added	Section 108.4.1	added
Section 101.1.4	added	Section 113.4	amended
Section 101.1.5	added	Section 113.4.1	added
Section 101.1.6	added		
Section 101.1.7	added		



CHAPTER 1 – ADMINISTRATION, is amended as follows:

SECTION 101, GENERAL, is amended as follows:

Section 101.1 Title is amended to read as follows:

101.1 These regulations shall be known as the *Existing Building Code of Washington County, Maryland*, hereinafter referred to as "this code."

Sections 101.1.1 through 101.1.8 are added to read as follows:

101.1.1 International Residential Code. Any reference to the *International Residential Code* shall mean the *International Residential Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, as adopted on _____, 2019, effective _____, 20__, by the Board of County Commissioners of Washington County, Maryland, as part of the Maryland Building Performance Standards.

101.1.2 ICC Electrical Code. For the applicable electrical requirements, refer to the NFPA70: *National Electrical Code*, 2017 Edition, as may be amended or restated from time to time, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on _____, 20__, effective _____, 20__, and the 2006 *ICC Electrical Code - Administrative Provisions*, First Printing, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, adopted on December 18, 2007, effective March 1, 2008, and amended on _____, 2019, effective _____, 20__.

101.1.3 International Fire Code. Any reference to the *International Fire Code* shall mean the *Maryland State Fire Prevention Code* (COMAR 29.06.01), as may be amended or restated from time to time.

101.1.4 International Plumbing Code. Any reference to the *International Plumbing Code* shall mean the *International Plumbing Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, adopted by the Board of County Commissioners of Washington County, Maryland on _____, 20__, effective _____, 20__.

101.1.5 International Building Code. Any reference to the *International Building Code* shall mean the *International Building Code*, 2018 Edition, as promulgated by the International

Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, adopted on _____, 20__, effective _____, 20__, by the Board of County Commissioners of Washington County, Maryland, as part of the Maryland Building Performance Standards.

101.1.6 International Fuel Gas Code. Any reference to the *International Fuel Gas Code* shall mean the *International Fuel Gas Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20__.

101.1.7 International Energy Conservation Code. Any reference to the *International Energy Conservation Code* shall mean the *International Energy Conservation Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland adopted on _____, 2019, effective _____, 20__, by the Board of County Commissioners of Washington County, Maryland, as part of the Maryland Building Performance Standards.

101.1.8 International Mechanical Code. Any reference to *International Mechanical Code* in this code shall mean the *International Mechanical Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, adopted by the Board of County Commissioners of Washington County, Maryland, on _____, 2019, effective _____, 20__.

SECTION 103, DEPARTMENT OF BUILDING SAFETY, is amended as follows:

Section 103.1 is amended to read as follows:

103.1 Creation of enforcement agency. The Director of the Division of Construction shall be known as the Code Official and the Chief Plans Examiner of the Division of Construction shall be known as the Deputy Code Official and is hereby authorized and directed to administer and enforce all provisions of this code. The Code Official and Deputy Code Official shall be referred to singularly or collectively as the Code Official.

SECTION 108, FEES, is amended as follows:

Section 108.2 is amended and shall read as follows:

108.2 Schedule of permit fees. The fees for work performed under this code shall be paid in accordance with the schedule as established by the Board of County Commissioners of Washington County, Maryland, as may be amended from time to time.

SECTION 113, VIOLATIONS, is amended as follows:

Section 113.4 Violation penalties, is amended and shall read as follows:

113.4 Criminal Penalties. Any person, firm, corporation, or entity that violates a provision of this code or fails to comply with any of the requirements thereof or that erects, constructs, alters, or repairs work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00)

or more than One Thousand Dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or both fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 113.4.1 is added and shall read as follows:

113.4.1 Civil Penalties. Any person, firm, corporation, or entity that violates a provision of this code or fails to comply with any of the requirements thereof or that erects, constructs, alters, or repairs work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a civil offense which shall be prosecuted in accordance with Md. Code, Local Government Article, § 6-102, et seq. The penalty for a civil offense shall be established by resolution by the Board of County Commissioners of Washington County, Maryland. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Adopted this ____ day of _____, 2019.
Effective the ____ day of _____, 20__.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart, Clerk

Jeffrey A. Cline, President

Approved as to form and
legal sufficiency:

B. Andrew Bright
Assistant County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

RESOLUTION NO. RS-2019-_____

**(RESOLUTION ADOPTING FEE SCHEDULE FOR CIVIL CITATIONS AND REPEALING
RESOLUTION NO. RS-2015-23**

RECITALS

On _____, 2019, the Board of County Commissioners of Washington County, Maryland (the "County") adopted the following codes governing all building work performed in Washington County, Maryland, said codes being effective _____, 20__:

the Maryland Building Performance Standards (i.e. the *International Building Code*, 2018 Edition, the *International Residential Code*, 2018 Edition, and the *International Energy Conservation Code*, 2018 Edition);

the *International Existing Building Code*, 2018 Edition;

the *International Plumbing Code*, 2018 Edition;

the *International Mechanical Code*, 2018 Edition;

the *International Fuel Gas Code*, 2018 Edition; and

the 2017 *National Electrical Code* (the "Codes").

Pursuant to the Code of the Public Local Laws of Washington County, Maryland, Section 1-112, the County may impose civil citations for violations of the Codes and the Codes provide for such civil citations. The Codes also provide that the fine for a civil offense shall be established by resolution of the Board of County Commissioners of Washington County, Maryland.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Washington County, Maryland that the fine for a civil citation issued for a violation set forth below be established as follows:

1. Civil citations will only be issued for the following violations of the above-referenced Codes:

a. Work started without proper permit (IRC: R105.1 & R113.1; IBC: 105.1 & 114.1; IMC: 106.1 and 108.1; IPC: 106.1 and 108.1; ICCEC: 401.1; IEBC: 105.1 & 113.1);

b. Stop work order (unlawful continuance) (IRC: R114.2; IBC: 115.3; IMC: 108.5; IPC:108.5; ICCEC: 1004.3; IEBC: 114.3);

c. Violation of unsafe structure posting (IRC: 115.1; IBC: 116.1; IMC: 108.7; IPC:108.7; ICCEC: 901.2; IEBC 115.1); or

d. Violation of a Certificate of Occupancy (IRC: R110.1; IBC: 111.1; IMC: Not Applicable; IPC: Not Applicable; ICCEC: 303; IEBC: 110.1).

2. Any violation of the above shall be punishable by a fine of One Hundred Dollars (\$100.00) per day. Each day the violation continues shall be deemed a separate offense.

3. In the event a second citation for a violation is issued regarding the same property within two-years from the date of the initial citation, the fine shall increase to Two Hundred Dollars (\$200.00) per day for each day the property is in violation.

BE IT FURTHER RESOLVED, that Resolution No. RS-2015-23 adopted by the Board of County Commissioners of Washington County, Maryland on December 15, 2015, effective March 1, 2016, is hereby REPEALED.

Adopted this ____ day of _____, 2019.
Effective the ____ day of _____, 20__.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart, Clerk

BY: _____
Jeffrey A. Cline, President

Approved as to form
and legal sufficiency:

B. Andrew Bright
Assistant County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

ORDINANCE NO. ORD-2019-

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “AN ORDINANCE TO ADOPT FEE SCHEDULES PROVIDING FOR THE COLLECTION OF FEES FOR ALL BUILDING/TRADE WORK PERFORMED IN WASHINGTON COUNTY, MARYLAND” (ORD-2017-03) AND TO REENACT THE ORDINANCE WITH AMENDMENTS

On April 4, 2017, by Ordinance No. ORD-2017-03, the Board adopted an ordinance entitled “An Ordinance to Adopt Fee Schedules Providing for the Collection of Fees for All Building/Trade Work Performed in Washington County, Maryland,” effective July 1, 2017, modifying certain fees.

On _____, 2019, the Board of County Commissioners of Washington County, Maryland (the "Board") adopted the following codes governing all building/trade work performed in Washington County, Maryland, said codes being effective _____, 20__:

the Maryland Building Performance Standards (i.e. the *International Building Code*, with local amendments, the *International Residential Code*, with local amendments, and the *International Energy Conservation Code*, with local amendments, 2018 Editions);
the *International Existing Building Code*, 2018 Edition, with local amendments;
the *International Plumbing Code*, 2018 Edition, with local amendments;
the *International Mechanical Code*, 2018 Edition, with local amendments;
the *International Fuel Gas Code*, 2018 Edition, with local amendments;
the *2017 National Electrical Code*, with local amendments; and
an amendment to Ordinance No. ORD-07-08 adopting the *2006 ICC Electrical Code Administrative Provisions*, First Printing, with local amendments, and repealing ORD-2015-33 adopted on December 15, 2015, effective March 1, 2016 (the "Codes").

The Codes provide that fees shall be paid in accordance with a fee schedule established by the applicable governing authority.

A public hearing was held on _____, 2019, following due notice and advertisement of the Board's intention to amend Ordinance No. ORD-2017-03 to reflect the adoption of the above-referenced codes.

Any public comment was reviewed and carefully considered.

The Board believes it to be in the best interests of the citizens and residents of Washington County, Maryland, that the Fee Schedules providing for the collection of fees for all building/trade work performed under the Codes adopted in ORD-2017-03, effective July 1, 2017, remain in effect.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland, that the attached Fee Schedules (Building, Electrical, Mechanical, and Plumbing) be adopted for all building/trade work performed in Washington County, Maryland under the Maryland Building Performance Standards (i.e. the *International Building Code*, with local amendments, the *International Residential Code*, with local amendments, and the *International Energy Conservation Code*, with local amendments, 2018 Editions); the *International Plumbing Code*, 2018 Edition, with local amendments; the *International Mechanical Code*, 2018 Edition, with local amendments; the *International Fuel Gas Code*, 2018 Edition, with local amendments; the *2017 National Electrical Code*, with local amendments; and the *2006 ICC Electrical Code - Administrative Provisions*, First Printing, with local amendments, as amended.

Adopted this ____ day of _____, 2019.
Effective the ____ day of _____, 20__.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart
County Clerk

Jeffrey A. Cline, President

Approved as to form
and legal sufficiency:

B. Andrew Bright
Assistant County Attorney

After recording mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

WASHINGTON COUNTY DIVISION OF PLAN REVIEW & PERMITTING
MECHANICAL FEE SCHEDULE
(Effective July 1, 2017)

NOTE: All fees are non-refundable

RESIDENTIAL PERMIT FEES

\$65.00 Application Fee

\$15.00 Technology Fee

**-Application Fee and Technology Fee Apply*

Mobile Home/Mobile Home Replacement	*\$50 per unit
Single Family Dwelling/Modular Home	*\$40 per unit
2 Family/Semi-Detached (separate application required for each unit)	*\$ \$40 per unit
Townhouse (Separate application required for each unit)	*\$ \$40 per unit
Multi-Family/Apartment(s) (separate application required for each unit)	*\$ \$40 per unit
Addition	*\$40 per unit
Venting (Hood, Dryer, Bath fan)	*\$3 per appliance
New Installation of Manufactured Fireplace with Chimney	*\$60 per unit
New Installation of Manufactured Fireplace - Direct Vent/Ventless	*\$25 per unit
Gas Piping/LP Tank/Oil Tank	*\$40/each
Geothermal Installations	*\$40 per unit

RESIDENTIAL RETROFIT

Mobile Home Furnace or Condenser	*\$25 per unit
Single/Modular Dwelling Furnace or Condenser	*\$35 per unit
2 Family/Semi-Detached Furnace or Condenser	*\$40 per unit
Townhouse Furnace or Condenser	*\$40 per unit
Multi-Family Furnace or Condenser	*\$40 per unit

RESIDENTIAL RETROFIT

NO APPLICATION FEE REQUIRED FOR INDIVIDUAL INSTALLATIONS
(Single appliance per application)

Manufactured Fireplace/Gas Appliance (Existing Chimney - direct vent or ventless)	\$25 <i>(plus Technology Fee)</i>
Pellet/Freestanding Stove/Gas Appliance	\$35 <i>(plus Technology Fee)</i>
UL Chimney liner (no appliance)	\$25 <i>(plus Technology Fee)</i>

COMMERCIAL

\$125.00 Application Fee

\$15.00 Technology Fee

**-Application Fee and Technology Fee Apply*

New/ Addition/Remodeled	*\$80/ per unit
Kitchen Equipment	*\$10 per appliance
Gas Piping/LP Tank	*\$75/each

MISCELLANEOUS

(No Application Fee or Technology Fee Required)

Extra trip fees will be assessed for premature inspection requests, incomplete work, and work areas not accessible	1 st extra trip - \$50 2 nd extra trip - \$75 3 rd extra trip - \$100
Permit Extension	\$25 each
Investigation Fee (work started without permit)	\$200
Archive/Records Research	\$100 per address
File an appeal to the Plumbing/Mechanical Board	\$150

**WASHINGTON COUNTY DIVISION OF PLAN REVIEW AND PERMITTING
MECHANICAL FEE SCHEDULE
(Effective July 1, 2017)**

Continued

MECHANICAL REGISTRATION FEES*	
Master/Restricted/Limited License	
In-County Resident	\$50
Out-of-County Resident	\$100
Journeyman License	
In-County Resident	\$20
Out-of-County Resident	\$40
*Registration fee will be for a period of two years and must be renewed on or before the 31 st day of May of the renewal year.	

WASHINGTON COUNTY DIVISION OF PLAN REVIEW AND PERMITTING
ELECTRICAL FEE SCHEDULE
(Effective July 1, 2017)

NOTE: All fees are Non-Refundable

RESIDENTIAL PERMIT FEE
\$65.00 Application Fee
\$15.00 Technology Fee
**- Application Fee and Technology Fee Apply*

Residential

1 or 2 Family Dwelling (includes service & low voltage)	*\$.10 per sq ft/ finished area
Mobile Homes (includes service & low voltage)	*\$50
Modular Homes (includes service & low voltage)	*\$75
Multi-family dwelling (semi-detached/town house/apartments (includes service and low voltage)	*\$100 each unit

Residential Additions

Addition (includes service & low voltage)	*\$.10 per sq ft
---	------------------

Special Permits and Fees

Temporary Service	*\$25
Residential Service upgrade/Repair/Reintroduction (Includes up to 5 outlets)	*\$50
Construction Trailer	*\$50
Swimming Pools - In Ground	*\$100
Swimming Pools - Above Ground	*\$25
Hot tub Single inspection When separate trip required for rough wire or trench inspection	*\$50/each *\$35
Low Voltage (only)	*\$20
Illuminated Signs	*\$50/each
Outlets - Change of equipment not involving changes to service and/or change; Detached Garage/Accessory Structures Includes outlets, fixtures, appliances, transformers, generators, motors, elevators and other equipment. All equipment is counted as outlets. 1 - 5 6 - 50 outlets Each additional 25 devices	*\$15 *\$50 *\$10
Wind Turbines (No more than 2 permitted on each property)	*\$100/Each Tower
Solar Panels 1-10 KW's Each Additional 20 KW's	*\$50 *\$75

**WASHINGTON COUNTY DIVISION OF PLAN REVIEW AND PERMITTING -
ELECTRICAL FEE SCHEDULE**

(Effective July 1, 2017)

(Continued)

COMMERCIAL PERMIT FEE

\$125.00 Application Fee

\$15.00 Technology Fee

**-Application Fee and Technology Fee apply*

Equipment List -

All electrical permit applications must be accompanied by a detailed list including outlet counts, switches, and detailed list of all equipment to be installed. Additional electrical plans are not required when they have been submitted as part of an approved building permit. All others must be accompanied by 2 sets of plans, prepared and sealed by a Maryland professional engineer, architect, or a licensed Master Electrician in accordance with the Washington County Electrical Code

New Construction or Major additions	
Includes service, feeders, wiring, switches, outlets, appliances, transformers, generators, motors, elevators, and other equipment.	
First 100 amps	*\$300
Each additional 100 amps	*\$100
New "Shell Only" Construction	
Includes service, wiring for safety equipment and alarms, and any energized feeders.	
First 100 amps	*\$100
Each additional 100 amps	*\$50
Interior Completions of Tenant Space	
Includes service, feeders, heavy ups, wiring, switches, outlets, appliances, transformers, generators, motor, elevators, and other equipment.	
Each 100 amps	*\$300
Each additional 100 amps	*\$50
Heavy UPS only (service upgrade/repair/reintroduction and including up to 5 outlets)	
First 100 amps	*\$100
Each additional 100 amps	*\$50
Change of equipment not involving changes to service and/or feeder equipment	
Includes outlets, fixtures, appliances, transformers, generators, motors, elevators, and other equipment. All equipment is counted as outlets.	
1 - 5 outlets (no application fee required - single permit only)	* \$65
6 - 25 outlets	* \$50
26 - 50 outlets	*\$100
Each additional 25 devices	*\$10
Wind Turbines (No more than 2 permitted on each property)	*\$300/Each Tower
Solar Panels	
1-25 KW's	*\$100
Each Additional 20K	*\$75

WASHINGTON COUNTY DIVISION OF PLAN REVIEW AND PERMITTING ELECTRICAL FEE SCHEDULE <i>(Effective July 1, 2017)</i>	
<i>(Continued)</i>	
Commercial (continued)	
Illuminated Sign(s)	*\$50/each
Low Voltage Only	*\$20
Temporary Service	*\$75
Miscellaneous <i>(No Application Fee or Technology Fee Required)</i>	
Archive/Records Research	\$100 per address
Extra trip fees will be assessed for premature inspection requests, incomplete work, and work areas not accessible	1st extra trip- \$50 2nd extra trip- \$75 3rd extra trip- \$100
File an appeal to the Electrical Board	\$150
Investigation Fee (work started without permit)	\$200
Permit Extension	\$25
Licensing Fees <i>(No Application Fee or Technology Fee Required)</i>	
Examination Fee	\$50
Inactive License	\$50
Late Penalty for License Renewal	\$100
Master & Restricted Licenses (Renewable every three years)	\$150
Reactivation Fee	\$50 plus \$50 for each remaining year of the licensing period

**WASHINGTON COUNTY DIVISION OF PLAN REVIEW AND PERMITTING-
BUILDING FEE SCHEDULE**
(Effective July 1, 2017)

Building permit fees shall be based on the square footage area of proposed structure(s) and shall include an application fee and technology fee unless otherwise noted.

\$250.00 Minimum Payment Due at Time of Submittal
Permit Fees Less Than \$250.00 to be Paid in Full

Note: All Fees are Non-Refundable

RESIDENTIAL

\$65.00 Application Fee

\$15.00 Technology Fee

**Application Fee and Technology Fee Apply*

Mobile Homes (Manufactured Housing)	\$65 plus \$.10/sf. (No Technology Fee Required)
New Dwelling Units - Single Family/Multi-Family/ Apartment(s)	* \$.10 sf. for finished and unfinished area
Garages, carports, sheds, porches, decks, chimney and other accessory structures	* \$.10 sf.
Interior/exterior alterations, repairs and remodeling	* \$.10 sf.
Swimming Pools	* \$75 Above-Ground *\$125 In-Ground

RESIDENTIAL

NO APPLICATION OR TECHNOLOGY FEE REQUIRED

Demolition	\$50
Fences Higher than 7 ft.	\$50
All Retaining/Masonry Walls	\$50
Solar Panel/Wind Turbines	\$50
Chimney	\$50

COMMERCIAL

\$150.00 Application Fee

\$15 Technology Fee

**Application Fee and Technology Fee Apply*

All floor (new construction or additions)	* \$.15/sf.
Interior alterations	* \$.15/sf.
Tenant Fit-out	\$165 plus \$.15/sf. (no Technology Fee)

COMMERCIAL

NO APPLICATION OR TECHNOLOGY FEE REQUIRED

Demolition	\$50
Zoning Permits (No Structural Alterations) Animal Husbandry/Day Care/Change of Business Name/Home Occupation	\$65
All other zoning permits	\$165
Solar Panels/Wind Turbines	\$100
Footing and Foundation Permit	\$75
Pre-Permit Commercial Plan Review	\$200

**WASHINGTON COUNTY DIVISION OF PLAN REVIEW AND PERMITTING
BUILDING FEE SCHEDULE
(Effective July 1, 2017)**

(Continued)

Temporary Occupancy	\$75
Zoning Verification Letter	\$100
Note: All measurements shall be computed using gross exterior building dimensions.	
EXCISE TAX	
In accordance with Section 2-701 of the Code of the Public Local Laws of Washington County, as amended from time to time, there is a building excise tax on building construction in Washington County. See the Building Excise Tax Ordinance for applicability.	
MISCELLANEOUS NO APPLICATION FEE OR TECHNOLOGY FEE REQUIRED	
Signs - On the building	\$80 plus \$.10/sf.
Freestanding	\$165 plus \$.10/sf.
Portable	\$80
Archive/Records Research	\$100 per address
File an appeal to the Building Code Board of Appeals	\$250 Commercial \$150 Residential
Inspection Fees: Extra trip fees will be assessed for premature inspection requests, incomplete work, and work areas not accessible.	1 st extra trip - \$50 2 nd extra trip - \$75 3 rd extra trip - \$100
Investigation Fee (work started without permit)	\$200
Permit Extension	\$25 each
Expedited Certificate of Occupancy	\$75
Replacement Placard	\$25
Permit/Plan Revisions	Residential - \$100 Non-Residential - \$200
Grading Permit (Processing Only)	\$20 minimum or \$5/per acre
Driveway (Entrance) Permit	\$25
Utility Permit	\$25
Home Builder Guaranty Fund Fee (<i>pursuant to Chapter 481 of the 2008 Acts of the Maryland General Assembly</i>)	\$50/unit
BOARD OF ZONING APPEALS FEES NO APPLICATION FEE OR TECHNOLOGY FEE REQUIRED	
Variance: 1 or 2 family residential units & accessory uses	\$150
Other Variance	\$300
Appeal charging administrative error	\$150
Special Exception	\$500
Administrative Adjustment	\$75

WASHINGTON COUNTY DIVISION OF PLAN REVIEW AND PERMITTING
PLUMBING FEE SCHEDULE
(Effective July 1, 2017)

NOTE: All fees are non-refundable

Prior to the issuance of any permit, the applicant shall pay the following fees:

RESIDENTIAL

\$65.00 Application Fee

\$15.00 Technology Fee

**Application Fee and Technology Fee Apply*

Single-Family Dwelling	*\$60
Mobile Home	*\$60
Modular Dwelling	*\$60
2 Family/Semi-Detached (Separate application required for each unit)	*\$50 per unit
Townhouse (Separate application required for each unit)	*\$50 per unit
Multi-Family/Apartments (Separate application required for each unit)	*\$50 per unit
Single fixture only	\$25 plus technology fee
Addition/Remodel (2-4 fixtures and/or appliances)	*\$25
Addition/Remodel (more than 5 fixtures and/or appliances)	*\$50
Connection to public/private water	*\$40
Connection to public sewer/private septic	*\$40
Gas Piping/LP gas tank	*\$40/unit
Hydronic Water Connection	*\$40
Boiler	*\$40/unit

COMMERCIAL/INDUSTRIAL

\$125.00 Application Fee

\$15.00 Technology Fee

**-Application Fee and Technology Fee Apply*

Commercial/Industrial - New	
1 - 10 Fixtures/appliances	*\$75
11 or more	\$2 additional per fixture
Addition/Remodel	*\$5/ fixture
Single Fixture Only	\$50 plus technology fee
Connection to Water	*\$75
Connection to Sewer	*\$75
Storm Drain	*\$75
Gas Piping/LP gas tank	*\$75/unit
Boiler	*\$40/ unit
Hydronic Water Connection	*\$40

MISCELLANEOUS

No Application Fee and Technology Fee Required

Extra trip fees will be assessed for premature inspection requests, incomplete work, and work areas not accessible.	1 st extra trip - \$50 2 nd extra trip - \$75 3 rd extra trip \$100
Permit Extension	\$25 each
Investigation Fee (work started without permit)	\$200
Archive/Records Research	\$100 per address
Permit Transfer To A New Contractor	\$75

**WASHINGTON COUNTY DIVISION OF PLAN REVIEW AND PERMITTING
PLUMBING FEE SCHEDULE**

(Effective July 1, 2017)

(Continued)

**LICENSING FEES
(Biennial)**

Classification	Resident	Non-Resident
Master Plumber	\$50	\$100
Journeyman	\$20	\$40
Apprentice	\$15	\$30
On-Site Utility Contractor	\$50	\$100
Drain Cleaner	\$50	\$100
*Water Conditioner	N/C	N/C
*Pump Installer	N/C	N/C
Gas Fitter	\$50	\$100
Exam Fee for On-Site Utility Contractor	\$50	\$50
Late Penalty for License Renewal	\$100	\$100

*The State requires these types of licenses to be exempt from all licensing fees.

Upon initial application, applicant shall pay the registration and/or licensing fees. The Board of County Commissioners of Washington County, Maryland may, by resolution, change periodically the registration, licensing, and biennial fees.

No additional renewal fee will be charged to applicants who renew after March.

ORDINANCE NO. ORD-2019-

AN ORDINANCE TO REPEAL THE 2014 NATIONAL ELECTRICAL CODE WITH LOCAL AMENDMENTS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND ON DECEMBER 15, 2015, EFFECTIVE MARCH 1, 2016, AND TO ENACT THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE, WITH LOCAL AMENDMENTS FOR WASHINGTON COUNTY

RECITALS

The Board of County Commissioners of Washington County, Maryland, being concerned with safety and fire prevention in Washington County, adopted by Ordinance No. ORD-2015-32, the 2014 Edition of the *National Electrical Code*, with local amendments for Washington County, on December 15, 2015, effective March 1, 2016.

It has been recommended to the Board of County Commissioners of Washington County, Maryland, that it adopt the 2017 Edition of the *National Electrical Code* which is more up-to-date and which provides greater electrical safeguards for residents of Washington County, Maryland, if implemented.

It has also been recommended to the Board that certain amendments be made to the text of the 2017 Edition of the *National Electrical Code*.

A public hearing was held on _____, 2019 following due notice and advertisement of the text of the 2017 Edition of the *National Electrical Code*, with local amendments for Washington County.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the 2014 Edition of the *National Electrical Code*, with local amendments for Washington County, adopted by the Board of County Commissioners of Washington County, Maryland, by Ordinance No. ORD-2015-32, on December 15, 2015, effective March 1, 2016, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the 2017 Edition of the *National Electrical Code*, the contents of which are incorporated herein by reference, is enacted with the following insertions, amendments, and additions:

[Note: new language is in *italics*]

[Deletions are shown as ~~strikethrough~~]

ARTICLE 210 – Branch Circuits, is amended as follows:
--

Section 210.52. Dwelling Unit Receptacle Outlets, Subsection (E) Outdoor Outlets, and Subsection (G) Basements, Garages, and Accessory Buildings, are amended and shall read as follows:

(E) **Outdoor Outlets.** Outdoor receptacle outlets shall be installed in accordance with 210.52(E)(1) through (E)(3).

(3) **Balconies, Decks, and Porches.** Balconies, decks, and porches that are ~~attached to the dwelling unit and~~ accessible from inside the dwelling unit shall have at least one receptacle outlet accessible from the balcony, deck, or porch. The receptacle outlet shall not be located more than 2.0m (6½ ft) above the balcony, deck, or porch walking surface.

(G) **Basements, Garages, and Accessory Buildings.** For a one- and two-family dwelling, at least one receptacle outlet shall be installed in the areas specified in 210.52(G)(1) through (3). These receptacles shall be in addition to receptacles required for specific equipment.

- (1) **Garages.** In each attached garage and in each detached garage with electric power, at least one receptacle outlet shall be installed for each vehicle bay and not more than 1.7 m (5 ½ ft.) above the floor. *The receptacle outlets located in each attached and each detached garage with electric power shall be installed at a minimum height of 450 mm (18 in.) above the finished garage floor.*
- (2) **Accessory Buildings.** In each accessory building with electric power.
- (3) **Basements.** In each separate unfinished portion of a basement.

ARTICLE 250 – Grounding, is amended as follows:

Section 250.53. Grounding Electrode System Installation, Subsection (A) Rod, Pipe, and Plate Electrodes, is amended by adding Subsection (4) which shall read as follows:

- (4) *The use of two 2.5 m × 16 mm (8 ft. × 5/8 in.) galvanized ground rods spaced a minimum of 1.8 m (6 ft.) apart shall be required for all new and upgraded residential electrical services.*

ARTICLE 300 – Wiring Methods, is amended as follows:

Section 300.5 Underground Installations, Subsection (D), Protection from Damage, Subsection (3) Service Conductors, is amended and shall read as follows:

- (3) *All underground Conductors - Underground conductors that are not encased in concrete and that are buried 450 mm (18 in.) or more below grade shall have their location identified by a warning ribbon that is placed in the trench at least 300 mm (12 in.) above the underground installation.*

ARTICLE 334 – Nonmetallic- Sheathed Cable: Types NM, NMC, and NMS, is amended as follows:

Section 334.30, Securing and Supporting, is amended and shall read as follows:

334.30. Securing and Supporting. Nonmetallic- sheathed cable shall be supported and secured by *insulated* staples, cable ties listed and identified for securement and support; or straps, hangers, or similar fittings designed and installed so as not to damage the cable at intervals not exceeding 1.4 m (4½ ft.) and within 300 mm (12 in.) of every cable entry into enclosures such as outlet boxes, junction boxes, cabinets, or fittings. Flat cables shall not be stapled on edge.

Sections of cable protected from physical damage by raceway shall not be required to be secured within the raceway.

ARTICLE 680 – Swimming Pools, Fountains, and Similar Installations, is amended as follows:

Section 680.26 Equipotential Bonding, Subsection (B) Bonded Parts Subsection (2) Perimeter Surfaces is amended as follows:

(2) Perimeter Surfaces. The perimeter surface to be bonded shall be considered to extend for 1 m (3 ft.) horizontally beyond the inside walls of the pool and shall include unpaved surfaces, as well as poured concrete surfaces and other types of paving. Perimeter surfaces less than 1 m (3 ft.) separated from the pool by a permanent wall or building 1.5 m (5 ft.) in height or more shall require equipotential bonding only on the pool side of the permanent wall or building. Bonding to perimeter surfaces shall be provided as specified in 680.26(B)(2)(a) or (2)(b) and shall be attached to the pool reinforcing steel or copper conductor grid at a minimum of four (4) points uniformly spaced around the perimeter of the pool. For nonconductive pool shells, bonding at four points shall not be required.

(a) Structural Reinforcing Steel. Structural reinforcing steel shall be bonded in accordance with 680.26(B)(1)(a).

~~(b) Alternate Means. Where structural reinforcing steel is not available or is encapsulated in a nonconductive compound, a copper conductor(s) shall be utilized where the following requirements are met.~~

~~(1) At least one minimum 8 AWC bare solid copper conductor shall be provided.~~

~~(2) The conductors shall follow the contour of the perimeter surface.~~

~~(3) Only listed splices shall be permitted.~~

~~(4) The required conductor shall be 450 to 600 mm (18 in. to 24 in.) from the inside walls of the pool.~~

~~(5) The required conductor shall be secured within or under the perimeter surface 100mm to 150mm (4 in. to 6 in.) below the~~

~~subgrade.~~

Adopted this ____ day of _____, 2019.

Effective the ____ day of _____, 20__.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart, Clerk

Jeffrey A. Cline, President

Approved as to form
and legal sufficiency:

B. Andrew Bright
Assistant County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Ste 1101
Hagerstown, MD 21740

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CODE\ORD\ORDINANCE ADOPTING 2017 NEC - DRAFT (VLG).DOC

NATIONAL

ELECTRICAL

ORDINANCE NO. ORD-2019-

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “AN ORDINANCE TO ADOPT THE 2006 ICC ELECTRICAL CODE – ADMINISTRATIVE PROVISIONS, FIRST PRINTING, WITH LOCAL AMENDMENTS FOR WASHINGTON COUNTY, MARYLAND” AND TO REPEAL ORDINANCE NO. ORD-2015-33

RECITALS

The Board of County Commissioners of Washington County, Maryland (the "Board") adopted by Ordinance No. ORD-07-08 on December 18, 2007, effective March 1, 2008, the *2006 ICC Electrical Code – Administrative Provisions*, First Printing, with local amendments for Washington County, Maryland, and amended by Ordinance No. ORD-2015-33, adopted on December 15, 2015, effective March 1, 2016.

It has been recommended to the Board that certain amendments be made to the local amendments, some of which are necessary due to the recent organizational restructuring in Washington County Government.

A public hearing was held on _____, 2019, following due notice and advertisement of the text of the proposed amendments.

Public comment was received, reviewed and considered.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland, that Ordinance No. ORD-2015-33, adopted by the Board of County Commissioners of Washington County, Maryland, on December 15, 2015, effective March 1, 2016, is hereby REPEALED.

NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED that Ordinance No. ORD-07-08 adopting the *2006 ICC Electrical Code – Administrative Provisions*, First Printing, the contents of which are incorporated herein by reference, is hereby amended with the following insertions, deletions, and amendments:

Sections 101.1.1 – 101.1.10	added	Section 404.2	amended
Section 202	amended	Section 1003.1	amended
Section 301.1	amended		

Section 1003.1.1	added	Appendices A-D	deleted
Section 1101.1	amended		
Chapter 12	deleted [Note added]		

(1) **CHAPTER 1 – SCOPE**, is amended as follows:

(a) **SECTION 101, GENERAL**, is amended as follows:

Sections 101.1.1 through 101.1.9 are added to read as follows:

101.1.1 International Residential Code. Any reference to the *International Residential Code* shall mean the *International Residential Code for One- and Two-Family Dwellings*, 2018 Edition, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20____, as part of the Maryland Building Performance Standards.

101.1.2 ICC Electrical Code. Any reference to the *ICC Electrical Code* shall mean the *2017 National Electrical Code*, with local amendments for Washington County, Maryland, adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20____, as may be amended or restated from time to time, and the *2006 ICC Electrical Code – Administrative Provisions*, with local amendments for Washington County, as adopted by the Board of County Commissioners of Washington County, Maryland on December 18, 2007, effective March 1, 2008, and amended on _____, 2019, effective _____, 20____.

101.1.3 International Fire Code. Any reference to the *International Fire Code* shall mean the *Maryland State Fire Prevention Code* (COMAR 29.06.01), as may be amended or restated from time to time.

101.1.4 International Plumbing Code. Any reference to the *International Plumbing Code* shall mean the *International Plumbing Code*, 2018 Edition, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20____.

101.1.5 International Building Code. Any reference to the *International Building Code* shall mean the *International Building Code*, 2018 Edition, as may be amended or restated from time to time, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20____, as part of the Maryland Building Performance Standards.

101.1.6 International Existing Building Code. Any reference to the *International Existing Building Code*, shall mean the *International Existing Building Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, as adopted on _____, 2019, effective _____, 20____, by the Board of County Commissioners of Washington County, Maryland.

101.1.7 International Fuel Gas Code. Any reference to the *International Fuel Gas Code* shall mean the *International Fuel Gas Code*, 2018 Edition, as may be amended or restated from time to time, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20__.

101.1.8 International Private Sewage Disposal Code. Any reference to the *International Private Sewage Disposal Code* shall mean the *International Plumbing Code*, 2018 Edition, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20__.

101.1.9 International Property Maintenance Code. Any reference to the *International Property Maintenance Code* shall mean the *Washington County Livability Code* adopted by the Board of County Commissioners of Washington County, Maryland on November 1, 1988, effective January 1, 1989, Revision 1 adopted and effective May 9, 2006, and as may be further amended or restated from time to time.

101.1.10 International Mechanical Code. Any reference to the *International Mechanical Code* shall mean the *International Mechanical Code*, 2018 Edition, as may be amended or restated from time to time, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20__.

(2) **CHAPTER 2, DEFINITIONS, is amended as follows:**

(a) **SECTION 202, GENERAL DEFINITIONS, is amended as follows:**

The following definition is amended and shall read as follows:

CODE OFFICIAL. The Director of the Washington County Division of Construction shall be known as the Code Official and the Chief Plans Examiner of the Division of Construction shall be known as the Deputy Code Official and is hereby authorized and directed to administer and enforce all provisions of this code. The Code Official and Deputy Code Official shall be referred to singularly or collectively as the Code Official.

(3) **CHAPTER 3, ORGANIZATION AND ENFORCEMENT, is amended as follows:**

(a) **SECTION 301, DEPARTMENT OF ELECTRICAL INSPECTION, is amended as follows:**

Section 301.1 is amended and shall read as follows:

301.1 Creation of enforcement agency. The Director of the Washington County Division of Construction shall be known as the Chief Plans Examiner of the Division of Construction shall be known as the Deputy Code Official and are hereby authorized and directed to administer and enforce all provisions of this code. The Code Official and Deputy Code Official shall be referred to singularly or collectively as the Code Official.

SECTION 103, DEPARTMENT OF MECHANICAL INSPECTIONS, is amended as follows:

(4) **CHAPTER 4, PERMITS AND FEES, is amended as follows:**

(a) **SECTION 404, FEES, is amended as follows:**

Section 404.2 is amended and shall read as follows:

Section 404.2 Schedule of permit fees. The fees for all electrical work shall be paid as required in accordance with the schedule established by the Board of County Commissioners of Washington County, Maryland.

(5) **CHAPTER 10, VIOLATIONS, is amended as follows:**

(a) **SECTION 1003, PENALTIES, is amended as follows:**

Section 1003.1 is amended and shall read as follows:

1003.1 Criminal Penalties. Any person, firm, corporation, or entity that violates a provision of this code or fails to comply with any of the requirements thereof or that erects, constructs, alters, or repairs work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) or more than One Thousand Dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or both fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 1003.1.1 is added and shall read as follows:

1003.1.1 Civil Penalties. Any person, firm, corporation, or entity that violates a provision of this code or fails to comply with any of the requirements thereof or that erects, constructs, alters, or repairs work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a civil offense which shall be prosecuted in accordance with Md. Code, Local Government Article, § 6-102, et seq.. The fine for a civil offense shall be established by resolution by the Board of County Commissioners of Washington County, Maryland. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(6) **CHAPTER 11, MEANS OF APPEAL, is deleted in its entirety and the following shall be inserted in its place:**

CHAPTER 11, MEANS OF APPEAL

SECTION 1101, GENERAL

1101.1 Appeals. Any appeal of orders, decisions, or determinations made by the Code Official relative to the application and interpretation of this code shall be made to the Board of Examiners and Supervisors established by the Board of County Commissioners of Washington County, Maryland pursuant to Title 8 of the Code of the Public Local Laws of Washington County, Maryland, 2007 Edition, as may be amended or restated from time to time, and pursuant to any rules or regulations adopted by the Board of County Commissioners of Washington County, Maryland.

(7) **CHAPTER 12, ELECTRICAL PROVISIONS, is hereby deleted in its entirety.**

NOTE: The subject matter of this chapter is not within the scope of this code. For the applicable electrical provisions, refer to the *2017 National Electrical Code*, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20__, as may be amended or restated from time to time.

(8) **APPENDICES A-D are deleted in their entirety.**

Adopted this ____ day of _____, 2019.
Effective the ____ day of _____, 20__.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L Hart, Clerk

Jeffrey A. Cline, President

Approved as to form and
legal sufficiency:

B. Andrew Bright
Assistant County Attorney

Mail to:
County Attorney's Office
100 W. Washington Street, Suite 1101
Hagerstown, Maryland 21740

\\washco-md.net\CountyAttorney\Documents\Permits\ICC Electrical Code - Admin. Proc. (2006)\ORD\2019 Ordinance to Amend
2007 Ordinance - draft (vlg).docx

ORDINANCE NO. ORD-2019-

AN ORDINANCE TO REPEAL THE 2015 *INTERNATIONAL FUEL GAS CODE*, AS PROMULGATED BY THE INTERNATIONAL CODE COUNCIL, WITH LOCAL AMENDMENTS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND AND TO ENACT THE *INTERNATIONAL FUEL GAS CODE*, 2018 EDITION, AS PROMULGATED BY THE INTERNATIONAL CODE COUNCIL, WITH LOCAL AMENDMENTS FOR WASHINGTON COUNTY, MARYLAND

RECITALS

The Board of County Commissioners of Washington County, Maryland (the "Board"), being concerned with providing protection for consumers, the general public, and owners and occupants of building and structures in Washington County, Maryland, adopted by Ordinance No. ORD-2015-31, the 2015 *International Fuel Gas Code*, as promulgated by the International Code Council, with local amendments, on December 15, 2015, effective March 1, 2016.

It has been recommended that the Board adopt the *International Fuel Gas Code*, 2018 Edition, which is more up-to-date and which provides greater safeguards for consumers, the general public, and owners and occupants of buildings and structures in Washington County, Maryland, if implemented, and provides for minimum regulations governing the design installation of fuel piping systems, fuel utilization equipment, gaseous hydrogen systems, and related accessories.

A public hearing was held on _____, 2019, following due notice and advertisement of the text of the *International Fuel Gas Code*, 2018 Edition, as promulgated by the International Code Council, with local amendments for Washington County.

Public comment was received, reviewed, and considered concerning the adoption of the *International Fuel Gas Code*, 2018 Edition, as promulgated by the International Code Council, with local amendments for Washington County.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the 2015 *International Fuel Gas Code*, as promulgated by the International Code Council, with local amendments, adopted

by the Board of County Commissioners of Washington County, Maryland, adopted by Ordinance No. ORD-2015-31 on December 15, 2015, effective March 1, 2016, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the *International Fuel Gas Code*, 2018 Edition, as promulgated by the International Code Council, with local amendments for Washington County, the contents of which are incorporated herein by reference, is enacted with the following insertions, amendments and additions:

Section 101.1	amended	Section 106.6.3	deleted
Section 101.1.1	added	Section 107.2.1	amended
Section 101.1.2	added	Section 108.4	amended
Section 101.1.3	added	Section 108.4.1	added
Section 101.1.4	added	Section 108.5	amended
Section 101.1.5	added	Section 109.1	amended
Section 101.1.6	added	Section 109.2	deleted
Section 101.1.7	added	Section 406.4.1	amended
Section 101.1.8	added	Section 614.8.2	amended
Section 101.1.9	added	Appendices A-D	deleted
Section 103.1	amended		
Section 106.6.2	amended		



CHAPTER 1 – ADMINISTRATION, is amended as follows:

SECTION 101, GENERAL, is amended as follows:

Section 101.1 Title is amended to read as follows:

101.1 These regulations shall be known as the *Fuel Gas Code of Washington County, Maryland*, hereinafter referred to as "this code."

Sections 101.1.1 through 101.1.9 are added to read as follows:

101.1.1 International Residential Code. Any reference to the *International Residential Code* shall mean the *International Residential Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, as adopted on _____, 2019, effective _____, 20____, by the Board of County Commissioners of Washington County, Maryland as part of the Maryland Building Performance Standards.

101.1.2 International Existing Building Code. Any reference to the *International Existing Building Code*, shall mean the *International Existing Building Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time,

with local amendments for Washington County, Maryland, as adopted on _____, 2019, effective _____, 20__, by the Board of County Commissioners of Washington County, Maryland.

101.1.3 ICC Electrical Code. For the applicable electrical requirements, refer to the NFPA70: *National Electrical Code*, 2017 Edition, as may be amended or restated from time to time, with local amendments for Washington County, Maryland adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20__, and the 2006 *ICC Electrical Code - Administrative Provisions*, First Printing, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, adopted on December 18, 2007, effective March 1, 2008, and amended on _____, 2019, effective _____, 20__.

101.1.4 International Fire Code. Any reference to the *International Fire Code* shall mean the *Maryland State Fire Prevention Code* (COMAR 29.06.01), as may be amended or restated from time to time.

101.1.5 International Plumbing Code. Any reference to the *International Plumbing Code* shall mean the *International Plumbing Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20__.

101.1.6 International Building Code. Any reference to the *International Building Code* shall mean the *International Building Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, adopted on _____, 2019, effective _____, 20__, by the Board of County Commissioners of Washington County, Maryland, as part of the Maryland Building Performance Standards.

101.1.7 International Fuel Gas Code. Any reference to the *International Fuel Gas Code* shall mean the *International Fuel Gas Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland, adopted by the Board of County Commissioners of Washington County, Maryland on _____, 2019, effective _____, 20__.

101.1.8 International Energy Conservation Code. Any reference to the *International Energy Conservation Code* shall mean the *International Energy Conservation Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, Maryland adopted on _____, 2019, effective _____, 20__, by the Board of County Commissioners of Washington County, Maryland, as part of the Maryland Building Performance Standards.

101.1.9 International Mechanical Code. Any reference to *International Mechanical Code* in this code shall mean the *International Mechanical Code*, 2018 Edition, as promulgated by the International Code Council, as may be amended or restated from time to time, with local amendments for Washington County, adopted by the Board of County Commissioners of Washington County, Maryland, on _____, 2019, effective _____, 20__.

SECTION 103, DEPARTMENT OF MECHANICAL INSPECTIONS, is amended as follows:

Section 103.1 is amended to read as follows:

103.1 General. The Director of the Division of Construction shall be known as the Code Official and the Chief Plans Examiner of the Division of Construction shall be known as the Deputy Code Official and is hereby authorized and directed to administer and enforce all provisions of this code. The Code Official and Deputy Code Official shall be referred to singularly or collectively as the Code Official.

SECTION 106 (IFGC), PERMITS, is amended as follows:

Section 106.6.2 is amended and shall read as follows:

106.6.2 Fee schedule. The fees for work performed under this code shall be paid in accordance with the schedule as established by the Board of County Commissioners of Washington County, Maryland, as may be amended from time to time.

Section 106.6.3 is deleted in its entirety.

SECTION 107 (IFGC), INSPECTIONS AND TESTING, is amended as follows:

Section 107.2.1 is amended and shall read as follows:

107.2.1 New, altered, extended or repaired installations. New installations and part of existing installations, including but not limited to LP tank replacements, which have been altered, extended, renovated, or repaired, shall be tested as prescribed herein to disclose leaks and defects.

SECTION 108 (IFGC), VIOLATIONS, is amended as follows:

Section 108.4 Violation penalties, is amended and shall read as follows:

108.4 Criminal Penalties. Any person, firm, corporation, or entity that violates a provision of this code or fails to comply with any of the requirements thereof or that erects, constructs, alters, or repairs work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) or more than One Thousand Dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or both fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.4.1 is added and shall read as follows:

108.4.1 Civil Penalties. Any person, firm, corporation, or entity that violates a provision of this code or fails to comply with any of the requirements thereof or that erects, constructs, alters, or repairs work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a civil offense which shall be prosecuted in accordance with Md. Code, Local Government Article, § 6-102, et seq. The penalty for a civil offense shall be established by resolution by the Board of County Commissioners of Washington County, Maryland. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5 is amended to read as follows:

108.5 Stop work orders. Upon notice from the Code Official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 condition, shall be liable for a fine of not less than Two Hundred Fifty Dollars (\$250.00) or more than One Thousand Dollars (\$1,000.00).

SECTION 109 (IFGC), MEANS OF APPEALS, is amended as follows:

Section 109.1 is amended and shall read as follows:

109.1 Application for appeal. Any person shall have the right to appeal a decision of the Code Official to the Washington County Plumbing/Mechanical Board (the "Plumbing/Mechanical Board"). An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the Code Official within twenty (20) days after the notice was served. All appeals shall be heard in accordance with the rules, regulations and procedures adopted by the Plumbing/Mechanical Board.

Section 109.2 is deleted in its entirety.

CHAPTER 4 – GAS PIPINGS AND INSTALLATIONS, is amended as follows:

SECTION 406 (IFGC), INSPECTION, TESTING AND PURGING is amended as follows:

Section 406.4.1 is amended and shall read as follows:

406.4.1 Test pressure. The test pressure to be used shall be no less than 30 psi. on a 30 lb. gauge.

CHAPTER 6 – SPECIFIC APPLIANCES, is amended as follows:

SECTION 614 (IFGC), CLOTHES DRYER EXHAUST is amended as follows:

Section 614.8.2 is amended to read as follows:

614.8.2 Duct installation. Exhaust ducts shall be supported at 4-foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the directions of airflow. Ducts shall not be joined with screws or similar fasteners that protrude into the inside of the duct. Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation.

APPENDICES

APPENDICES A-D ARE DELETED IN THEIR ENTIRETY.

Adopted this ____ day of _____, 2019.
Effective the ____ day of _____, 20__.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart, Clerk

Jeffrey A. Cline, President

Approved as to form and
legal sufficiency:

B. Andrew Bright
Assistant County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740



Open Session Item

SUBJECT: Expenditure of accrued payment-in-lieu (PIL) of funds in accordance with the Forest Conservation Act

PRESENTATION DATE: December 3, 2019

PRESENTATION BY: Jill Baker, Director, Planning and Zoning; Elmer Weibley, District Manager, Washington County Soil Conservation District

RECOMMENDED MOTION: Motion to approve the expenditure of PIL funds for acquisition and implementation of easements related to forest conservation for William & Heidi Bumpers et. al., James Osen & Ann Aldrich, C. R. Semler LLC, and Gary & Brenda Beachley (Shanktown Road Tract).

REPORT-IN-BRIEF: The County has an executed Memorandum of Understanding with the Washington County Soil Conservation District (WCSCD) to assist us in the expenditure of accrued PIL funds in accordance with the Maryland Forest Conservation Act and the Washington County Forest Conservation Ordinance. The responsibility of the WCSCD is to seek out property owners who are willing to voluntarily implement a permanent easement on their property for the purpose of retaining or planting forested areas. WCSCD also oversees all aspects of easement implementation including survey work, site prep, installation and maintenance of the easements.

WCSCD has received interest from five (5) property owners for six (6) sites in the County as potential areas for easement acquisition. Using a newly implemented ranking system, four of the six potential sites are recommended for acquisition. The other sites will be kept in reserve and reviewed again during a subsequent round of PIL expenditure.

DISCUSSION: The Maryland Forest Conservation Act requires counties across the State to implement standards to help protect forest resources threatened by growth and land development. The Washington County Forest Conservation Ordinance implements these regulations through our plan review and permitting process. New development that meets the threshold of a regulated activity is required to mitigation for impacts on forest resources. There are several options outlined in the Ordinance that developers may use to mitigate for these impacts. The highest priority is always retention or afforestation on the site where the regulated activity is taking place, however, it is not always possible to complete mitigation on site. One method of mitigation is for the developer to pay a fee in lieu of physical forest installation or protection. These funds are deposited into a dedicated account and accrued until such time sufficient funds are available to establish easements elsewhere in the County.

FISCAL IMPACT: N/A. All work completed under this task will be paid for with funds committed by various developers as mitigation fees.

CONCURRENCES: Washington County Planning Commission

ALTERNATIVES: If the County does not expend the PIL funds in accordance with the Maryland Forest Conservation Act then all funds collected must be returned to the various developers who must then expend the funds by finding mitigation options themselves.

ATTACHMENTS: FCA Candidate packet from WCSCD

AUDIO/VISUAL NEEDS: N/A



WASHINGTON COUNTY SOIL CONSERVATION DISTRICT

1260 Maryland Avenue, Suite 101 • Hagerstown, MD 21740
(301)797-6821, Ext. 3
facebook.com/wcscd
www.conservationplace.com

TO: Board of County Commissioners
Steve Goodrich, Director
Jill Baker, Deputy Director
Travis Allen, Comprehensive Planner
Department of Planning and Zoning

FROM: Elmer D. Weibley, CPESC, District Manager
Dee Price CESSWI, Urban Program Director

DATE: November 6, 2019

SUBJECT: FCA Candidates

FW
[Handwritten signature]

I have attached information regarding five landowners, who have expressed interest in moving forward with creating a Forest Conservation Easement on the properties. One landowner has two properties to consider. All the sites were evaluated and scored using our newly adopted ranking criteria.

I have provided the information below for each site, along with a summary spreadsheet with our cost estimates and ranking scores:

1. Map of subject property
2. Descriptive paragraph for each property prepared by our DNR County Forester, Aaron Cook
3. Project Ranking sheet
4. Real property data search results

The Planning Commission accepted my recommendations to move forward with four of the six parcels. The Gordon parcel and Beachley, Park Hall Road parcel will be re-considered for inclusion in the program at a later date and be ranked with additional candidates. Their low-ranking scores and nature of their parcels were the basis for my recommendation to the Planning Commission.

My recommendation is for approval of the four parcels by the Board of County Commissioners.

Please contact me at 301-797-6821, Ext. 3 if you have any questions.

District Board of Supervisors

Harry E. Strite
Chair

J.D. Rinehart
Vice Chair

J. Scott Shank, III
Treasurer

Janet Stiles Fulton
Supervisor

Edward C. Wurmb, D.V.M.
Supervisor

Boyd Michael
Associate

FOREST CONSERVATION FUND PAYMENT IN LIEU CANDIDATE SITES FALL 2019

PROJECT/LANOWNER NAME	PLANTING ACRES	EXISTING FOREST ACRES	COST ESTIMATE	RANKING SCORE
William and Heidi Bumpers Et Al	0	17.7	\$48,605	71
James Osen & Ann Aldrich	0	22.5	\$61,325	65
CR Semler LLC	0	50.8	\$136,320	63
Gary and Brenda Beachley Park Hall Road Tract	0	9.6	\$27,140	50
Gary and Brenda Beachley Shanktown Road Tract	0	30.7	\$83,055	40
Charles and Emily Gordon	2.6	0	\$19,340	34
Total Funds Required			\$375,785	
5% Contingency			\$18,789	
Total Funding Request			\$394,574	
Forest Conservation Fund Balance Less Encumbered Funds as of 9/10/19			\$491,962	

Mayo & Bumpers Forest Conservation Easement

Date: 09/24/2019

Customer(s): WILLIAM & HEIDI BUMPERS, ET AL
(Mayo & Bumpers)

Approximate Acres: 39.46

Legal Description: MPV: 22-09-009515 (35.86), 012591 (3.6)

Assisted By: Ginger Noble

Field Office: WASHINGTON COUNTY SERVICE CENTER

Legend

— streams

Practices (polygons)

Practice name

 Conservation Cover *Pollinator Habitat*

 polygon

 Culverts

POINTTYP

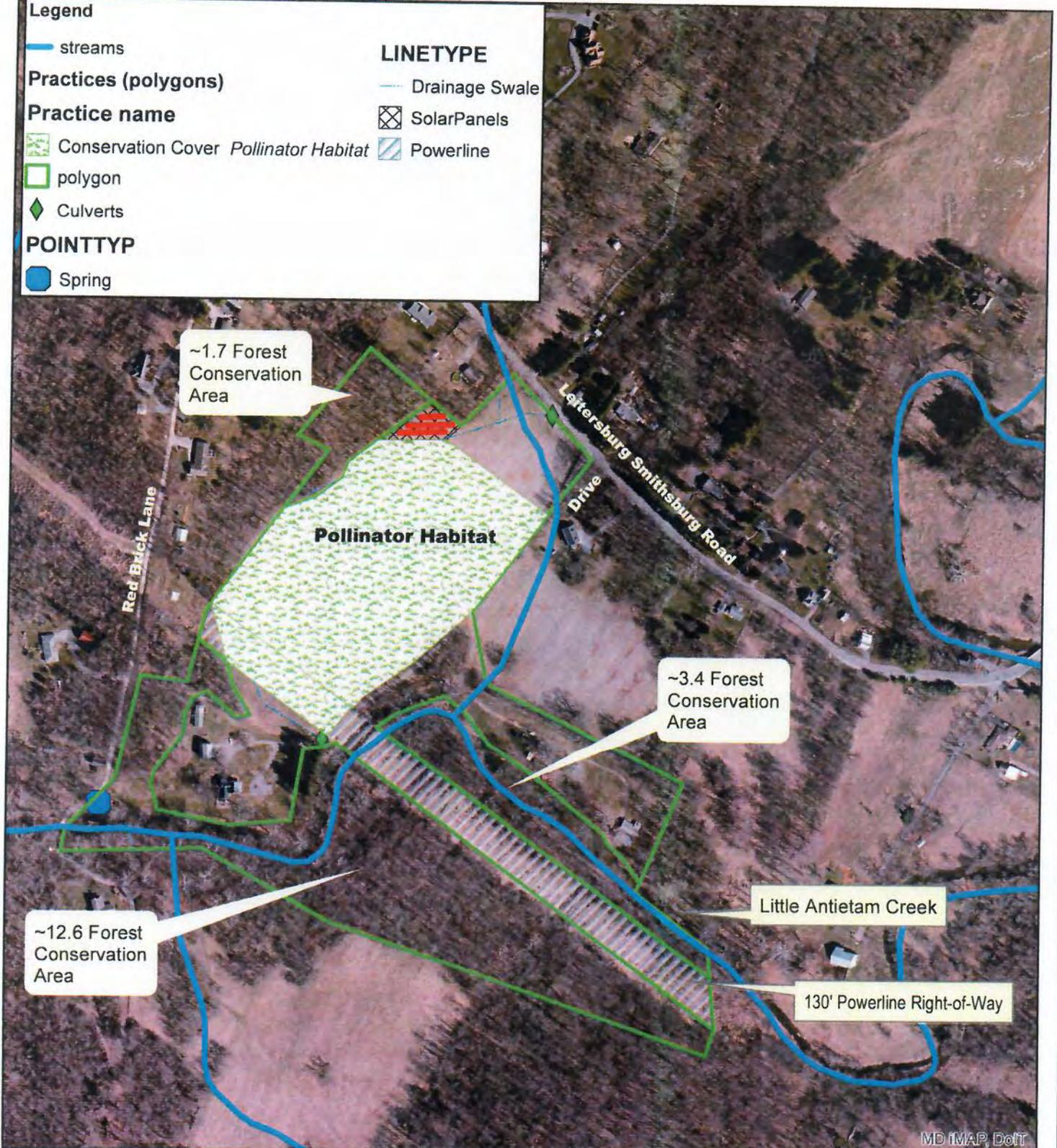
 Spring

LINETYPE

 Drainage Swale

 SolarPanels

 Powerline





Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary

Landowner: Mayo/Bumpers

Prepared by: Aaron Cook, Forester

The potential easement area encompasses an undetermined acreage of existing forest areas on the property, primarily along the floodplain and adjacent slopes overlooking the southern edge of Little Antietam Creek, with a smaller area of forest and potential afforestation acreage along the northern edge of the Creek. This parcel (map 26, parcels 102 and 99, 35.65 and 3.55 acres in size, respectively) occupies rolling to steep topography along nearly 2,290 linear feet of Little Antietam Creek. Past agrarian land use, steep slopes, exposed limestone outcroppings, and past agrarian land uses have permitted a unique basic mesic forest type of bitternut hickory, chinkapin oak, northern red oak, black walnut, basswood, American beech, sugar maple, and yellow-poplar to establish. This forest community was likely more widespread in the Hagerstown Valley prior to clearing for agricultural land use during settlement. The stream bank and floodplain areas of the site are occupied with American sycamore and silver maple. The understory vegetation is a uniform layer of both native and non-native woody shrub species, shade tolerant trees such as pawpaw, ironwood, musclewood, blackhaw viburnum. Herbaceous vegetation including several unique wildflower species such as cohosh and spleenwort, all suited to the moist growing conditions and basic soil chemistry of the site. The overstory trees vary from large sawtimber size class to poletimber, with optimal stocking conditions. In addition to these desirable native trees, Ailanthus, or tree-of-heaven, has also established in areas adjacent to forest edge. These trees are being controlled, and control efforts should continue in the future. Access is limited given the nature of the terrain and dense nature of the understory, but several paths have been created as a platform for management and recreation throughout the site, and a former club picnic area remains along the northeastern edge of the property.



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**WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE
PAYMENT IN LIEU PROGRAM
EXISTING FOREST PROJECT RANKING CRITERIA**

PROJECT NAME

MAYO/BUMPERS

**TO BE CONSIDERED FOR PROGRAM INCLUSION, THE EXISTING FOREST MUST MEET THE DEFINITION OF "FOREST" CONTAINED IN THE
WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE**

Ranking Factor	Description	Maximum Total Points	Score	Notes
1	Adjacent to perennial or intermittent stream Perennial stream (10 pts.), Intermittent (5 pts.), No stream (0 pts.)	10	10	
2	Connects forest "Islands" creating forested corridors Forested corridor is at least 300' wide (10 pts.), 200' wide (5 pts.), does not create corridor (0 pts.)	10	0	
3	Adjacent to critical habitat Adjacent to Class III Trout Waters with natural populations of trout (10 pts.), within Class III watershed (5 pts), wetlands (3 pts.), No critical habitats (0 pts.)	10	10	
4	Contiguous forest cover Easement will increase forest to 100 acre block (5pts.), 50 acres(3 pts.), will not adjoin existing forest (0 pts.)	5	3	Property adjoins Osen/Aldrich property and would create a block at least 50 acres
5	100 year floodplain Easement will cover 100% of 100 year forested floodplain (5 pts.), 50% (3 pts.), 0% (0 pts.)	5	3	
6	Site access Easily accessible , maintenance and long term monitoring, (10 pts)	10	10	
7	Site conditions, including control of non-native/invasive plant species Adequately stocked forest of predominately native tree and shrub species of good health and vigor(10 pts.,) over or under stocked forest with no greater than 20% non-native/invasive species and landowner has demonstrated commitment to control (5 pts.), requires extensive invasive control (0 pts.)	10	10	
8	Total existing forest area > 5 acres (10 pts.), 2-5 acres (5 pts.), < 2 acres (1 pt.)	10	10	
	Watershed location Located in Antietam or Conococheague watershed (10 pts.)	10	10	
9	Sensitive species Identified Sensitive species area Identified for site and no adverse effects from project (5pts.), no sensitive species area Identified for site, (0pts.)	5	5	
TOTAL POINTS POSSIBLE		85	71	

Search Result for WASHINGTON COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Tax Exempt:
Exempt Class: **Special Tax Recapture:**
NONE

Account Identifier: **District - 09 Account Number - 012591**

Owner Information

Owner Name: BUMPERS WILLIAM M ET AL **Use:** RESIDENTIAL
BUMPERS HEIDI **Principal Residence:** NO
Mailing Address: 6906 SEVEN LOCKS **Deed Reference:** /05334/ 00171
CABIN JOHN MD 20818-0000

Location & Structure Information

Premises Address: 21655 LEITERSBURG **Legal Description:** IMPS 3.6 ACRES
SMITHSBURG 21655 LEITERSBURG SMITHSBURG
HAGERSTOWN 21742-0000 ROAD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:
0026	0021	0099		0000				2019		

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1979	684 SF		3.6000 AC	

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
1	NO	MANUFACTURED HOME	SIDING	1 full		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2019	07/01/2019	07/01/2020
Land:	94,500	89,500		
Improvements	6,100	6,300		
Total:	100,600	95,800	95,800	95,800
Preferential Land:	0			0

Transfer Information

Seller: LITTLE ANTIETAM CREEK LLC	Date: 09/29/2016	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /05334/ 00171	Deed2:
Seller: KOVATCH ROBERT M	Date: 10/28/2014	Price: \$900,000
Type: ARMS LENGTH MULTIPLE	Deed1: /04850/ 00273	Deed2:
Seller: FRATERNAL ORDER OF EAGLES	Date: 06/17/2011	Price: \$110,000
Type: ARMS LENGTH IMPROVED	Deed1: /04105/ 00388	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2019	07/01/2020
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

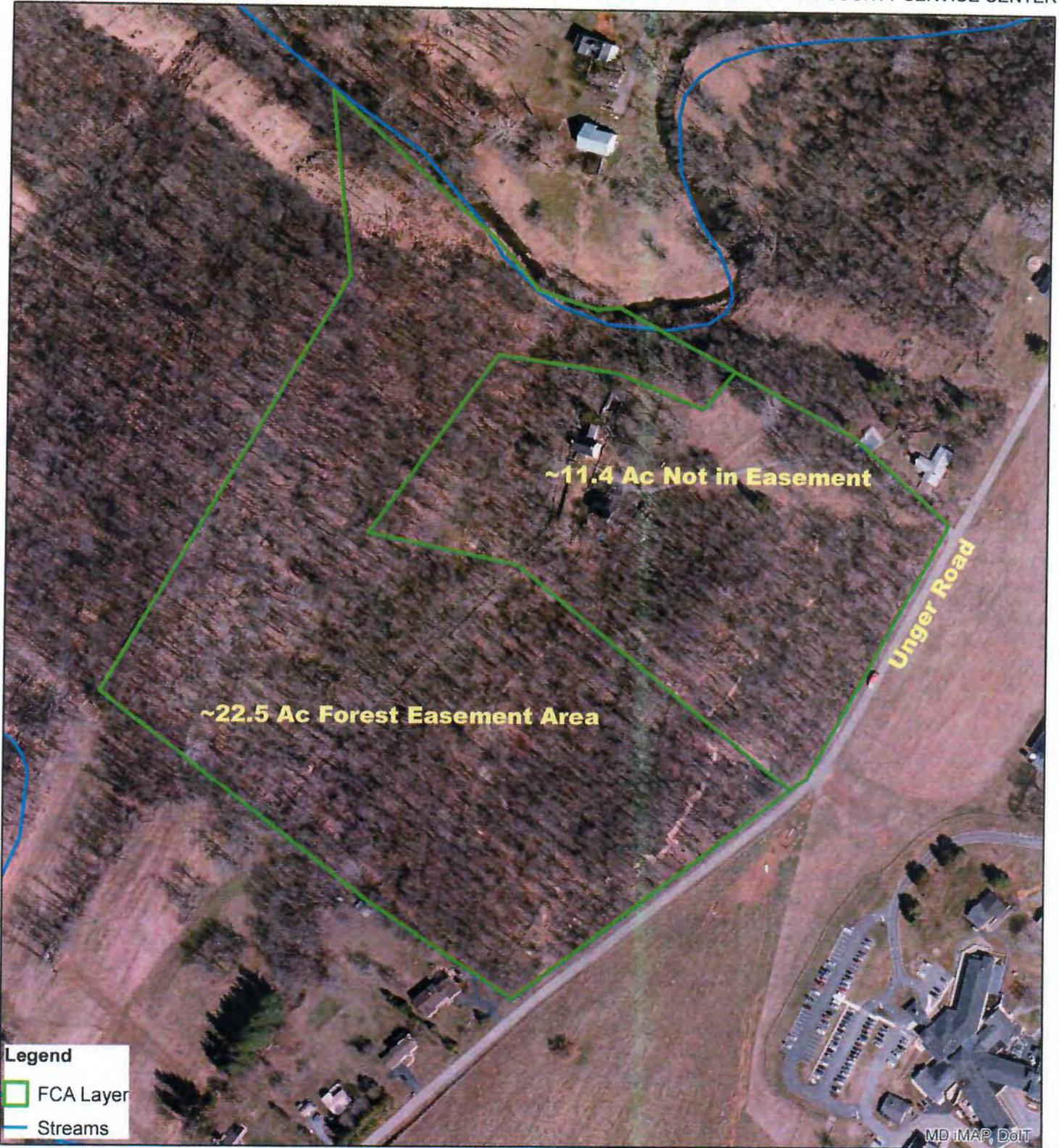
Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

James Osen & Ann Aldrich
Forest Conservation Easement

Date: 9/23/2019

Customer(s): JAMES L OSEN & ANN ALDRICH
Approximate Acres: 33.93
Legal Description: MPV: 22-09-005544

Assisted By: Ginger Noble
& Elmer Weibley
Field Office: WASHINGTON COUNTY SERVICE CENTER



300 0 300 600 Feet





Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary

Landowner: Aldrich/Osen

Prepared by: Aaron Cook, Forester

The potential easement area encompasses an undetermined acreage of existing forest areas on the property, primarily along the floodplain and adjacent slopes overlooking the southern edge of Little Antietam Creek. This parcel (map 26, parcels 100, 34 acres in size) occupies rolling to steep topography along nearly 400 linear feet of Little Antietam Creek. The majority of the site was a working farm until the mid-1970s, when active haying and livestock were removed from the site. Following this change in land use, many of the fields were left to regenerate naturally into the current mixture of young immature forest, scattered mature trees, and brushy openings; a common cover type in areas of the Hagerstown Valley formerly devoted to agrarian uses. Nearly all of the ash on the site have died from emerald ash borer infestation, the landowners are underplanting oaks and other native hardwoods to replace these overstory trees. The stream bank and floodplain areas of the site are occupied with American sycamore and silver maple. In addition to these desirable native trees, Ailanthus, or tree-of-heaven, along with beebee tree have also established in areas throughout the property. These trees are being controlled, and control efforts should continue in the future. Access is limited given the nature of the terrain and dense nature of the understory, but several paths have been created as a platform for management and recreation throughout the site.



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**WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE
PAYMENT IN LIEU PROGRAM
EXISTING FOREST PROJECT RANKING CRITERIA**

PROJECT NAME

JAMES OSEN/ANN ALDRICH

**TO BE CONSIDERED FOR PROGRAM INCLUSION, THE EXISTING FOREST MUST MEET THE DEFINITION OF "FOREST" CONTAINED IN THE
WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE**

Ranking Factor	Description	Maximum Total Points	Score	Notes
1	Adjacent to perennial or intermittent stream Perennial stream (10 pts.), Intermittent (5 pts.), No stream (0 pts.)	10	10	
2	Connects forest "Islands" creating forested corridors Forested corridor is at least 300' wide (10 pts.), 200' wide (5 pts.), does not create corridor (0 pts.)	10	0	
3	Adjacent to critical habitat Adjacent to Class III Trout Waters with natural populations of trout (10 pts.), within Class III watershed (5 pts), wetlands (3 pts.), No critical habitats (0 pts.)	10	10	
4	Contiguous forest cover Easement will increase forest to 100 acre block (5pts.), 50 acres(3 pts.), will not adjoin existing forest (0 pts.)	5	3	Property adjoins Mayo/Bumpers property and would create a block at least 50 acres
5	100 year floodplain Easement will cover 100% of 100 year forested floodplain (5 pts.), 50% (3 pts.), 0% (0 pts.)	5	5	
6	Site access Easily accessible , maintenance and long term monitoring, (10 pts)	10	7	
7	Site conditions, including control of non-native/invasive plant species Adequately stocked forest of predominately native tree and shrub species of good health and vigor(10 pts.,) over or under stocked forest with no greater than 20% non-native/invasive species and landowner has demonstrated commitment to control (5 pts.), requires extensive invasive control (0 pts.)	10	5	Property owners are actively managing invasive species on their property
8	Total existing forest area > 5 acres (10 pts.), 2-5 acres (5 pts.), < 2 acres (1 pt.)	10	10	
	Watershed location Located in Antietam or Conococheague watershed (10 pts.)	10	10	
9	Sensitive species Identified Sensitive species area Identified for site and no adverse effects from project (5pts.), no sensitive species area Identified for site, (0pts.)	5	5	
TOTAL POINTS POSSIBLE		85	65	

Search Result for WASHINGTON COUNTY

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Tax Exempt: None **Special Tax Recapture:** AGRICULTURAL TRANSFER TAX
Exempt Class: None

Account Identifier: District - 09 Account Number - 005544

Owner Information

Owner Name: OSEN JAMES L & ALDRICH ANN B **Use:** AGRICULTURAL
Mailing Address: 13302 UNGER RD **Principal Residence:** YES
 HAGERSTOWN MD 21742-1430 **Deed Reference:** /04666/ 00487

Location & Structure Information

Premises Address: 13302 UNGER RD **Legal Description:** 33.93AC
 HAGERSTOWN 21742-0000 13302 UNGER RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0026	0021	0100	9010142.22	0000				2019	
									Plat Ref:

Special Tax Areas: None **Town:** None
Ad Valorem: None
Tax Class: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1803	2,638 SF		33.9300 AC	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	STONE/	5	2 full	1 Detached	

Value Information

	Base Value	Value As of 01/01/2019	Phase-in Assessments	
			As of 07/01/2019	As of 07/01/2020
Land:	81,100	76,100		
Improvements	215,500	218,100		
Total:	296,600	294,200	294,200	294,200
Preferential Land:	6,100			6,100

Transfer Information

Seller: LARDIZABAL EVARISTO R ET AL	Date: 11/13/2013	Price: \$375,000
Type: NON-ARMS LENGTH OTHER	Deed1: /04666/ 00487	Deed2:
Seller: LARDIZABAL EVARISTO R	Date: 11/26/2007	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /03409/ 00577	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2019	07/01/2020
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Tax Exempt: None **Special Tax Recapture:** AGRICULTURAL TRANSFER TAX
Exempt Class: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

Sensitive Species Map F346/T311

Date: 9/12/19

Field Office: WASHINGTON COUNTY SERVICE CENTER
Agency: MD Dept of Agriculture
Assisted By: Ginger Noble

Customer(s): CHARLES SEMLER
District: WASHINGTON SCD
Approximate Acres: 121.29
Legal Description: MPV: 22-13-008825





Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary

Landowner: Semler, Cresspond Road Tract

Prepared by: Aaron Cook, Forester
ame

The potential easement area encompasses an undetermined acreage of existing forest areas on the property, primarily along the floodplain and adjacent slopes overlooking the northern edge of Conococheague Creek. This parcel (map 23, parcel 112, 121.29 acres in size) occupies rolling to steep topography along nearly 4,250 linear feet of Conococheague Creek and several tributaries. Past agrarian land use, steep slopes, combination of thin shale soils & poorly drained floodplain soils, and a generally southern aspect have permitted a mixed upland oak-hickory forest to establish along the upland slopes, while the floodplain and tributaries along Conococheague Creek are dominated by a bottomland hardwood forest type of sycamore, silver maple, and shagbark hickory. The understory vegetation is a uniform layer of both native and non-native woody shrub species, shade tolerant trees such as boxelder, and herbaceous vegetation suited to the moist growing conditions and fragmented nature of the canopy. The overstory trees vary from large sawtimber size class to poletimber, with optimal to slightly overstocked conditions, varying along the length of property which was abandoned from agricultural uses, primarily pasture, in stages over the last century. Access is limited given the nature of the terrain and dense nature of the understory.



Maryland Forest Service

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**WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE
PAYMENT IN LIEU PROGRAM
EXISTING FOREST PROJECT RANKING CRITERIA**

PROJECT NAME

CR Semler L.L.C. (Charles Semler)

**TO BE CONSIDERED FOR PROGRAM INCLUSION, THE EXISTING FOREST MUST MEET THE DEFINITION OF "FOREST" CONTAINED IN THE
WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE**

Ranking Factor	Description	Maximum Total Points	Score	Notes
1	Adjacent to perennial or intermittent stream Perennial stream (10 pts.), Intermittent (5 pts.), No stream (0 pts.)	10	10	
2	Connects forest "Islands" creating forested corridors Forested corridor is at least 300' wide (10 pts.), 200' wide (5 pts.), does not create corridor (0 pts.)	10	0	
3	Adjacent to critical habitat Adjacent to Class III Trout Waters with natural populations of trout (10 pts.), within Class III watershed (5 pts), wetlands (3 pts.), No critical habitats (0 pts.)	10	3	Wetlands present in easement area listed on National Wetland Inventory as Forested Wetlands
4	Contiguous forest cover Easement will increase forest to 100 acre block (5pts.), 50 acres(3 pts.), will not adjoin existing forest (0 pts.)	5	3	
5	100 year floodplain Easement will cover 100% of 100 year forested floodplain (5 pts.), 50% (3 pts.), 0% (0 pts.)	5	5	Covers 100% of forested flood plane and protects 4,500 linear feet (.85 miles)of Conococheague Creek
6	Site access Easily accessible , maintenance and long term monitoring, (10 pts)	10	7	
7	Site conditions, including control of non-native/invasive plant species Adequately stocked forest of predominately native tree and shrub species of good health and vigor(10 pts.,) over or under stocked forest with no greater than 20% non-native/invasive species and landowner has demonstrated commitment to control (5 pts.), requires extensive invasive control (0 pts.)	10	10	
8	Total existing forest area > 5 acres (10 pts.), 2-5 acres (5 pts.), < 2 acres (1 pt.)	10	10	
	Watershed location Located in Antietam or Conococheague watershed (10 pts.)	10	10	
9	Sensitive species Identified Sensitive species area Identified for site and no adverse effects from project (5pts.), no sensitive species area Identified for site, (0pts.)	10	5	Identified DNR Targeted Ecological Area present
TOTAL POINTS POSSIBLE		85	63	

Search Result for WASHINGTON COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Tax Exempt: **Special Tax Recapture:**
Exempt Class: **AGRICULTURAL TRANSFER TAX**

Account Identifier: **District - 13 Account Number - 008825**

Owner Information

Owner Name: C R SEMLER LLC **Use:** AGRICULTURAL
Mailing Address: 11664 MAPLEVILLE RD **Principal Residence:** NO
 SMITHSBURG MD 21783-1806 **Deed Reference:** /01859/ 00312

Location & Structure Information

Premises Address: CRESSPOND RD **Legal Description:** 121.29 AC
 CLEAR SPRING 21722-0000 CRESSPOND ROAD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0023	0013	0112		0000				2017	Plat Ref:

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			121.2900 AC	

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation

Value Information

	Base Value	Value As of 01/01/2017	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
Land:	19,700	19,700		
Improvements	8,000	8,000		
Total:	27,700	27,700	27,700	27,700
Preferential Land:	19,700			19,700

Transfer Information

Seller: KAETZEL DANIEL M & P V	Date: 11/04/2002	Price: \$244,536
Type: ARMS LENGTH IMPROVED	Deed1: /01859/ 00312	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: **AGRICULTURAL TRANSFER TAX**

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Gary & Brenda Beachley
Forest Conservation Easement
Lots 1 & 2

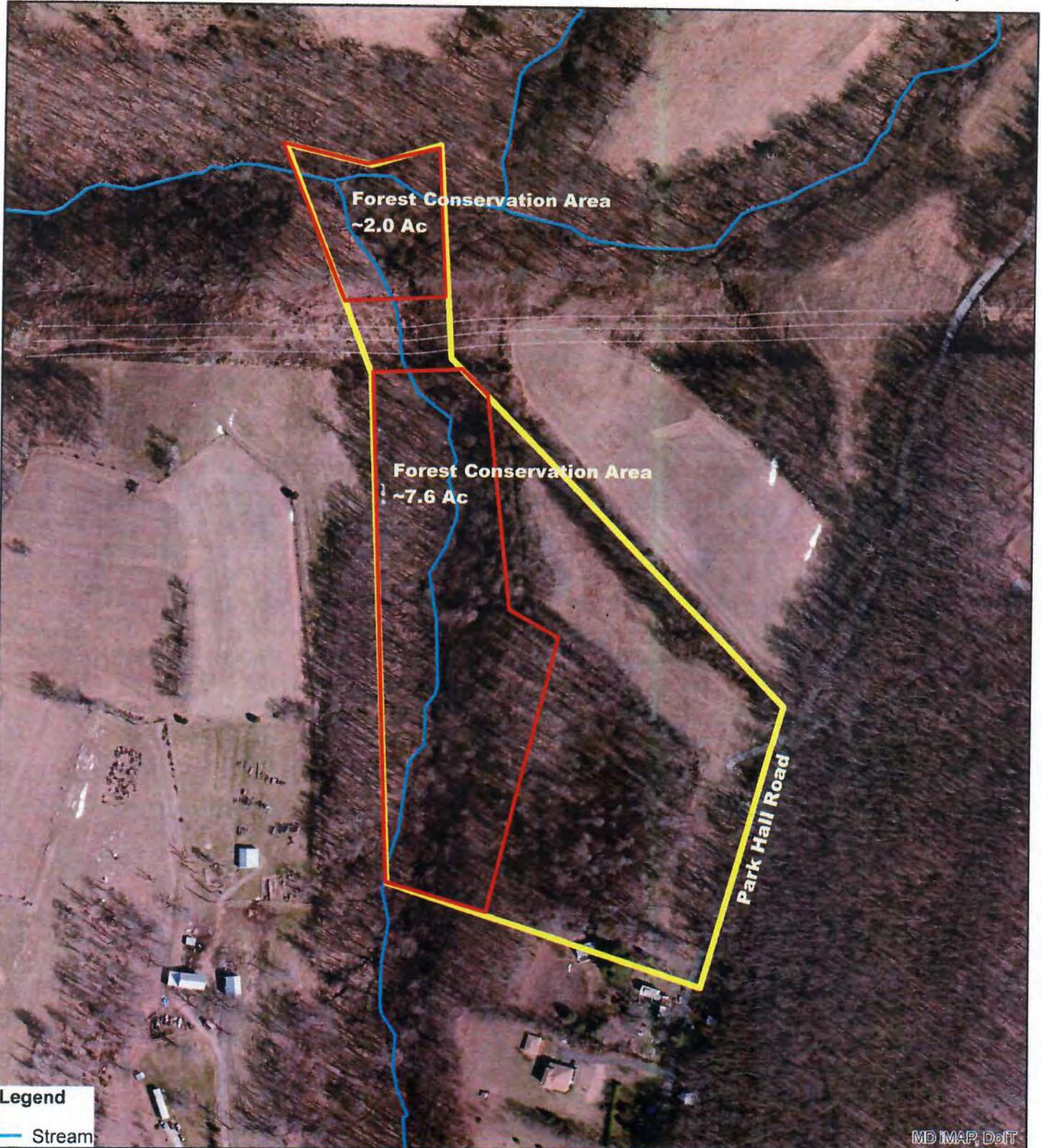
Date: 9/23/2019

Approximate Acres: 19.16

Legal Description: MPV: 22-08-017514 (12.69 Ac, Lot 1), -012199 (6.47 Ac, Lot 2)

Field Office: WASHINGTON COUNTY SERVICE CENTER

Assisted By: Ginger Noble
& Elmer Weibley





Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary

Landonwer: Beachley, Park Hall Road Tract

Prepared by: Aaron Cook, Forester
AMC

The potential easement area is located on the west slope of South Mountain and encompasses an undetermined acreage of existing forest areas on the property, primarily along the floodplain and adjacent steep slopes overlooking the Dog Creek and an unnamed tributary, which meets Dog Creek in the northwest corner of the site. This parcel (map 78, parcel 77, lots 1 & 2, 12.69 and 6.47 acres in size, respectively) occupies a mosaic of open meadow, utility right-of-way, and mixed oak-hardwood forest. The forest composition is defined by a combination of thin, rocky soil, aspect, and past harvests. Areas with northern aspects and along the floodplain of Dog Creek and its tributary are dominated by an uneven aged mixture of small sawtimber sized yellow-poplar and mixed oak. The understory in these areas is more uniform woody shrub layer of witch-hazel and spicebush. Portions of the western facing aspects were commercially harvested in the mid-2000s, resulting in a residual forest of scattered sawtimber sized chestnut oak and a younger, densely stocked, midstory of regenerated pole timber sized yellow-poplar and red maple. Areas not incorporated into the past harvest are adequately stocked with a mixed oak overstory and sparse ericaceous understory with thickets of chestnut oak seedlings.



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**WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE
PAYMENT IN LIEU PROGRAM
EXISTING FOREST PROJECT RANKING CRITERIA**

PROJECT NAME

GARY & BRENDA BEACHLEY (PARK HALL ROAD TRACT)

TO BE CONSIDERED FOR PROGRAM INCLUSION, THE EXISTING FOREST MUST MEET THE DEFINITION OF "FOREST" CONTAINED IN THE WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE

Ranking Factor		Description	Maximum Total Points	Score	Notes
1	Adjacent to perennial or intermittent stream	Perennial stream (10 pts.), Intermittent (5 pts.), No stream (0 pts.)	10	10	
2	Connects forest "Islands" creating forested corridors	Forested corridor is at least 300' wide (10 pts.), 200' wide (5 pts.), does not create corridor (0 pts.)	10	0	
3	Adjacent to critical habitat	Adjacent to Class III Trout Waters with natural populations of trout (10 pts.), within Class III watershed (5 pts), wetlands (3 pts.), No critical habitats (0 pts.)	10	0	
4	Contiguous forest cover	Easement will increase forest to 100 acre block (5pts.), 50 acres(3 pts.), will not adjoin existing forest (0 pts.)	5	0	
5	100 year floodplain	Easement will cover 100% of 100 year forested floodplain (5 pts.), 50% (3 pts.), 0% (0 pts.)	5	0	
6	Site access	Easily accessible , maintenance and long term monitoring, (10 pts)	10	10	
7	Site conditions, including control of non-native/invasive plant species	Adequately stocked forest of predominately native tree and shrub species of good health and vigor(10 pts.,) over or under stocked forest with no greater than 20% non-native/invasive species and landowner has demonstrated commitment to control (5 pts.), requires extensive invasive control (0 pts.)	10	10	
8	Total existing forest area	> 5 acres (10 pts.), 2-5 acres (5 pts.), < 2 acres (1 pt.)	10	10	
	Watershed location	Located in Antietam or Conococheague watershed (10 pts.)	10	10	
9	Sensitive species Identified	Sensitive species area Identified for site and no adverse effects from project (5pts.), no sensitive species area Identified for site, (0pts.)	5	0	
TOTAL POINTS POSSIBLE			85	50	

Real Property Data Search

Search Result for WASHINGTON COUNTY

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Tax Exempt: **Special Tax Recapture:**
Exempt Class: **AGRICULTURAL TRANSFER TAX**

Account Identifier: **District - 08 Account Number - 017514**

Owner Information

Owner Name: BEACHLEY GARY L **Use:** AGRICULTURAL
 BEACHLEY BRENDA K **Principal Residence:** NO
Mailing Address: 10 BEDROCK LN **Deed Reference:** /02149/ 00464
 KEEDYSVILLE MD 21756-1304

Location & Structure Information

Premises Address: 21136 PARK HALL RD **Legal Description:** LOT 1 12.69 ACRES
 ROHRERSVILLE 21779-0000 21136 PARK HALL ROAD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	8890
0078	0007	0077		0000			1	2018	Plat Ref:	

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			12.6900 AC	000000

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2018	07/01/2018	07/01/2019
Land:	2,300	2,300		
Improvements	0	0		
Total:	2,300	2,300	2,300	2,300
Preferential Land:	2,300			2,300

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: **AGRICULTURAL TRANSFER TAX**

Homestead Application Information

Homestead Application Status: No Application

Search Result for WASHINGTON COUNTY

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Tax Exempt: **Special Tax Recapture:**
Exempt Class: **AGRICULTURAL TRANSFER TAX**

Account Identifier: **District - 08 Account Number - 012199**

Owner Information

Owner Name: BEACHLEY GARY L **Use:** AGRICULTURAL
 BEACHLEY BRENDA K **Principal Residence:** NO
Mailing Address: 10 BEDROCK LN **Deed Reference:** /02149/ 00464
 KEEDYSVILLE MD 21756-1304

Location & Structure Information

Premises Address: 21130 PARK HALL RD **Legal Description:** LOT 2 6.47 ACRES
 ROHRERSVILLE 21779-0000 21130 PARK HALL ROAD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	8890
0078	0007	0077		0000			2	2018	Plat Ref:	

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			6.4700 AC	

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2018	07/01/2018	07/01/2019
Land:	1,200	1,200		
Improvements	0	0		
Total:	1,200	1,200	1,200	1,200
Preferential Land:	1,200			1,200

Transfer Information

Seller: REICH JUNE K	Date: 10/03/2003	Price: \$150,000
Type: ARMS LENGTH VACANT	Deed1: /02149/ 00464	Deed2:
Seller: KELLER URSULA B	Date: 02/25/1997	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01321/ 00422	Deed2:
Seller: GOVER S CLARK & URSULA B KELLER	Date: 05/31/1990	Price: \$0
Type:	Deed1: /00956/ 00494	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: **AGRICULTURAL TRANSFER TAX**

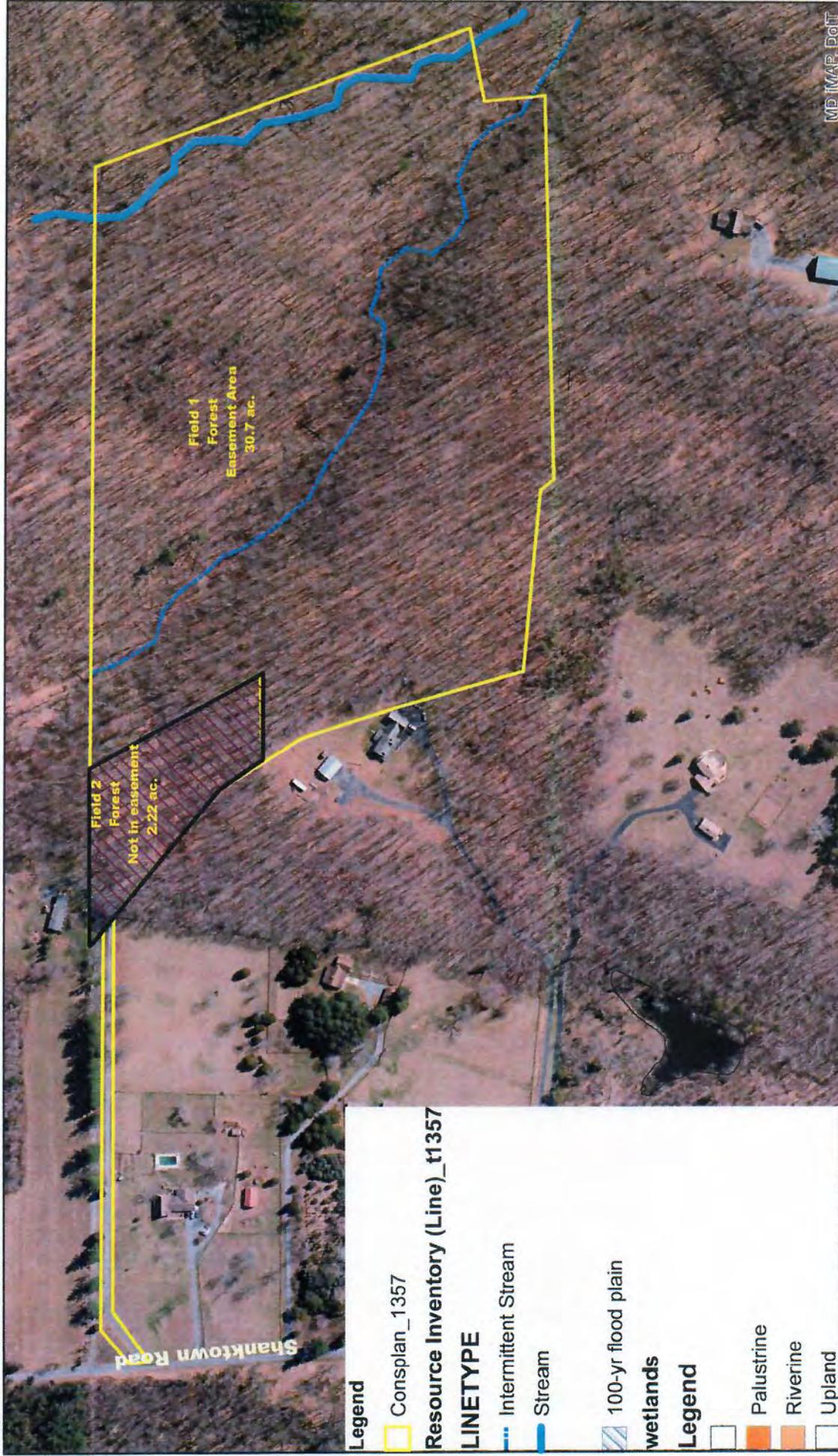
Homestead Application Information

Date: 9/23/2019

Gary & Brenda Beachley Forest Conservation Easement *Wetlands & Floodplain*

Customer(s): GARY L BEACHLEY
Approximate Acres: 32.93
Legal Description: MPV: 22-15-003618

Field Office: WASHINGTON COUNTY SERVICE CENTER
Assisted By: Ginger Noble
& Elmer Weibley



Legend

Consplan_1357

Resource Inventory (Line)_t1357

LINETYPE

Intermittent Stream

Stream

100-yr flood plain

wetlands

Legend

Palustrine

Riverine

Upland



MD MAP DOT



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary

Landowner: Beachley, Shanktown Road Tract

Prepared by: Aaron Cook, Forester
ame

The potential easement area is located east of Big Pool just north of the Potomac River, and encompasses all of the existing forest areas on the parcel (map 45, parcel 173, 32.93 acres in size). The site is entirely wooded, and occurs along a series of low dendritic reliefs which merge into a central drainage, an unnamed stream, that forms the eastern boundary of the site. This stream flows south joining the Potomac River south of the site. As such topography is rolling and forest composition varies from sawtimber size upland oaks along the low reliefs, while the low areas are a mixture of mature oaks and hardwoods such as yellow-poplar, black walnut, and black maple. A small area along the southwest portion of the site is a younger age class of upland oak, having been reclaimed from pasture by forest several decades ago. The understory throughout is relatively open, with a more uniform woody shrub layer in wetter areas. A commercial harvest in the late 1980s selectively removed some of the overstory, while a more recent pulpwood harvest removed conifers in the pasture area that was reclaimed by forest. Since this time management of the property has been devoted to non-commercial timber stand improvement practices which have promoted desirable oaks to occupy the forest overstory.



Maryland Forest Service

14038 Blairs Valley Road • Clear Spring, MD 21722

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**WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE
PAYMENT IN LIEU PROGRAM
EXISTING FOREST PROJECT RANKING CRITERIA**

PROJECT NAME **GARY & BRENDA BEACHLEY (SHANKTOWN ROAD TRACT)**

**TO BE CONSIDERED FOR PROGRAM INCLUSION, THE EXISTING FOREST MUST MEET THE DEFINITION OF "FOREST" CONTAINED IN THE
WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE**

Ranking Factor		Description	Maximum Total Points	Score	Notes
1	Adjacent to perennial or intermittent stream	Perennial stream (10 pts.), Intermittent (5 pts.), No stream (0 pts.)	10	10	
2	Connects forest "Islands" creating forested corridors	Forested corridor is at least 300' wide (10 pts.), 200' wide (5 pts.), does not create corridor (0 pts.)	10	0	
3	Adjacent to critical habitat	Adjacent to Class III Trout Waters with natural populations of trout (10 pts.), within Class III watershed (5 pts), wetlands (3 pts.), No critical habitats (0 pts.)	10	0	
4	Contiguous forest cover	Easement will increase forest to 100 acre block (5pts.), 50 acres(3 pts.), will not adjoin existing forest (0 pts.)	5	0	
5	100 year floodplain	Easement will cover 100% of 100 year forested floodplain (5 pts.), 50% (3 pts.), 0% (0 pts.)	5	0	
6	Site access	Easily accessible , maintenance and long term monitoring, (10 pts)	10	10	
7	Site conditions, including control of non-native/invasive plant species	Adequately stocked forest of predominately native tree and shrub species of good health and vigor(10 pts.,) over or under stocked forest with no greater than 20% non-native/invasive species and landowner has demonstrated commitment to control (5 pts.), requires extensive invasive control (0 pts.)	10	10	
8	Total existing forest area	> 5 acres (10 pts.), 2-5 acres (5 pts.), < 2 acres (1 pt.)	10	10	
	Watershed location	Located in Antietam or Conococheague watershed (10 pts.)	10	0	
9	Sensitive species Identified	Sensitive species area Identified for site and no adverse effects from project (5pts.), no sensitive species area Identified for site, (0pts.)	5	0	
TOTAL POINTS POSSIBLE			85	40	

1274 T1357

Search Result for WASHINGTON COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		AGRICULTURAL TRANSFER TAX			
Account Identifier:		District - 15 Account Number - 003618			
Owner Information					
Owner Name:	BEACHLEY GARY L & BEACHLEY BRENDA K		Use:	AGRICULTURAL	
Mailing Address:	10 BEDROCK LN KEEDYSVILLE MD 21756-1304		Principal Residence:	NO	
			Deed Reference:	/00907/ 00834	
Location & Structure Information					
Premises Address:		SHANKTOWN RD BIG POOL 21711-0000		Legal Description:	32.93 ACRES E OF SHANKTOWN ROAD FT FREDERICK MT VIEW EST
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0045	0022	0173		0148	
					Block:
					2
					Lot:
					2
					Assessment Year:
					2018
					Plat No:
					941
					Plat Ref:
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			32.9300 AC		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
	Base Value		Value		Phase-in Assessments
			As of		As of
			01/01/2018		07/01/2018
					As of
					07/01/2019
Land:	6,100		6,100		
Improvements	0		0		
Total:	6,100		6,100		6,100
Preferential Land:	6,100				6,100
Transfer Information					
Seller: BARNES HARLAN H & PATRICIA L		Date: 03/14/1989		Price: \$65,000	
Type: ARMS LENGTH IMPROVED		Deed1: /00907/ 00834		Deed2:	
Seller: LONG JOHN E & JANE B		Date: 07/08/1988		Price: \$54,000	
Type: ARMS LENGTH IMPROVED		Deed1: /00882/ 00243		Deed2:	
Seller: MARCUS BYRON E		Date: 05/07/1984		Price: \$42,500	
Type: ARMS LENGTH IMPROVED		Deed1: /00762/ 00609		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2018		07/01/2019	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		AGRICULTURAL TRANSFER TAX			
Homestead Application Information					
Homestead Application Status: No Application					

3909 & 3913 Harpers Ferry Rd
Sharpsburg, MD 21782

Date: 7/10/2019

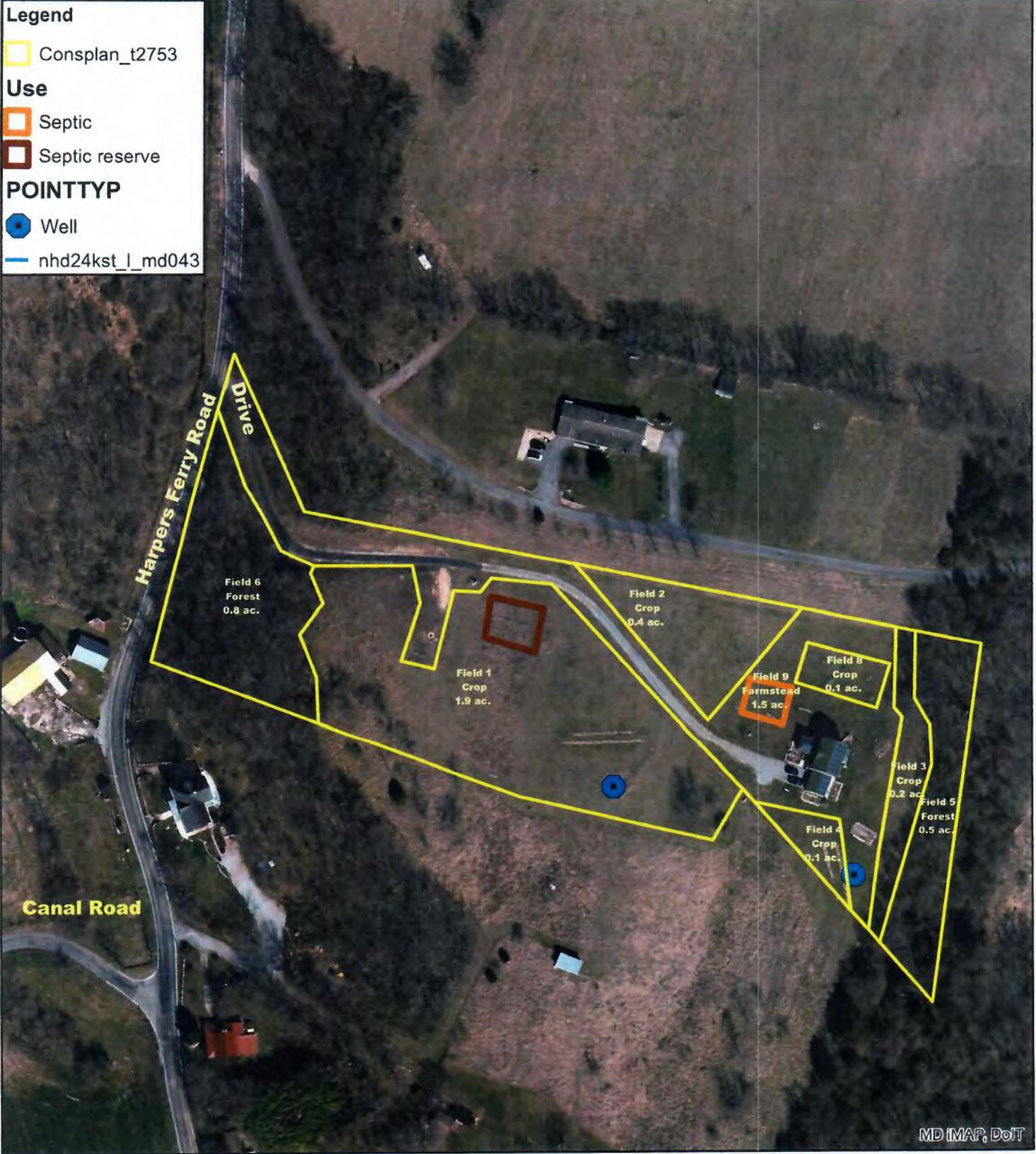
Customer(s): Charles & Emily Gordon
Approximate Acres: 5.3
Legal Description: MPV: 22-01-022393 (2.67ac), - 022407 (2.63 ac)

240-575-0454
F2715/T2753

Field Office: WASHINGTON COUNTY SCD
Agency: WCSCD/MDA
Assisted By: Ginger Noble

Legend

- Consplan_t2753
- Use**
- Septic
- Septic reserve
- POINTTYP**
- Well
- nhd24kst_l_md043



MD IMAP, DoIT



*All boundaries and item locations are approximate.





Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary

Landonwer: Gordon

Prepared by: Aaron Cook, Forester

The potential easement area (map 80, parcel 384, lots 1&2, 2.67 & 2.63 acres in size, respectively) is located along a low relief just north of the mouth of Antietam Creek, and west of the Potomac River/C&O Canal NHP. The potential easement area encompasses an undetermined acreage of both existing forest area and open fields on the property. The areas of forest occupy a short, cobbly, west facing slope. This thin soil and western aspect create dry conditions that support upland oaks and hickories site demands. The overstory trees are of small sawtimber and poletimber size class, and are adequately stocked. The understory and forest edges are composed of common old-field invaders, including red mulberry, black locust, eastern redbud, eastern redcedar, along with nonnative Ailanthus and autumn-olive. These non-native woody plants are being controlled, and control should continue in the future to prevent the spread of these plants. The area of open field is composed of a mixture of cool and warm season grasses, including noxious Johnsongrass. This open area occupies the highest elevations on the site and as such, aspect varies, with thin soils and areas of exposed limestone bedrock throughout. Limitations to afforestation are present given this exposed rock, but the surrounding areas have adequate soil profile to establish tree root growth. Trees suitable to this thin, droughty soil include black locust, persimmon, eastern redcedar, chinkapin oak, black oak, hackberry, and black cherry. Planted trees would require protection from deer browse, and the area would need to be prepared for planting in advance of this activity to control competing grass vegetation.



Maryland Forest Service

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**WASHINGTON COUNTY FOREST CONSERVATION ORDINANCE
PAYMENT IN LIEU PROGRAM
PLANTING PROJECT RANKING CRITERIA**

PROJECT NAME

CHARLES AND EMILY GORDON

Ranking Factor	Description	Maximum Total Points	Score	Notes
1	Adjacent to perennial or intermittent stream Perennial stream (10 pts.), Intermittent (5 pts.), No stream (0 pts.)	10	0	
2	Connects forest "Islands" creating forested corridors Forested corridor is at least 300' wide (5 pts.), 200' wide (3 pts.), does not create corridor (0 pts.)	5	0	
3	Adjacent to critical habitat Adjacent to Class III Trout Waters with natural populations of trout (10 pts.), within Class III watershed (5 pts), wetlands (3 pts.), No critical habitats (0 pts.)	10	0	
4	Contiguous forest cover Planting will increase forest to 100 acre block (5pts.), 50 acres(3 pts.), will not adjoin existing forest (0 pts.)	5	5	
5	100 year floodplain Planting will cover 100% of 100 year unforested floodplain (5 pts.), 50% (3 pts.), 0% (0 pts.)	5	0	
6	Site access Easily accessible for planting, maintenance and long term monitoring, (10 pts)	10	10	
7	Site preparation, including control of invasive plant species Site is free of invasives and requires standard site preparation (10 pts.), site requires minimal control of invasives and standard site preparation (5 pts.), requires extensive invasives control and extensive site preparation (0 pts.)	10	3	Landowner is actively controlling invasive species. Site preparation will include spraying of existing grass cover and establishment of conservation cover to control erosion. Soils are shallow and rocky and may present challenges for tree establishment
8	Total afforestation area > 5 acres (10 pts.), 2-5 acres (5 pts.), < 2 acres (1 pt.)	10	1	
9	Watershed location Located in Antietam or Conococheague watershed (10 pts.)	10	10	
10	Sensitive species identified Sensitive species area Identified for site and no adverse effects from project (5pts.), no sensitive species area Identified for site, (0pts.)	5	5	
TOTAL POINTS POSSIBLE		80	34	

Search Result for WASHINGTON COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Tax Exempt: None

Special Tax Recapture: None

Exempt Class: None

Account Identifier: District - 01 Account Number - 022393

Owner Information

Owner Name:	GORDON CHARLES E & GORDON EMILY D	Use:	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	3913 HARPERS FERRY RD SHARPSBURG MD 21782-0000	Deed Reference:	/05096/ 00001

Location & Structure Information

Premises Address:	3909 HARPERS FERRY RD SHARPSBURG 21782-0000	Legal Description:	LOT 1 2.67 ACRES 3909 HARPERS FERRY ROAD
--------------------------	--	---------------------------	---

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	8109
0080	0021	0384	1010047.22	0000			1	2018	Plat Ref:	

Special Tax Areas: None

Town:	None
Ad Valorem:	None
Tax Class:	None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			2.6700 AC	000000

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
		/					

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2018	07/01/2019	07/01/2020
Land:	71,700	71,700		
Improvements	0	0		
Total:	71,700	71,700	71,700	71,700
Preferential Land:	0			0

Transfer Information

Seller: WILLARD MICHAEL W &	Date: 11/02/2015	Price: \$80,000
Type: ARMS LENGTH VACANT	Deed1: /05096/ 00001	Deed2:
Seller: WILLARD MICHAEL W & LISA M	Date: 08/16/2011	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /04133/ 00486	Deed2:
Seller: EDELEN ROBERT L & ANNE B	Date: 06/26/2006	Price: \$249,800
Type: ARMS LENGTH MULTIPLE	Deed1: /03038/ 00576	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2019	07/01/2020
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Tax Exempt: None

Special Tax Recapture: None

Exempt Class: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Tax Exempt: None **Special Tax Recapture:** None
Exempt Class: None

Account Identifier: District - 01 **Account Number -** 022407

Owner Information

Owner Name:	GORDON CHARLES E & GORDON EMILY D	Use:	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	3913 HARPERS FERRY RD SHARPSBURG MD 21782-0000	Deed Reference:	/05098/ 00287

Location & Structure Information

Premises Address:	3913 HARPERS FERRY RD SHARPSBURG 21782-0000	Legal Description:	LOT 2 2.63 ACRES 3913 HARPERS FERRY ROAD
--------------------------	--	---------------------------	---

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	9369
0080	0021	0384	1010047.22	0000			2	2018	Plat Ref:	

Special Tax Areas: None	Town:	None
	Ad Valorem:	None
	Tax Class:	None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2008	2,016 SF		2.6300 AC	000000

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	SIDING/	4	3 full	1 Attached	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2018	07/01/2019	07/01/2020
Land:	81,300	81,300		
Improvements	124,500	211,400		
Total:	205,800	292,700	263,733	292,700
Preferential Land:	0			0

Transfer Information

Seller: WILLARD MICHAEL W & Type: NON-ARMS LENGTH OTHER	Date: 11/04/2015 Deed1: /05098/ 00287	Price: \$0 Deed2:
Seller: WILLARD MICHAEL W & Type: ARMS LENGTH IMPROVED	Date: 04/24/2015 Deed1: /04952/ 00235	Price: \$290,000 Deed2:
Seller: WILLARD MICHAEL W & LISA M Type: NON-ARMS LENGTH OTHER	Date: 08/16/2011 Deed1: /04133/ 00486	Price: \$0 Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2019	07/01/2020
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Tax Exempt: None **Special Tax Recapture:** None
Exempt Class: None

Homestead Application Information

Homestead Application Status: Approved 09/19/2017

Homeowners' Tax Credit Application Information



Agenda Report Form

Open Session Item

SUBJECT: PUBLIC HEARING: Application for Zoning Map Amendment RZ-19-004

PRESENTATION DATE: December 3, 2019

PRESENTATION BY: Jill Baker, Director, Department of Planning and Zoning

RECOMMENDED MOTION: The purpose of this public hearing is to take public comment on the rezoning application. The Commissioners have the option to take action to either approve or deny the request after the public hearing closes or deliberate on the issue at a later date.

REPORT-IN-BRIEF: Application is being made to apply a Rural Business Floating zone to 2.86 acres of land located on the southside of Breathedsville Road. According to the applicant's justification statement, the purpose of requesting an RB floating zone on this property is to establish a business office and equipment storage building for an existing excavation and construction business. The current property owner, Mr. Keplinger, currently has as an existing business located on the Sharpsburg Pike and would like to relocate the business to this new location.

DISCUSSION: The Rural Business zoning district has been established as a "floating zone" within the County Zoning Ordinance. This designation provides more flexibility than that of tradition Euclidean zoning. As such, applicants seeking to apply the Rural Business Floating Zone are not required to comply with the change or mistake rule.

Although the change or mistake rule is not applicable, the Planning Commission and the Board of County Commissioners are required in their deliberations to establish express findings that at a minimum consider the purpose of the proposed Rural Business zoning classification, the applicable policies of the Comprehensive Plan and the Zoning Ordinance, and the compatibility of the proposed RB district with neighboring properties.

This item was presented to the Washington County Planning Commission at a Public Information Meeting held during their regular meeting on September 9, 2019. It was then brought back for recommendation at the October 7, 2019 meeting, where the members unanimously recommended approval of the proposed map amendment.

FISCAL IMPACT: N/A

CONCURRENCES: Washington County Planning Commission

ALTERNATIVES: N/A

ATTACHMENTS: Application, staff report, approved Planning Commission minutes, Planning Commission recommendation and written public comments

AUDIO/VISUAL NEEDS: N/A



FOR PLANNING COMMISSION USE ONLY
 Rezoning No. RZ-19-004
 Date Filed: 7-3-19

WASHINGTON COUNTY PLANNING COMMISSION
 ZONING ORDINANCE MAP AMENDMENT APPLICATION

RECEIVED

JUL 03 2019

JPK PROPERTIES, LLC
 Applicant

Property Owner Contract Purchaser
 Attorney Consultant
 Other: _____

WASHINGTON COUNTY
 PLANNING DEPARTMENT

10218 SHARTSBURG PIKE, HAGERSTOWN, MD 21740
 Address

ZACHARY J. KIEFFER, ESQ.
 Primary Contact

240-513-4332
 Phone Number

19405 EMERALD SQUARE, STE 2100 OFFICE 202
 Address HAGERSTOWN, MD 21742

Zach@ZKiefferLaw.com
 E-mail Address

Property Location: 18423 BROATHEDSVILLE ROAD, HAGERSTOWN, MD 21740

Tax Map: 67 Grid: 004 Parcel No.: 363 Acreage: 2.86

Current Zoning: A(R) Requested Zoning: RB OVERLAY

Reason for the Request: Change in the character of the neighborhood
 Mistake in original zoning

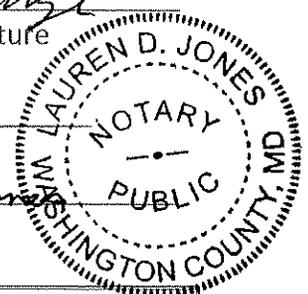
PLEASE NOTE: A Justification Statement is required for either reason.

David P. Kephart
 Applicant's Signature

Subscribed and sworn before me this 1st day of July, 2019

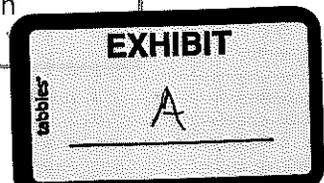
My commission expires on 3/28/22

Lauren D. Jones
 Notary Public

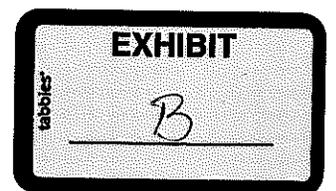


FOR PLANNING COMMISSION USE ONLY

- | | |
|--|--|
| <input checked="" type="checkbox"/> Application Form | <input checked="" type="checkbox"/> Names and Addresses of all Adjoining & Confronting Property Owners |
| <input checked="" type="checkbox"/> Fee Worksheet | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Application Fee | <input checked="" type="checkbox"/> Justification Statement |
| <input checked="" type="checkbox"/> Ownership Verification | <input type="checkbox"/> 30 copies of complete Application Package |
| <input checked="" type="checkbox"/> Boundary Plat (Including Metes & Bounds) | |



OWNERSHIP VERIFICATION



Real Property Data Search (w1)

Search Result for WASHINGTON COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		NONE								
Account Identifier:		District - 12 Account Number - 013027								
Owner Information										
Owner Name:		JPK PROPERTIES LLC		Use:		RESIDENTIAL				
Mailing Address:		10218 SHARPSBURG PIKE HAGERSTOWN MD 21740-0000		Principal Residence:		NO				
				Deed Reference:		/05875/ 00089				
Location & Structure Information										
Premises Address:		18423 BREATHEDSVILLE RD BOONSBORO 21713-0000		Legal Description:		LOT 4 2.86 ACRES 18423 BREATHEDSVILLE ROAD				
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	10889
0067	0004	0363		0000			4	2018	Plat Ref:	1161/ 0442
Special Tax Areas:				Town:		NONE				
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
						2.8600 AC		000000		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2018		07/01/2018		07/01/2019		
Land:		51,100		59,800						
Improvements		46,300		46,300						
Total:		97,400		106,100		92,400		103,200		
Preferential Land:		0						0		
Transfer Information										
Seller: STILES VADA W				Date: 11/21/2018		Price: \$20,000				
Type: NON-ARMS LENGTH OTHER				Deed1: /05875/ 00089		Deed2:				
Seller: STILES G NATHAN & VADA W				Date: 05/19/2015		Price: \$62,500				
Type: ARMS LENGTH MULTIPLE				Deed1: /04969/ 00033		Deed2:				
Seller: STILES G NATHAN				Date: 06/03/1994		Price: \$0				
Type: NON-ARMS LENGTH OTHER				Deed1: /01161/ 00442		Deed2:				
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		NONE								
Homestead Application Information										
Homestead Application Status: No Application										
Homeowners' Tax Credit Application Information										
Homeowners' Tax Credit Application Status: No Application					Date:					

4969 0433

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

Lincoln Title & Settlement Services
13424 Pennsylvania Avenue, Suite 302
Hagerstown, MD 21742
File No. LT15-0755EB
Tax ID Nos. 12-013019 & 12-013027

DO NOT PUBLISH

This Deed, made this 14th day of May, 2015, by and between **Vada W. Stiles**, GRANTOR, and **JPK Properties, LLC**, a Maryland limited liability company, GRANTEE.

— Witnesseth —

That in consideration of the sum of Sixty-Two Thousand Five Hundred and 00/100 Dollars (\$62,500.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantee, in fee simple, all that lot of ground situate in the County of Washington, State of Maryland and described as follows, that is to say:

Lot 3:

All that lot, piece or parcel of land, known as Lot 3, containing 1.21 acres, more or less, as more specifically shown and described on the Preliminary/Final Plat of Subdivision Lots 3 & 4 G Nathan Stiles, attached to and recorded with the Deed to G. Nathan Stiles and Vada W. Stiles

Together with Parcel A, containing 0.07 acres, more or less, as more specifically shown and described on that Simplified Plat of Subdivision of Parcel A and Parcel B for G. Nathan Stiles Subdivision, recorded among the Plat Records of Washington County in Plat No. 10451 (the "Plat"), which Parcel A is to be added to Lot 3 and the property line to be vacated as shown on the Plat.

Lot 4:

All that lot, piece or parcel of land, known as Lot 4, containing 1.89 acres, more or less, as more specifically shown and described on the Preliminary/Final Plat of Subdivision Lots 3 & 4 G Nathan Stiles, attached to and recorded with the Deed to G. Nathan Stiles and Vada W. Stiles

Together with Parcel B, containing 0.18 acres, more or less, as more specifically shown and described on that Simplified Plat of Subdivision of Parcel A and Parcel B for G. Nathan Stiles Subdivision, recorded among the Plat Records of Washington County in Plat No. 10451 (the "Plat"), which Parcel B is to be added to Lot 4 and the property line to be vacated as shown on the Plat.

BEING the same property conveyed to G. Nathan Stiles and Vada W. Stiles by Deed from G. Nathan Stiles and Vada W. Stiles, dated June 3, 1994 and recorded among the Land Records of Washington County, Maryland in Liber 1161, Folio 442; and a portion of the same property conveyed unto G. Nathan Stiles and Vada W. Stiles by Deed from Louise S. Miller, dated October 31, 1962 and recorded in Liber 400, Folio 344; G. Nathan Stiles having died on February 11, 2008, leaving Vada W. Stiles has surviving tenant.

4969 0434

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

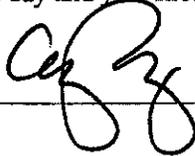
Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

Subject to all of the conditions, restrictions, streets, reservations, easements, covenants and rights-of-way of record.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said JPK Properties, LLC, a Maryland limited liability company, in fee simple.

And the Grantor hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant Specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

In Witness Whereof, Grantor has caused this Deed to be properly executed and sealed the day and year first above written.

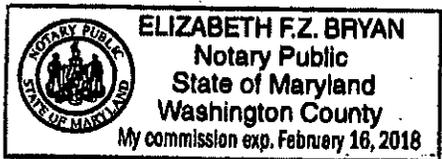


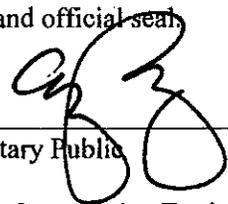
 (SEAL)
Vada W. Stiles

STATE OF MARYLAND }
COUNTY OF WASHINGTON } ss

I hereby certify that on this 14th day of May, 2015, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Vada W. Stiles, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name are subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal





Notary Public
My Commission Expires: February 16, 2018

TODD L. HERSHEY, TREASURER
TAXES PAID May 15, 2015 

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 4969, p. 0434, MSA_CE18_4921. Date available 05/26/2015. Printed 06/03/2019.

4969 0435

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.



Kent N. Oliver, Attorney

AFTER RECORDING, PLEASE RETURN TO:
JPK Properties, LLC
10218 Sharpsburg Pike
Hagerstown, MD 21740

AGRICULTURE TAX \$ 0
ACREAGE 0
CLERK Debra L. Pitenogle

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Washington County
By Debra L. Pitenogle
Date 5/15/2015

**Certification of Exemption from Withholding Upon
Disposition of Maryland Real Estate Affidavit of
Residence or Principal Residence**

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor **Vada W. Stiles**

2. Reasons for Exemption

Resident Status I, Transferor, am a resident of the State of Maryland.

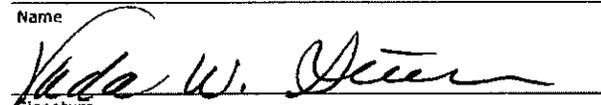
Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness 

Vada W. Stiles
Name

Signature

3b. Entity Transferors

Witness/Attest _____

Name of Entity _____

By _____

Name _____

Title _____

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 4969, p. 0436, MSA_CE18_4921. Date available 05/26/2015. Printed 06/03/2019.

4969 0437

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

LR - Deed (w Taxes)
Recording Fee - ALL
20.00

Grantor/Grantee Name:
stiles
Reference/Control #:
LR - County Transfer
Tax - linked 0.00
LR - Surcharge -
linked 40.00
LR - Recordation Tax -
linked 475.00
LR - State Transfer
Tax - linked 312.50
LR - Non-Resident Tax
- linked 0.00

SubTotal: 847.50

Total: 910.00
05/19/2015 11:13
CC21-SB

#4267728 CC0403 -
Washington
County/CC04.03.03 -
Register 03
CC-Overpayment by Check
62.50

Reason: prewritten
check
Case Number:

Total: 910.00
05/19/2015 11:13
CC21-SB

#4267728 CC0403 -
Washington
County/CC04.03.03 -
Register 03

This page not to be counted in calculating Recording Fee

**Clerk of Circuit Court
Washington County, Maryland**

Dennis J. Weaver, Clerk
24 Summit Avenue
Hagerstown, MD 21740
301-790-7991

For Clerks Use Only

Improvement Fee	\$40.00
Recording Fee	\$20.00
County Transfer Tax	—
Recordation Tax	475.00
State Transfer Tax	312.50
Non-Resident Tax	—
TOTAL	847.50

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 4969, p. 0437, MSA_CE18_4921. Date available 05/26/2015. Printed 06/03/2019.

State of Maryland Land Instrument 1

4969 0438

Ag Tax Due

Baltimore City County: Washington

Information provided is for the use of the Clerk's Office, State Department of the Circuit Court

Assessments and Taxation, and County Finance Office Only. WASHINGTON COUNTY

(Type or Print in Black Ink Only--All Copies Must Be Legible)

1 Type(s) of Instruments
2 Conveyance Type Check Box
3 Tax Exemptions (if applicable)

4 Consideration and Tax Calculations
Consideration Amount
Purchase Price/Consideration \$ 62,500.00
Finance Office Use Only
Transfer and Recordation Tax Consideration

6 Fees
Amount of Fees
Recording Charge \$ 20.00
Surcharge \$ 40.00
State Recordation Tax \$ 475.00
State Transfer Tax \$ 312.50
County Transfer Tax \$ 62.50

8 Description of Property
SDAT requires submission of all applicable information.
A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

7 Transferred From
Doc. 1 - Grantor(s) Name(s)
Vada W. Stiles
Doc. 2 - Grantor(s) Name(s)

8 Transferred To
Doc. 1 - Grantee(s) Name(s)
JPK Properties, LLC
Doc. 2 - Grantee(s) Name(s)

9 Other Names to Be Indexed
Doc. 1 - Additional Names to be Indexed (Optional)
Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information
Instrument Submitted By or Contact Person
Name: Elizabeth Bryan
Firm: Lincoln Title & Settlement Services
Address: 13424 Pennsylvania Avenue, Suite 302, Hagerstown, MD 21742
Phone: (301) 791-9228

11 Assessment Information
IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER
Will the property being conveyed be the grantee's principal residence?
Does transfer include personal property? If yes, identify:
Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line
Terminal Verification Agricultural Verification Whole Part Tran. Process Verification
Transfer Number Date Received Deed Reference Assigned Property No.:

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DUW 4969, p. 0438, MSA_CE18_4921, Date available 05/26/2015. Printed 06/03/2019.

Space Reserved for County Validation

Lincoln Title & Settlement Services
19638 Leitersburg Pike, Suite 202
Hagerstown, MD 21742
File No. LT18-1160EB
Tax ID No. 12-007388 (Part)

This Deed, made this 15th day of November, 2018, by and between **Vada W. Stiles**, GRANTOR, and **JPK Properties, LLC**, a Maryland limited liability company, GRANTEE.

– **Witnesseth** –

That in consideration of the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantee, in fee simple, all that lot of ground situate in the County of Washington, State of Maryland and described as follows, that is to say:

Parcel "C", containing 0.79 acres, more or less, as more specifically shown and described on that Simplified Plat of Subdivision of Parcel C for JPK Properties, LLC, recorded among the Plat Records of Washington County in Plat No. 10889.

Being a portion of the same property conveyed unto G. Nathan Stiles and Vada M. Stiles by Deed from Louise S. Miller, dated October 31, 1963 and recorded among the Land Records of Washington County, Maryland in Liber 400, Folio 344; G. Nathan Stiles having died on February 11, 2008, leaving Vada W. Stiles surviving tenant.

It is the intent and desire of the Grantee to add Parcel "C" to existing lands conveyed unto the Grantee by Deed from Vada W. Stiles dated May 14, 2015 and recorded among the Land Records of Washington County, Maryland at Liber 4969, folio 433, and to vacate the lots lines between the existing lands and Parcel "C" as shown on Plat No. 10889.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

Subject to all of the conditions, restrictions, streets, reservations, easements, covenants and rights-of-way of record.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said JPK Properties, LLC, a Maryland limited liability company, in fee simple.

And the Grantor hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

In Witness Whereof, Grantor has caused this Deed to be properly executed and sealed the day and year first above written.

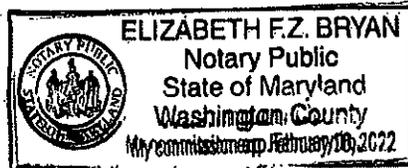
[Signature]

Vada W. Stiles (SEAL)
Vada W. Stiles

STATE OF MARYLAND }
COUNTY OF WASHINGTON } ss

I hereby certify that on this 15th day of November, 2018, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Vada W. Stiles, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name are subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



[Signature]
Notary Public
My Commission Expires: February 16, 2022

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

[Signature]
Kent N. Oliver, Attorney

AFTER RECORDING, PLEASE RETURN TO:
JPK Properties, LLC
10218 Sharpsburg Pike
Hagerstown, MD 21740

AGRICULTURE TAX \$ 1,400
ACREAGE .79
CLERK Gina Shupe

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Washington County
By Gina Shupe Date 11/21/18

TODD L. HERSHEY, TREASURER
TAXES PAID November 21, 2018 TLM

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 5875, p. 0090, MSA_CE18_5827. Date available 11/28/2018. Printed 06/03/2019.

LR - Deed (w Taxes)
Recording Fee - ALL
20.00

Name: Stiles

Ref:

LR - County Transfer
Tax - linked 0.00

LR - Surcharge -
linked 40.00

LR - Recordation Tax -
linked 152.00

LR - State Transfer
Tax - linked 100.00

LR - NR Tax - lkd 0.00

SubTotal: 312.00

Total: 312.00

11/21/2018 12:17
CC21-RZ

#1130363B CC0403 -
Washington
County/CC04.03.03 -
Register 03

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 5875, p. 0092, MSA_CE18_5827. Date available 11/28/2018. Printed 06/03/2019.

This page not to be counted in calculating Recording Fee

**Clerk of Circuit Court
Washington County, Maryland**

Kevin R. Tucker, Acting Clerk
24 Summit Avenue
Hagerstown, MD 21740
301-790-7991

For Clerks Use Only

Improvement Fee	<u>40.00</u>
Recording Fee	<u>20.00</u>
County Transfer Tax	<u> </u>
Recordation Tax	<u>152.00</u>
State Transfer Tax	<u>100.00</u>
Non-Resident Tax	<u> </u>
TOTAL	<u>312.00</u>

Ag Tax Paid

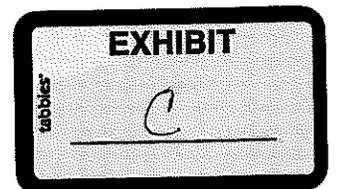
Baltimore City County: Washington
Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.

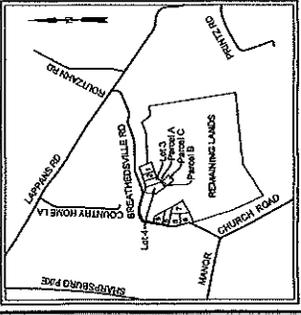
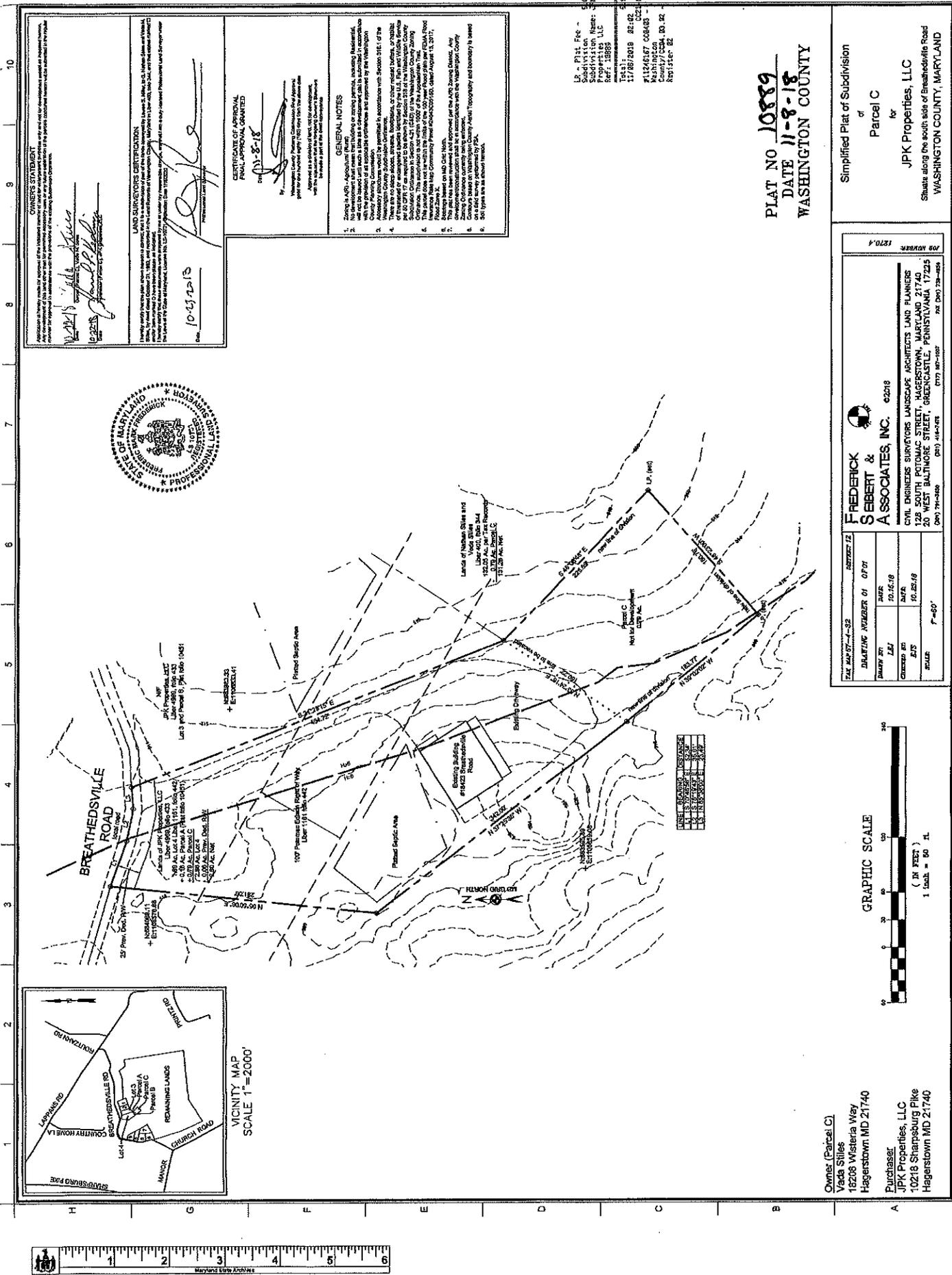
Form with sections 1-11: Type(s) of Instruments, Conveyance Type Check Box, Tax Exemptions, Consideration and Tax Calculations, Fees, Description of Property, Transferred From, Transferred To, Other Names to Be Indexed, Contact/Mail Information, Assessment Information, Terminal Verification, Agricultural Verification, Whole Part Tran. Process Verification, Transfer Number, Date Received, Deed Reference, Assigned Property No., REMARKS.

WASHINGTON COUNTY CIRCUIT COURT (Land Records) D:\W 5875 p. 0093. MSA CE18_5827. Date available 11/28/2018. Printed 06/03/2019.

Space Reserved for County Validation

BOUNDARY PLAT





Owner: (Parcel C)
 Vada Stiles
 18208 Wisteria Way
 Hagerstown MD 21740

Purchaser:
 JPK Properties, LLC
 10218 Sharpsburg Pike
 Hagerstown MD 21740

DATE: 10/21/18
 DRAWING NUMBER: 01 OF 01
 SHEET: 12

OWNER: JPK
 DATE: 10/16/18

CONTRACT NO: 18-001
 DATE: 10/22/18

SCALE: 1" = 50'

FREDERICK SEBERT & ASSOCIATES, INC. 02018
 CIVIL ENGINEERS SURVYORS LANDSCAPE ARCHITECTS LAND PLANNERS
 122 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
 20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17235
 (410) 794-4428 (410) 794-1807 (412) 414-4428

Simplified Plat of Subdivision
 of
 Parcel C
 for
 JPK Properties, LLC
 Situate along the south side of Breathedsville Road
 WASHINGTON COUNTY, MARYLAND

PLAT NO 10889
DATE 11-8-18
WASHINGTON COUNTY

LA - Plat Fee - \$100
 Subdivision
 Properties, LLC
 Serf. 18889

Tax(s):
 11/06/2019 82.02
 11/06/2018 82.02

PL1246267 008403
 Washington
 County/CDM, 09, 09, 02
 11/15/18 02

CERTIFICATE OF GENERAL FINAL APPROVAL GRANTED
 11-8-18

By: [Signature]
 Washington County Planning Commission
 100 Potomac Street, Hagerstown, MD 21740
 with the understanding that the applicant shall comply with the provisions of the County's Subdivision Ordinance.

GENERAL NOTES

1. zoning is AGR - Agriculture (Rural)
2. The plat shows the location of all proposed lots, easements, and other features. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies.
3. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies.
4. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies.
5. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies.
6. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies.
7. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies.
8. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies.
9. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies.
10. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies.



OWNER'S STATEMENT
 I, the undersigned, being the owner of the above described land, do hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I have read and understand the contents of this plat and the provisions of the Subdivision Ordinance.

[Signature]
 Date: 10/21/18

LAND SURVEYOR'S CERTIFICATION
 I have surveyed the above described land and certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I have read and understand the contents of this plat and the provisions of the Subdivision Ordinance.

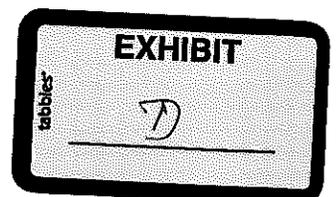
[Signature]
 Date: 10/21/18

02018

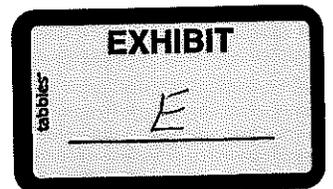
MSA 18255-8765

ADJACENT AND ADJOINING PROPERTIES
To
18423 Breathedsville Road, Boonsboro, MD 21713
Information derived from SDAT property information

- 1) Map: 0067; Parcel: 0363
Record Owner: JPK Properties, LLC (Applicant)
Premises Address: 0 Breathedsville Road, Boonsboro, MD 21713
Mailing Address: 10218 Sharpsburg Pike, Hagerstown, MD 21740
- 2) Map: 0067; Parcel 0032
Record Owner: Nathan and Vada Stiles
Premises Address: 18415 Breathedsville Road, Boonsboro, MD 21713
Mailing Address: 18208 Wisteria Way, Hagerstown, MD 21740
- 3) Map: 0067; Parcel 0121
Record Owner: David Cauffman
Premises Address: 18420 Breathedsville Road, Boonsboro, MD 21713
Mailing Address: Same as Premises
- 4) Map: 0067; Parcel: 0033
Record Owner: Donald and Lisa Remsburg
Premises Address: 18424 Breathedsville Road, Boonsboro, MD 21713
Mailing Address: Same as Premises



VICINITY MAP



ZONING OF SURROUNDING PROPERTIES





THE LAW OFFICE OF
ZACHARY J. KIEFFER, LLC

July 3, 2019

Re: Justification Statement: 18423 Breathedsville Road, Boonsboro, MD 21713 (the "Property"); Rural Business (RB) District Application

REQUEST

Application is made by JPK Properties, LLC (the "Applicant") for a Map Amendment to the current Washington County Zoning Map amending the Property (Tax Map 0067, Parcel 0363) with the RB District "floating zone". The RB District overlay will allow Jared Keplinger, owner/member of the Applicant to establish an office for his excavating business, Keplinger's Excavating, Inc. ("Keplinger's"), with an accessory storage building for excavating and farm equipment, as a permitted use in the RB District as indicated in Article 3, Table 3.3(1) of the Washington County Zoning Ordinance (the "Ordinance").

BACKGROUND

The Property is located at 18423 Breathedsville Road, Boonsboro, Maryland 21713. It was conveyed to the Applicant by virtue of two deeds, the first, dated May 14, 2015 and recorded among the Land Records of Washington County, Maryland at Liber 4969, folio 0433 and the second, dated November 15, 2018 and recorded at Liber 5875, folio 0089. The Property is more particularly shown on the Simplified Plat of Subdivision of Parcel C for JPK Properties, LLC, recorded at Plat No. 10889, among the Plat Records of Washington County, Maryland. The Property is zoned A(R) Agricultural Rural. Improvements to the Property consist of an existing building used by the Applicant for storage, which is intended to become the principal office of Keplinger's. A gravel driveway is also situated on the Property.

JUSTIFICATION

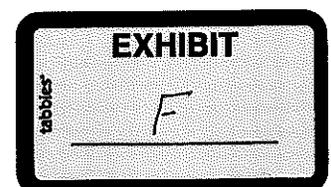
The purpose of the RB District is "...to permit the continuation and development of businesses that support the agricultural industry and farming community, serve the needs of the rural residential population, provide for recreation and tourism opportunities and to establish locations for businesses and facilities not otherwise permitted in the rural areas of the County." (Ordinance, Article 5E-"RB" Rural Business District) Overlaying the RB District on the Property and permitting the proposed use, as shown on the "Rezoning Exhibit of Parcel 363 for JPK Properties, LLC" created by Frederick Seibert & Associates, Inc., dated June 24, 2019, and

19405 Emerald Square, Suite 2100 Office 202, Hagerstown, MD 21742

Office: 240-513-4332

Email: zach@zkiefferlaw.com

www.zkiefferlaw.com



attached hereto and incorporated herein as “Exhibit A”, will allow the establishment of a business office and a permitted accessory equipment storage building (the “Buildings”) that would serve as the office for Keplinger’s and off-season storage for its excavation and construction equipment as well as Mr. Keplinger’s farm equipment. Without the RB District, the office building and contemplated use would otherwise be prohibited on a parcel zoned Agricultural Rural, and located in a rural area of the County such as along Breathedsville Road.

The proposed Map Amendment sought by the Applicant satisfies the Bulk Regulations required by the Ordinance for an RB District overlay as more specifically shown on Exhibit A:

- a. Lot Size: Minimum 40,000 sf – the Property contains +/- 2.86 acres or +/- 124,581.6 sf.
 - b. Front Yard Building Setback: 40 feet from a Minor Collector or Local Public Road Right of Way or 50 feet from a Major Collector or Arterial Public Road Right of Way- shown on Exhibit A.
 - c. Side and Rear Yard Building Setbacks: 50 feet from a property zoned for or occupied by a Residential Land Use; 25 feet from a property zoned for or occupied by a Non-Residential Land Use-as shown on Exhibit A.
 - d. Height: No proposed or existing structure is or shall be greater than 35 feet.
 - e. Lot Coverage: Maximum 65%. The footprint of the Buildings is less than 65% of the area of the Property.
 - f. Parking: As shown on Exhibit A, off-street parking facilities shall be provided in accordance with Article 22, Division I of the Ordinance.
 - g. Signage: Though no signage is proposed at this time, any subsequent signage shall conform to the requirements set forth in Section 22.23 of the Ordinance.
 - h. Lighting: Any and all building mounted or freestanding lighting shall be constructed so that light and glare are directed toward the ground.
 - i. As shown on Exhibit A, outside storage of materials is not contemplated. Future outside storage, if intended, will be part of the final site plan submission.
 - j. Screening: Trash, refuse or recycling receptacles shall be screened from public view. The Property is currently screened from the closest residential use by an existing row of mature trees, which will not be removed, reduced or otherwise affected by Applicant’s proposed use of the Property.
2. The proposed RB District is not within any designated growth area identified in the Washington County Comprehensive Plan.
 3. The existing driveway on the Property will remain the ingress/egress point to access Breathedsville Road. Breathedsville Road is a county road in a rural area and given the limited number of trips throughout the year, it is safe and usable for the Applicant’s contemplated use. Any improvements to the existing drive will be done in accordance with all applicable statutes, rules and regulations.
 4. A septic area for the Property was platted on Plat No. 10889 and also shown on Exhibit A. Further, the Applicant will not connect the accessory building to water and sewer/septic. Any change in the Applicant’s plans will be addressed as part of

Applicant's final site plan submission. The Property is not in the 100-year flood plain.

5. The location of the proposed RB District would comport with existing land uses. The Property is bordered on three sides by farmland owned by Vada Stiles. The remaining property line is shared with certain real property owned by the Applicant. The southern portion of the Property is actively farmed by Mr. Keplinger. The use on the Property will resemble, in many ways, the agricultural uses of the adjacent properties. Keplinger's currently stores equipment at 10218 Sharpsburg Pike. As development continues along Sharpsburg Pike, Mr. Keplinger has decided now is the time to relocate his business and equipment to the Property. The Property will provide a quieter, less traveled setting for the business, away from retail commercial uses existing and under construction at that portion of Sharpsburg Pike.

Relocating Keplinger's to the Property will not burden the community with an incompatible use. The nature of Keplinger's business operations necessitates that the employees show up directly to job sites at the start of the day and travel directly home at day's end. The Applicant's intended use may be less intensive, than the surrounding ag uses, as Keplinger's equipment will be brought to the Property in late fall, stored throughout the winter and then taken out of storage in the spring to coincide with the beginning of the outdoor construction season. Few, if any, daily trips to the Property by employees are contemplated. Furthermore, Keplinger's does not rely on foot traffic or customer trips to the office to conduct its business. The accessory building will likely be in the style of a barn or building found on any working farm in the County and aesthetically similar to the existing structure on the Property.

The Applicant's proposed RB District and contemplated use is compatible with the existing land uses in both the Agricultural (Rural) and Rural Village zoning districts on the adjacent and nearby parcels surrounding the Property. The infrequent trips to the Property and relative low intensity of the contemplated use further point to the proposed RB District's compatibility with existing land uses. Applicant's proposed use of the Property will be consistent with the purpose of the RB District and satisfies the elements and criteria necessary to approve the RB District overlay on the Property. Applicant respectfully requests that this application be granted and allowed to proceed to final site plan approval.

Very Truly Yours,



Zachary J. Kieffer
Attorney at Law

EXHIBIT A



WASHINGTON COUNTY DEPARTMENT OF PLANNING & ZONING FEE WORKSHEET

FOR PLANNING COMMISSION USE ONLY
Rezoning No. _____
Date Filed: _____

PLEASE COMPLETE ONLY THE SECTION THAT APPLIES.

Applicant's Name: JPK Properties, LLC Date: July 1, 2019

Zoning Ordinance Map Amendment \$ 2,000.00

Number of Acres * 2.86 x \$20.00 per acre \$ 57.20

Engineering Review Fee \$ 150.00

Technology Fee \$ 15.00

TOTAL FEES DUE – MAP AMENDMENT \$ 2,222.20

Text Amendment \$ 2,000.00

Choose One: Adequate Public Facilities Ordinance
 Forest Conservation Ordinance
 Solid Waste Plan
 Subdivision Ordinance
 Water and Sewer Plan
 Zoning Ordinance
 Other: _____

Technology Fee \$ 15.00

TOTAL FEES DUE – TEXT AMENDMENT \$ 2,015.00

Forest Conservation Exemption \$ 25.00

Technology Fee \$ 15.00

TOTAL FEES DUE – FOREST EXEMPTION \$ 40.00

Please make checks payable to "Washington County Treasurer".



Site Data
 Site area: 2.8 Acres
 Existing Zoning: A(R) with RB Overlay
 Proposed Zoning: JPK Properties, LLC
 Owner: 10218 Sharnsburg Pike, Hagerstown, MD 21740
 Excavation Contractor: [Name Redacted]
 Proposed Use Functional Description: 4
 Proposed Number of Employees: Fewer than 8 trips per day since often employees and operators report directly to job sites
 House of Operation: 7 AM - 5 PM, Monday - Friday

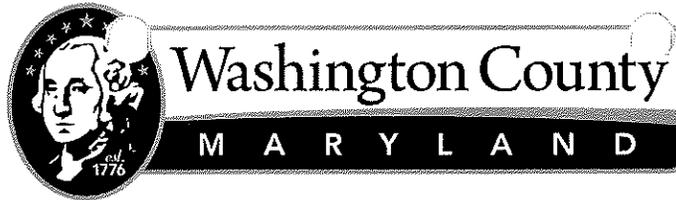


RECEIVED
 JUL. 0 3 2019
 WASHINGTON COUNTY
 PLANNING DEPARTMENT

TAX MAP: 67-4-363 DISTRICT 12	DRAWING NUMBER: 01 OF 01
DRAWN BY: LBJ	DATE: 6.24.19
CHECKED BY:	DATE:
SCALE: 1" = 120'	

FREDERICK SEIBERT & ASSOCIATES, INC.
 CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
 128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
 20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
 (717) 591-3600 (717) 441-2425 (717) 591-3007 (717) 591-3046

Rezoning Exhibit
 of
Parcel 363
 for
JPK Properties, LLC
 situated at 18423 Breathedsville Road
 Boonaboro
 WASHINGTON COUNTY, MARYLAND



DEPARTMENT OF PLANNING & ZONING
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

September, 2019

Case #: RZ-19-004

**Application for Map Amendment
Staff Report and Analysis**

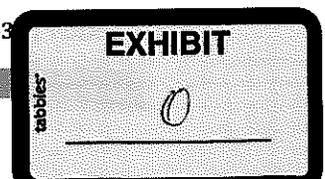
Property Owner(s) :	JPK Properties LLC
Applicant(s) :	Same as property owner
Location :	South side of Breathedsville Road
Election District :	#12 - Fairplay
Comprehensive Plan Designation :	Agriculture Rural
Zoning Map :	67
Parcel(s) :	P. 363 (Lot 4)
Acreage :	2.86 acres
Existing Zoning :	Agriculture Rural
Requested Zoning:	Agriculture Rural with Rural Business (RB) overlay
Date of Meeting :	September 9, 2019

Application has been made by JPK Properties LLC requesting a zoning map amendment to apply a Rural Business floating zone district to land located on the south side of Breathedsville Road approximately 2800 feet west of Lappans Road. The parcel contains 2.86 acres of land and is currently improved with an accessory building used for storage. The parcel is located in the Rural Area of the County as designated by the Comprehensive Plan and is currently zoned Agriculture Rural.

The Rural Business zoning district has been established as a “floating zone” within the County Zoning Ordinance. This designation provides more flexibility than that of traditional Euclidean zoning. As such, applicants seeking to apply the Rural Business Floating Zone are not required to comply with the change or mistake rule.

For a property to be eligible to receive the RB floating zone designation, there are four basic criteria that first need to be met:

1. The proposed RB District is not within any designated growth area identified in the Washington County Comprehensive Plan;
2. The proposed RB District has safe and usable road access on a road that meets the standards under the “Policy for Determining Adequacy of Existing Roads”. In addition, a traffic study may be required where the proposed business, activity or



- facility generates 25 or more peak hour trips or where 40% of the estimated vehicle trips are anticipated to be commercial truck traffic;
3. Onsite issues relating to sewage disposal, water supply, stormwater management, floodplains, etc. can be adequately addressed; and
 4. The location of an RB District would not be incompatible with existing land uses, cultural or historic resources, or agricultural preservation efforts in the vicinity of the proposed district.

Evaluation of the application's consistency with these criteria is included in the Staff Analysis.

Staff Analysis:

Although the change or mistake rule is not applicable, the Planning Commission and the Board of County Commissioners are required in their deliberations to establish express findings that, at a minimum, consider the purpose of the proposed Rural Business zoning classification, the applicable policies of the Comprehensive Plan and the Zoning Ordinance, and the compatibility of the proposed RB district with neighboring properties.

In accordance with Section 5E.6 of the Washington County Zoning Ordinance, the procedure for creation of a new RB zoning district includes the Planning Commission making a recommendation to the Board of County Commissioners on six points of interest. These points are outlined and analyzed below.

1. The proposed district will accomplish the purpose of the RB District.

The purpose of the Rural Business floating zone is "...to permit the continuation and development of businesses that support the agricultural industry and farming community, serve the needs of the rural residential population, provide for recreational and tourism opportunities, and to establish locations for businesses and facilities not otherwise permitted in the rural areas of the County...."

According to the applicant's justification statement, the purpose of requesting an RB floating zone on this property is to establish a business office and equipment storage building for an existing excavation and construction business. The property owner, Mr. Keplinger, currently has an existing business located on the Sharpsburg Pike and would like to relocate the business to this new location.

The property currently contains an existing 3600 square foot accessory structure. The previous property owner obtained approval from the Board of Zoning Appeals (AP2015-003) to establish an accessory use on the property without a principle permitted use. The stated intention of the building was for residential storage of vehicles and recreational vehicles. As part of this rezoning request, the current property owner is proposing to use the existing structure and construct an additional 3600 square foot building as part of the business.

2. The proposed site development meets criteria identified in Section 5E.4 of this Article [Article 5E – Rural Business District].

a. The proposed RB District is outside of any designated growth area.

The subject parcel is in fact located outside of any designated growth area boundary as illustrated in the adopted Plan for the County.

b. The proposed RB District has safe and usable road access...

The property has an existing access onto Breathedsville Road which is owned and maintained by the County. The applicant states that the business will generate a small number of new trips and therefore the existing road is safe and usable for the proposed use.

c. On-site issues relating to sewage disposal, water supply, stormwater management, etc. can be adequately addressed.

According to the preliminary site plan submitted with the application, there is a platted septic reserve area on the property as well as an existing well. The preliminary site plan does not address stormwater management; however, the limited amount of disturbance should be capable of an on-site management plan.

d. The location of the RB District would not be incompatible with existing uses, cultural or historic resources or agricultural preservation efforts.

There are three historic resources documented within a one-half mile radius of the proposed rezoning area as outlined below. There appears to be no negative impact on the physical or contextual appearance of these historic resources.

WA-II-284 – Log and Stone House – early 1800s house that provides an example of the County’s vernacular architecture. Located approximately 500 ft from subject property.

WA-II-280 – Woodley Farm – early 1800s farm complex that provides an example of agricultural practices in the County. Located approximately 2000 ft from the subject property.

WA-II-101 – The Everly House – 1800s log home that provides an example of the County’s tradition of log homes in this time frame. Located approximately 1300 ft from the subject property.

The property is located approximately 700 ft from an existing Rural Legacy easement commonly referred to as the Woodley Farm. The property is also located within the County designated Priority Preservation Area; therefore, additional land preservation easements may occur in this area. While located within the PPA, the subject property would not meet the general criteria to obtain a land preservation easement due to existing development and the size of the property.

3. The road providing access to the site is appropriate for the proposed RB land use.

This issue has already been discussed in other portions of this report. There appears to be good access already existing to the site and there are no proposals to alter the access point.

4. Adequate sight distance along roads can be provided at proposed point of access to the site.

The applicant has not provided this information as part of their application. However, the point of access for this parcel is existing and is assumed to meet adequate sight distance standards for residential use. This may be re-evaluated as part of the final site plan process due to the commercial nature of the proposed use.

5. The proposed landscaped areas can provide adequate buffering of the proposed RB land use from the existing land uses in the vicinity.

The property is currently surrounded on three sides by actively farmed agricultural land. There is an existing farmhouse located approximately 400 ft from the rear property line of the subject property. There is an existing line of mature trees along the south and southeast edges of the property that provide some visual barrier. To the east, the property is immediately adjacent to a vacant residential lot that is also owned by JPK Properties LLC. There is no landscaping buffer between the two properties nor is one proposed. It is assumed that because the same entity owns both parcels, the applicant does not intend to add a buffer between the two properties.

6. The proposed land use is not of a scale, intensity or character that would be incompatible with adjacent land uses or structures.

In their justification statement, the applicant contends that the proposed use of this property as a storage facility for excavation and construction equipment is compatible with existing land uses in the area. The business is expected to be most active between early spring and late fall to coincide with a typical construction season. Employees and customers of the business are not expected to use this site. In addition, the applicant claims that the structure to be built will be in the same size and style of typical farm accessory buildings already existing in the area.

Recommendation:

Based on the information provided by the applicant in the initial application and further analysis by Staff, we believe that there has been adequate evidence submitted to meet the various criteria that would support the application of a Rural Business floating zone to the subject area.

Respectfully submitted,



Jill Baker
Chief Planner

These minutes have been approved but have not be signed by the Chairman.

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING AND
PUBLIC INFORMATION MEETING
October 7, 2019**

The Washington County Planning Commission held a public information meeting and its regular monthly meeting on Monday, October 7, 2019 at 7:00 p.m. at the Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Commission members present at the meeting were: Clint Wiley, Denny Reeder, David Kline, BJ Goetz, Jeremiah Weddle and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Stephen Goodrich, Director; Jill Baker, Deputy Director; Travis Allen, Comprehensive Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Rebecca Calimer, Chief of Plan Review; and Lisa Kelly, Senior Planner.

CALL TO ORDER

The Chairman called the public information meeting to order at 7:00 p.m.

PUBLIC INFORMATION MEETING

WS-19-003 – City of Hagerstown

Staff Presentation

Mr. Goodrich presented a proposed amendment to the Washington County Water and Sewerage Plan submitted by the City of Hagerstown. The requested amendment seeks to include additional language in the County's Water and Sewerage Plan to describe the City of Hagerstown's long-term growth management plans and service policies as established by its most recent update of the City's Comprehensive Plan ["Vision of Hagerstown 2035"]. Mr. Goodrich explained that in Chapter 2.C entitled "Land Use and Growth Management Strategy", there is a proposal to add a detailed description of the City of Hagerstown's Land Use and Growth Management Strategy. That strategy is a long-term plan to provide public water and sewer service inside the Medium Growth Range Area (MGRA) and not in the area between the MRGA and the long-range growth area which is equivalent to the County's Urban Growth Area. The City's MRGA is based on an analysis of existing land use, vacant land, population projections, and capacities of its water and sewer systems. In Chapters 3 and 4, the City has requested additions of the restated policy as explained in detail in Chapter 2. There is also language to strengthen the City's ultimate authority to allow or not allow connections to its system by adding the following language, "provided the service request is consistent with the policies and plans of the service provider". That applies not only to the City of Hagerstown but also to any other service providers.

Mr. Goodrich stated that the proposed amendment was sent to various agencies for review and comment including the Washington County Health Department. Their comments were received and were provided to the Planning Commission. A specific response was not given to the questions or suggestions of the Health Department; those comments will be addressed in the County's updated Comprehensive Plan and the updated Water and Sewerage Plan.

Applicant's Presentation

Ms. Kathy Maher, Director of Planning and Code Administration, and Ms. Nancy Hallsrath, Director of Utilities, were present to represent the City of Hagerstown. Ms. Maher stated that this is the first step in a multi-step process to communicate and work with the County to discuss growth and the ability to serve the public with water and waste water services. She explained how the City determined its MRGA boundary and what kind of growth might be expected in the next 20 years based on current zoning. The City believes this boundary could be served by public water, which is provided by the City, and public sewer which is provided by both the County and the City. Ms. Maher noted that although there are water lines located outside the MRGA, it is not the City's intent to serve those areas unless an exception is granted by the City from the Water and Wastewater Policy.

The public information meeting concluded at 7:20 p.m.

These minutes have been approved but have not be signed by the Chairman.

MINUTES

Motion and Vote: Mr. Reeder made a motion to approve the minutes of the September 9, 2019 meeting as presented. The motion was seconded by Mr. Kline and unanimously approved with Mr. Goetz abstaining from the vote.

- OLD BUSINESS

RZ-19-003 – Downsville Pike Land LLC

Mr. Allen reminded Commission members that a map amendment request was presented at the September 9, 2019 public information meeting for property located at 10656 and 10662 Downsville Pike. The property consists of two parcels totaling 1.6 acres of land currently zoned RS (Residential Suburban). The applicant is requesting a change in zoning to HI (Highway Interchange). During the public information meeting, both the applicant and staff presented their interpretation of data analyzing population change, traffic counts, site access, compatibility with other development in the neighborhood, relationship to the Comprehensive Plan, and evidence of a change in the character of the neighborhood since the comprehensive rezoning of 2012 or a mistake in the zoning designation assigned at that time. Public comment was taken during the public meeting from neighboring property owners, all of whom were opposed to the rezoning request. To date, six written comments and a petition with more than 230 signatures have been received in opposition to the request.

Discussion and Comments: Mr. Kline asked what Staff recommends. Mr. Allen stated that staff is opposed to the request based on the limited time frame to prove change or mistake since 2012. Mr. Kline noted that Potomac Edison [his employer] once owned a large portion of property from Rench Road to the I-70 interchange at Downsville Pike and Halfway Boulevard. Potomac Edison was instrumental in getting the interchange in this location. He gave a brief overview of the vision that Potomac Edison had for this area, including the Friendship Technology Park, more than 25 years ago. Ms. Baker stated that during the comprehensive review of the interchanges in the 1990's, this particular interchange was discussed and at that time, the subject parcels were zoned for agriculture due to their proximity to the Marty Snook Park and the existing residential area. In 2012, the agricultural zone was eliminated in the UGA; therefore, these parcels were given a residential designation because there were houses on the site. Ms. Baker noted that during the comprehensive rezoning, no comments were received from property owners requesting a different designation. She also noted that during the 2012 rezoning, staff considered the areas across the Downsville Pike at the interchange and further down the Downsville Pike. Those areas were specifically designated for commercial uses because it was consistent with the County's adopted Comprehensive Plan.

Mr. Kline expressed his opinion that the neighborhood has not significantly changed since the 2012 comprehensive rezoning. He noted that during the public meeting there were two recurring points of discussion. One was for pedestrians crossing at this intersection, which he believes is an invalid point because this is a major intersection and it is not a pedestrian-friendly area. The second point of discussion was traffic-related issues. This he believes is a valid objection due to the volume of traffic in the area and safety concerns during ingress and egress from this particular site.

Mr. Reeder and Mr. Weddle concurred with Mr. Kline's comments.

Mr. Goetz stated that this site would be challenging for residential use.

Motion and Vote: Mr. Kline made a motion to recommend [to the Board of County Commissioners] denial of this request because there has not been a substantial change in the character of the neighborhood nor was a mistake made during the 2012 comprehensive rezoning. The motion was seconded by Mr. Reeder and unanimously approved with Commissioner Wagner abstaining from the vote.

RZ-19-004 – JPK Properties LLC

Ms. Baker reminded Commission members that a map amendment request was presented at the September 9, 2019 public information meeting to apply the Rural Business floating zone on property located at 18423 Breathedsville Road. The property is currently zoned A(R) – Agricultural Rural. The proposed use for the site would be for a contractor's storage yard. To date, one public comment has been received opposing the request.

Discussion and Comment: Mr. Kline stated he has no opposition to this request. Mr. Reeder concurred.

These minutes have been approved but have not be signed by the Chairman.

Motion and Vote: Mr. Reeder made a motion to recommend [to the Board of County Commissioners] approval of this request. The motion was seconded by Mr. Goetz and unanimously approved with Commissioner Wagner abstaining from the vote.

-NEW BUSINESS

SITE PLANS

Mountain View Animal Emergency [SP-19-021]

Ms. Kelly presented for review and approval a site plan for Mountain View Animal Emergency located along the west side of Crayton Boulevard, north of Maugans Avenue. The property is currently zoned HI – Highway Interchange. The owners are proposing to construct a 16,330 square foot animal hospital on 3.35 acres. Three future additions are also proposed that would total 7,600 square feet of building space; the building height will be 30 feet. There will be a small fenced yard to the rear of the building and a loading area will be on the east side. There will be one main access into the site from Crayton Boulevard. The hospital will be open 24 hours per day, 7 days per week. A total of 80 parking spaces are required; 98 parking spaces will be provided. Public water and public sewer will serve the site. Deliveries will be made by box truck daily. Solid waste/recycling will be collected inside. Lighting will be pole mounted and building mounted. Signage will be building mounted. Landscaping will be installed around the building and in the parking islands. Forestation requirements will be met by paying the payment in lieu in the amount of \$6,664.68. All agency approvals have been received.

Motion and Vote: Mr. Goetz made a motion to approve the site plan as presented. The motion was seconded by Mr. Weddle and unanimously approved.

Thomas Bennett Hunter Inc. [SP-19-016]

Ms. Kelly presented for review and approval a site plan for Thomas Bennett Hunter, Inc. for property located along the south side of Hopewell Road. The property is currently zoned IG (Industrial General). The developers are proposing to construct a ready mix cement plant on a 19.37 acre parcel. Plans also include the construction of a 1,200 square foot office and a 6,000 square foot shop, a back-up portable plant and outdoor stockpiles. The Board of Zoning Appeals granted a special exception in August 2018 to allow for the establishment of the cement plant. The hours of operation will be Monday thru Friday, 6 am to 6 pm and Saturday from 6 am to noon. There will be 12 to 18 employees per day. Delivery/freight will be 4 tractor trailers per day. Parking spaces required is 22 spaces and 23 spaces will be provided. Public water and public sewer will serve the site. Lighting will be pole mounted throughout the parking area. Landscaping will be provided around the building. Forest Conservation requirements have been met with a previously approved plat in 2016 showing 3.85 acres of forest in a permanent easement. All agency approvals have been received.

Motion and Vote: Mr. Reeder made a motion to approve the site plan as presented. The motion was seconded by Mr. Weddle and unanimously approved.

Dollar General – Hagerstown[SP-19-024]

Ms. Kelly (on behalf of Ashley Holloway) presented for review and approval a site plan for Dollar General Hagerstown located at 17213 Virginia Avenue. The developer is proposing to construct a 10,640 square foot commercial retail building on the vacant site of a former fuel station. Two entrances are proposed, one off of Virginia Avenue and one off of Bower Avenue. Hours of operation will be 8 am to 10 pm, 7 days per week. There will be a maximum of 4 employees on the site at one time; 10 employees will be on the payroll for this site. The Board of Zoning Appeals granted a variance for the reduction of parking from 54 spaces to 38 spaces. Public water from the City of Hagerstown and public sewer from Washington County will serve the site. Truck deliveries will be made on the east side of the building. Lighting will be building and pole mounted. Signage will be building mounted and a monument sign. Landscaping will be installed around the building. Forestation requirements will be met via the payment in lieu.

Discussion: There was a brief discussion regarding proposed roadway improvements at the site. An additional lane will be added to provide a right-turn lane and a separate left-turn lane off Bower Avenue. Sidewalks will be added to Bower Avenue for pedestrian traffic.

Motion and Vote: Mr. Goetz made a motion to grant staff the authority to approve the site plan pending all agency approvals and to approve the payment in lieu to meet Forest Conservation requirements. The motion was seconded by Mr. Kline and unanimously approved.

These minutes have been approved but have not be signed by the Chairman.

FOREST CONSERVATION

Accounting for Local Forest Conservation Funds

Ms. Baker announced that during the last legislative session Senate Bill 234 was passed which states that any County or entity that administers a Forest Conservation Ordinance must submit, to the Department of Natural Resources (DNR), a detailed accounting procedure of its payment-in-lieu of funds. If a plan is not submitted to DNR, the County would no longer be allowed to accept payment in lieu of funds. Ms. Baker noted that since 1994 the County has collected approximately \$2.4 million and expended \$1.9 million resulting in 888.55 acres of new forest planted or existing forest protected.

OTHER BUSINESS

Update of Staff Approvals

Mr. Holloway was not present at the meeting; however, he provided a written update as follows: Land Development Approvals –5 site plans; 3 preliminary plats; 2 storm water management concept plans, 2 subdivision replats, 2 storm water standard plan; 3 standard grading plans; and 2 site specific grading plan; Permit Approvals – 14 grading permits, 28 entrance permits, 2 non-residential construction permit, 3 non-residential addition-alteration permits; 1 floodplain permit; and 1 utility permits.

-ADJOURNMENT

Mr. Goetz made a motion to adjourn the meeting at 8:10 p.m. The motion was seconded by Mr. Kline and so ordered by the Chairman.

-UPCOMING MEETINGS

1. Monday, November 4, 2019, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD 21740

Respectfully submitted,

Clint Wiley, Chairman

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING AND
PUBLIC INFORMATION MEETING
September 9, 2019**

The Washington County Planning Commission held a public information meeting and its regular monthly meeting on Monday, September 9, 2019 at 6:30 p.m. at the Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Commission members present at the meeting were: Clint Wiley, Denny Reeder, David Kline, Jeremiah Weddle and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Stephen Goodrich, Director; Jill Baker, Deputy Director; Travis Allen, Comprehensive Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Ashley Holloway, Director; and Lisa Kelly, Senior Planner.

CALL TO ORDER

The Chairman called the meeting to order at 6:30 p.m.

-NEW BUSINESS

MINUTES

Motion and Vote: Mr. Reeder made a motion to approve the minutes of the August 5, 2019 meeting as presented. The motion was seconded by Mr. Weddle and unanimously approved.

Mr. Holloway requested that a shared parking request for Beaver Creek Event Center be added to the agenda.

PRELIMINARY CONSULTATION

Bowman Parcels 148 and 149 [PC-19-003]

Ms. Kelly presented for review a concept plan for Bowman Parcels 148 and 149 located along the northwest side of Spielman Road and the west side of Maryland Route 68. The property is currently zoned HI (Highway Interchange). In July 2017, the Planning Commission reviewed a site plan for Bowman Cornfield [Parcel 148] which proposed the same uses as the current concept plan; however, at that time there were diesel pumps and 4 tractor trailer parking spaces on this site. The Commission's approval was appealed and has been going through the court system. A judge determined that if the diesel pumps were removed, the site would not be considered a truck stop. The Judge's decision has been appealed and will be heard by the Court of Special Appeals in February 2020.

The new concept plan proposes a mixed use of sales, retail offices and fuel sales on Parcel 148, which contains 9.6 acres of land, as well as 72 tractor trailer parking spaces. Proposed on Parcel 149 is 286 tractor trailer parking spaces on 63 acres. Both parcels can stand on their own and site plans would be required for both parcels, either separately or together. A zoning certificate is currently needed for Parcel 149 where the Quality Distribution facility is located. All Zoning Ordinance requirements for the HI zoning district must be met including signage, buffers, height requirements, buffer yards, screening, etc. The proposed cul-de-sac will be privately owned.

The Washington County Engineering Department submitted comments regarding design and storm water management requirements. A new Forest Stand Delineation would be required for Parcel 149. The Soil Conservation District and the City of Hagerstown Utilities Department reviewed the concept plan and had no comments at this time. The State Highway Administration issued a letter stating a new updated traffic study will not be required.

Discussion and Comments: Mr. Kline asked if the tractor trailer parking would accommodate truck drivers who need a place to sleep when they've reached their allotted driving time. Mr. Rob Ferree of Bowman Development stated that Bowman is looking at several different options, but that is the original intent. Due to Federal law mandates being implemented on truck drivers, there is a growing need for these types of facilities. He noted that Parcel 148 may be used for additional trailer parking for the Bowman Leasing Company.

No action is required.

DEVELOPMENT PLANS**Emerald Pointe [DP-19-001]**

Ms. Kelly presented for review a request to determine if the proposed change to the Emerald Pointe PUD Development Plan would be considered a major or minor change. Emerald Pointe PUD is located north of Maryland Route 60 and east of Marsh Pike. The developer is proposing to revise future Phase IV from 24 single family lots to 48 semi-detached lots which will create a slight increase in the overall development density from 3.0 units/acre to 3.2 units/acre. Public water and sewer service is available. Road improvements and sidewalks are already being constructed.

Motion and Vote: Mr. Kline made a motion to designate this request as a minor change. The motion was seconded by Mr. Weddle and unanimously approved.

OTHER BUSINESS**Update of Staff Approvals**

Mr. Holloway presented the following update for July: Land Development Approvals – 12 inspection and maintenance agreements, 5 site plans; 3 preliminary/final plats; 2 County storm water management concept plans, 2 improvement plans for the Town of Boonsboro; 1 subdivision replat, 1 storm water standard plan; and 1 site specific grading plan; Permit Approvals – 6 grading permits, 7 entrance permits, 1 non-residential construction permit, and 3 utility permits.

Beaver Creek School Event Center

Mr. Holloway presented a request for shared parking for the Beaver Creek School Event Center. Parking would be shared with a nearby church that has already agreed to the request. Mr. Holloway stated that he has requested additional lighting and a crosswalk from the main entrance of the event center to the church parking lot. The developer has complied with both requests.

Mr. Fred Frederick of Frederick, Seibert & Associates, the consultant, stated that agreements with the church have been approved and signed. The Board of Zoning Appeals granted a special exception for this facility. A sign for additional parking has also been installed to direct visitors to the church parking lot. Mr. Holloway stated that the developer has agreed not to hold event at the same time the church will be holding its services and other functions. He also noted that the Board of Zoning Appeals determined the event center could not hold events later than 10 p.m.

Motion and Vote: Mr. Reeder made a motion to approve the shared parking request as presented. The motion was seconded by Mr. Kline and unanimously approved.

PUBLIC INFORMATION MEETING

The Chairman called the public rezoning information meeting to order at 7:05 p.m.

RZ-19-004 – JPK Properties, LLC**Staff Presentation**

Ms. Baker presented a proposed map amendment for 2.86 acres of property located at 18423 Breathedsville Road. The property is currently zoned A(R) – Agricultural Rural. The request is to apply an RB (Rural Business) floating zone to the land. The parcel is currently improved with an accessory building used for storage. It is located in the Rural Area of the County as designated by the Comprehensive Plan. Ms. Baker briefly reviewed the criteria that must be met to receive the RB floating zone designation. Staff has outlined and analyzed each of these criteria and, based on information provided by the applicant, adequate evidence has been presented to meet the criteria to support the request. Ms. Baker noted that the proposed business is the storage of contractor's equipment and an office.

Applicant's Presentation

Mr. Zachary Kieffer, 19405 Emerald Square, Suite 2100, Office 202, Hagerstown, MD, legal counsel for JPK Properties, LLC, and Jared Keplinger, owner, were present at the meeting. Mr. Kieffer distributed a photograph showing the current building on the site and a drawing showing the proposed storage barn [Applicant's Exhibit 1]. The applicant's intent is to move his existing business from Sharpsburg Pike to Breathedsville Road. Excavation equipment as well as farm equipment would be stored inside the buildings. The excavation equipment would be stored in the buildings during the off-season. Hours of operation would be Monday thru Friday, 7 a.m. to 5 p.m.; no employees would be present at the site.

Mr. Kieffer stated that the property is outside the County's growth area and he believes that the use meets the definition of the RB overlay. It permits a business facility in an area not otherwise permitted in the rural area of the county and permits the continuation and development of business that supports the ag industry. The applicant believes that roads are adequate for this business and that existing trees would buffer neighboring properties. The scale, intensity and character of the proposed use is not incompatible with the existing land uses. The property owner intends to eventually build his home on the property.

Public Comment

- Joe Lane, 12030 Hippan Hill Lane, Smithsburg – Mr. Lane expressed his concern that, if approved, repairs may be performed on the equipment that could affect the well and septic for the future proposed house.

Discussion and Comments

Mr. Kline expressed his opinion that the proposed use is not much different from an agricultural use that would repair its equipment on-site. He commended the owner for going through the proper channels to establish the use on this site.

RZ-19-003 Downsville Pike Land LLC

Staff Presentation

Mr. Allen presented a map amendment application for 1.6 acres of property located at 10656 and 10662 Downsville Pike. The property is currently zoned RS (Residential Suburban). The applicant is requesting a change in zoning to HI (Highway Interchange). Mr. Allen briefly reviewed the criteria identified in Article 27.3 of the Zoning Ordinance that should be followed when considering a piecemeal rezoning request. He addressed each of these criteria individually.

1. **Population:** The Halfway election district grew more slowly from 1980 to 2010 than the county as a whole.
2. **Water and Sewer:** Public water and sewer are available on the site.
3. **Emergency Services:** The nearest emergency services provider to the site is the Volunteer Fire Company of Halfway located approximately 1 mile from the site.
4. **Schools:** There would be no school mitigation requirements because the applicant is requesting a commercial zoning classification.
5. **Traffic:** According to data from the State Highway Administration, traffic volumes have remained relatively consistent at the Downsville Pike/Halfway Boulevard intersection during the past 10 to 15 years and haven't exceeded the highest total average daily traffic achieved in 1990 at that location.
6. **Public Transportation:** The area is not served by public transit.
7. **Roadways and Access:** There have been some minor intersection improvements just northeast of the site connected to the construction of Sheetz. The existing driveways on the site would need to be improved and would most likely not meet sight distance requirements for future use. Downsville Pike has a median running north and south of its intersection with Halfway Boulevard which limits left hand turns into the site. Halfway Boulevard, travelling eastbound, has dual turn lanes with a middle lane to access Marty L. Snook Park going westbound. Marty L. Snook Park abuts the western property line of one of the two parcels that are subject of this rezoning application.
The Washington County Engineering Plan Review Department reviewed the application and submitted the following comments: 1) a new access location onto Halfway Boulevard may be required; 2) a traffic study for impact on the intersection may also be required; and because Halfway Boulevard is a minor arterial road, there is a 500 foot minimum spacing requirement, that when measured from the corner of Downsville Pike and Halfway Boulevard would be at the Marty L. Snook Park access road or south of the site at the Park and Ride. Both of these access locations would be problematic for an access due to the conflicts of the different users that would be going in and out of these places.
8. **Compatibility with Surrounding Area:** There are existing neighborhoods to the north and west of the site, as well as the Park and Ride and the I-70 interchange which are in close proximity. There is one remaining residential structure on the parcel that sits on the corner; this property is in fair to poor condition. There are 5 historic sites within ½ mile of the subject site. A sixth site (Anita Rice house), which previously sat on one of these parcels, was demolished in 2018 after many years of neglect.
9. **Relationship to Comprehensive Plan:** The 2002 Comprehensive Plan designated the area as Low Density Residential in its Land Use Plan.

Mr. Allen stated that the applicant is claiming both a mistake in the zoning of the property and a change in the neighborhood. He explained criteria that must be met in order to prove either of these claims. In the applicant's justification statement, he claims that the governing body failed to fully consider that the residential usage of the subject properties would continue to be viable despite the effects on livability from the adjacent road and the geographic separation of these properties from the adjacent residential neighborhoods. They also failed to consider that the similarly situated interchange parcel was rezoned to HI while the subject parcels were not. Staff explained that these parcels have a long history of residential usage going back more than 100 years in some cases. While staff agrees that traffic related impacts have had a detrimental impact on the long-term viability of residential usage at the site, it should be noted that long-term neglect of these properties also plays a large role in the continued viability for residential use. Mr. Allen pointed out that there is both traffic and safety issues from a commercial or light industrial use that could be put on the property if it is rezoned.

Mr. Allen believes that the exhibit presented by the applicant showing all the uses within a one mile radius of the subject site provides a fair and accurate description of the neighborhood. However, within the text of the justification statement, the applicant minimizes the similarity of the site to the residential neighborhoods while emphasizing the commercial uses in the immediate vicinity. He noted that the Sheetz store which was recently constructed is in an area that has been zoned for a commercial use for a long period of time. There have been no piecemeal rezonings approved in the vicinity since 2000 which shows the stable character of the neighborhood. Mr. Allen emphasized that the Comprehensive Rezoning of the Urban Growth Area in 2012 is not evidence of a change in the character of the neighborhood. He displayed a map showing the original zoning of the area and the changes that occurred in 2012.

In conclusion, Staff believes there has been limited change in the neighborhood or that a mistake was made during the Comprehensive Rezoning in 2012. Four written comments were received prior to this meeting citing safety concerns for motorists as well as pedestrians. The Department of Planning & Zoning mailed 318 letters to neighboring and affected property owners notifying them about this rezoning and the public information meeting.

Discussion and Comments: Mr. Reeder asked if the 500 foot sight distance requirement is negotiable and what options the developer would have if the required distance could not be maintained. Mr. Allen stated that a traffic study would be required to determine what the impact would be at this intersection and on both the Downsville Pike and Halfway Boulevard. Ms. Baker stated that the State Highway Administration would dictate improvements and access from Downsville Pike because it is a state road. Halfway Boulevard is a county owned road and variances could be requested to reduce the access spacing. If the rezoning application is approved, a site plan would be required before development occurs on the site and the County's Engineering Department would review the plan to determine any safety issues.

Applicant's Presentation

Mr. Christopher Smith, 10306 Remington Drive, Hagerstown, is one of the owners of the property. He began by giving a brief history of the property and previous attempts to rezone it. He stated that he and his partner purchased the property approximately 3 years ago at an estate sale. He explained that the previous owner was older and none of her children wanted the property and he believes that is why it fell into disrepair. At the time of purchase, the properties were abandoned and blighted and there were two active zoning violations on the property. The Anita Rice house was condemned and a demolition permit was issued for that residence as well as a concrete block garage. Mr. Smith also noted that a third property adjacent to the two parcels that are subject of this request is owned by others and is also abandoned.

Mr. Smith expressed his opinion that there was a mistake made in the zoning of this property because it is located on one of the four corners of the interchange, which changed this neighborhood. He believes that the neighborhood should be defined as those three properties on the corner because they have been isolated from all the other residential structures in the vicinity. All three structures are abandoned and have fallen into disrepair, they are adjacent to a Park and Ride, and a highway off-ramp. He stated that no one has shown any interest in renting or living on these properties.

Mr. Smith began a question and answer exchange with Gordon Poffenberger of Fox & Associates, Inc., 981 Mt. Aetna Road, Hagerstown. Following is a summary of that exchange. Mr. Poffenberger stated that these properties have direct access onto Downsville Pike whereas most of the residential properties in the area front on local subdivision streets. He stated that the properties have been zoned RS (Residential Suburban) since 2005; however, the 2012 Comprehensive Rezoning changed some of the parcels in the area, including the interstate parcel which was originally zoned RM, to HI. There was a brief discussion regarding the Friendship Technology Park, which contains 140 acres. Mr. Poffenberger stated there is a developer out of Towson that is marketing that acreage for a regional shopping center, which would be a

substantial change to the neighborhood. He does not believe that rezoning the subject site would have a substantial impact on the neighborhood since it is only 1.6 acres in size. Due to limited access on the site, the development potential is minimal. In his professional opinion, Mr. Poffenberger believes there has been a change in the neighborhood citing commercial uses along the Downsville Pike. Mr. Smith questioned Mr. Poffenberger about the SHA easements granted in front of the property when the interchange was constructed. Mr. Poffenberger stated that when the interchange was constructed and Downsville Pike was widened, there were right-of-way plats prepared by SHA which significantly impacted these properties and reduced their potential for future residential use. A substantial change in the neighborhood occurred with the construction of the Sheetz convenience store on the opposite corner of the interchange as well as the traffic signals at the interchange and at Venture Boulevard. Mr. Poffenberger expressed his opinion that the health, safety and welfare of the neighborhood would not be significantly impacted by changing the zoning on these properties. He believes the access will be the most challenging issue when developing this property and several options are being considered. The proposed use of the property is an ice cream shop. There would be a right in/right out access off Halfway Boulevard. The developer is working with SHA to gain joint use of the existing access for the Park and Ride. Mr. Poffenberger expressed his opinion there is a lot of commercial uses along this corridor and continuing to use these parcels for residential purposes is not viable with the traffic volumes in this area.

In summary, Mr. Smith stated that these properties are currently blighted and will continue to be blighted and a safety concern for the park if they are left in their current zoning. There is not an economically feasible way to develop these properties in their current state.

Citizen Comment

- Barbara Iseminger, 10837 Oak Valley Drive, Hagerstown – Ms. Iseminger stated she is adamantly opposed to rezoning this property to a commercial use. She expressed concern for pedestrian safety when crossing Halfway Boulevard to enter Marty L. Snook Park. There is a crosswalk at the intersection of Halfway Boulevard and Downsville Pike; however, there is no signal for pedestrians to cross and there are no sidewalks on either side of the street to gain access to the crosswalk. Speed is also a concern in this area. Ms. Iseminger also expressed her opinion that there is not enough space for access onto this site. She believes that sharing an entrance with the Park would create another safety hazard.
- Harold Iseminger, 10837 Oak Valley Drive, Hagerstown – Mr. Iseminger stated he is opposed to this property being rezoned for a commercial use. He expressed his opinion that the volume of traffic at this intersection is extremely heavy and it is very difficult to enter Halfway Boulevard from any of the side streets. He believes that sharing an entrance with the Park is not feasible and a right in/right out on Downsville Pike would create additional traffic issues. Mr. Iseminger expressed his opinion that the property would better serve the community by being donated to the Park or to extend the Park and Ride.
- Neil Becker, 10811 Wyncote Drive, Hagerstown – Mr. Becker stated that he is opposed to this rezoning request as he was in 2017. He cited concerns with regard to traffic, drivers' safety, pedestrian safety, light pollution, noise pollution, and environmental pollution. He noted that the current owners purchased the properties knowing that they were zoned for residential use. These properties have fallen into greater disrepair since the applicant obtained ownership. Mr. Becker noted that since the demolition of structures last fall, the owners have not performed any further maintenance on the properties (grass has not been cut, trees and shrubs have not been trimmed) and people are dumping piles of trash on the property. He contends that neglect of the properties has contributed to the marketability of using these properties for residential purposes. He believes there are already challenges with traffic at this intersection. Mr. Becker cited several passages from the Staff Report and Analysis in his presentation. He expressed his opinion that the applicant has not proven that a mistake was made in the zoning of the property or that a substantial change has occurred in the neighborhood since the 2012 Comprehensive Rezoning. He noted that if the property is rezoned to HI, all uses permitted in the BL, BG, PB and ORT zoning districts would be allowed on this site. Therefore, the owners would be allowed to develop the property with a use other than the ice cream parlor that is currently proposed. Written comments were submitted by Mr. Becker prior to the meeting and made a part of the official record.
- Brandon Brereton, 10806 Gaywood Drive, Hagerstown – Mr. Brereton is opposed to the rezoning of this property. He expressed his opinion that traffic is already problematic on Halfway Boulevard. There are no turn lanes to access the residential neighborhoods. Pedestrian safety is also a concern. He expressed his opinion that a traffic study should be completed and improvements made in this area.

- Lorna Bock, 10811 Brentwood Terrace, Hagerstown – Ms. Bock is opposed to the rezoning as she was in 2017. She expressed concern with regard to traffic on Halfway Boulevard, the safety of the residents of Woodmoor and Oak Ridge developments, the visitors to Marty Snook Park and anyone travelling on Halfway Boulevard. She believes that the property owners have been neglectful in the maintenance of the property and they are hoping that the change in County Commissioners since 2017 will get this rezoning approved. Ms. Bock expressed her opinion that this property would be a nice addition to the Park and the owner and the County should re-visit the option of the County purchasing the property for that use.
- Joe Powell, 10811 Brentwood Terrace, Hagerstown – Mr. Powell submitted written comments for the record. He is opposed to the rezoning request as he was in 2017. He expressed his concern with regard to traffic issues on Halfway Boulevard and safety of drivers and pedestrians. Mr. Powell expressed his opinion that Downsville Pike is a definite separation between the RS and HI zoning districts. He noted that the Sheetz store is accessed via a dead-end road not from Downsville Pike like the subject parcels.
- Greg Nearchos, 10928 Holly Terrace, Hagerstown – Mr. Nearchos expressed his opinion that a mistake was not made in the zoning of this property and believes that the intent of the County Commissioners was to envelop Marty Snook Park with residential uses. In his opinion, the applicant has not proven that a mistake was made. Mr. Nearchos believes that Downsville Pike has been used as a division for the HI and RS zoning districts.

Applicant's Rebuttal

Mr. Smith stated that a traffic impact study will be required as part of the development process. The site does have a number of access challenges, which will be resolved or the property will not be developed. As part of the commercial use of the property, it will be surrounded by sidewalks thereby providing a pedestrian pathway from Marty L. Snook Park and allow for better pedestrian traffic for the neighborhood. The Park and Ride is not a residential facility, but a highway facility designed for vehicular parking; therefore, Marty L. Snook Park is not enveloped by residential properties. Mr. Smith believes that much of the testimony given this evening shows there has been a change in the volume of traffic in this area that is creating a more desired commercial use for this property than it was 20 years ago. The highway interchange also changed the definition of the use of this property and what is the best and highest use of the property for the County and its citizens.

The public information meeting concluded at 8:30 p.m.

REGULAR MEETING

OLD BUSINESS

WS-19-002 Town of Smithsburg

Mr. Goodrich reminded Commission members that a Water and Sewerage Plan amendment submitted by the Town of Smithsburg was presented during a public information meeting held on August 5th. The request from the Town of Smithsburg is to expand the service area boundary to include 12 parcels of land located at the intersection of MD Route 64 and MD Route 77. Three of those parcels were recently annexed into the Town; the remaining 9 parcels are outside of the Town but they are within the Town's growth area boundary and the County's growth area boundary. The application also requested a change [to the three parcels] in the priority service designation from S-7 to S-1. Staff recommended an alternative to assign the S-3, Programmed service priority designation. Staff recommends that the remaining 9 parcels, should be assigned the S-5, Planned service priority designation. The Staff Report indicates that none of the parcels meet the requirements outlined in the County's Water and Sewerage Plan for the S-1, Existing Service priority designation.

Motion and Vote: Mr. Kline made a motion to recommend approval that the service area boundary be expanded to include the 12 parcels noted in the application and for the assignment of the S-3 and S-5 priority service designations as recommended by staff to the Board of County Commissioners. The motion was seconded by Mr. Weddle and unanimously approved with Commissioner Wagner abstaining from the vote.

RZ-19-005 Alcohol Production Facilities

Ms. Baker reminded Commission members that a text amendment to the Washington County Zoning Ordinance was presented at the August 5th public information meeting. Proposed amendments include Articles 3, 11, 12, 13, 14 and 28A for Alcohol Production Facilities.

Discussion and Comments: Mr. Wiley expressed his opinion that the alcohol production facilities should be allowed in residential areas as a special exception use. Other commission members agreed. Ms. Baker asked if the Commission would like to establish bulk requirements [i.e. setbacks, lot sizes, lot widths, etc.] for these facilities. If specific bulk requirements are not established, there is a category within the Zoning Ordinance that would apply to these types of facilities. Commission members were not inclined to add specific bulk requirements.

Motion and Vote: Mr. Reeder made a motion to recommend approval to the Board of County Commissioners of the staff's draft text amendments with the inclusion of the residential districts as a special exception. The motion was seconded by Mr. Kline and unanimously approved with Commissioner Wagner abstaining from the vote.

Discussion of Solar Energy Generating Systems [SEGS]

Ms. Baker reminded Commission members that during the August 5th meeting, discussions were held regarding SEGS, legislation for SEGS, and a recent court case by the County which went to the highest court in the State of Maryland.

Mr. Goodrich gave a brief update from the Maryland Association of Counties [MaCo] planners affiliate meeting held last week. SEGS was the major topic of discussions and will be a major topic during the new legislative session in 2020. It is anticipated there will be new legislation affirming the PSC's authority for solar energy generating systems and possibly affirming local government's opportunity to participate in those processes. Also discussed were ways that the counties can participate in the process to establish SEGS. One opportunity would be to participate in the PSC's local public hearings. Washington County already has a process in place by making SEGS a special exception use.

Ms. Baker announced that the Department of Planning & Zoning will be discussing SEGS issues with the County Commissioners in the near future. She began a discussion with Commission members to gather input relative to what the Commission would like to see as part of the County's process for dealing with SEGS.

- **Consumption of prime agricultural land** – Currently the County does not allow SEGS in the priority preservation areas (PPA), Rural Legacy areas, and Antietam Overlay areas.

Discussion and Comment: Mr. Wiley suggested incentivizing areas where SEGS should be developed. Commission members liked the idea of establishing a percentage of land usage for SEGS when using prime agricultural lands.

- **Recommendation:** Incentivizing to keep SEGS out of the PPAs, Rural Legacy and Antietam Overlay areas – financial, tax break, low interest loans, abbreviated permitting times, etc.

- **Location and Method of connecting to the grid** – Ms. Baker noted that Alleghany County requires interconnections to be placed underground.

Discussion and Comments: Mr. Reeder expressed his opinion that the interconnections should be placed underground. Mr. Kline suggested that line extensions that may be necessary should also be included. These costs would be the responsibility of the solar companies. Commission members agreed.

- **Recommendation:** Interconnections and line extensions should be placed underground.

- **Impacts on environmentally sensitive areas and animal habitats** – Ms. Baker stated that most counties specifically limit or prohibit generating systems in environmentally sensitive areas. Anne Arundel county requires mitigation for wildlife corridors.

Discussion and Comments: Commissioner Wagner recommends following Anne Arundel county's guidelines. Mr. Reeder believes the wildlife corridors should be considered. Mr. Weddle expressed his concern that the corridors would take up more agricultural land.

- **Recommendation:** Require wildlife corridors for sites larger than 15 acres.
- Impacts on historic and cultural resources – Ms. Baker noted that nearly all counties reference impacts on historic or cultural resources. Some counties prohibit SEGS within the viewshed of these resources.
 - **Recommendation:** Provide a general concept of protecting significant historic resources from solar generating systems.
- Decommissioning of Facilities – Ms. Baker stated that all counties have regulations for decommissioning /reclamation of facilities. There are regulations existing in our Zoning Ordinance now; however, other counties are requiring bonds posted prior to construction of the system.

Discussion and Comments: Commissioner Wagner stated that the County is requiring bonds on the PILOTs already. Mr. Weddle asked if there would be any requirements to return the land to a usable state. Mr. Baker stated that Anne Arundel county requires decommissioning plans to include a requirement for a grading permit or standard grading plan and that all on-site equipment associated with the facility be removed within 12 months of cessation of operations. Mr. Weddle expressed his opinion that this is a very important part of the process. There was a brief discussion regarding the removal of prime soils. Ms. Baker cited Anne Arundel county's regulations which state: "Upon installation, to the degree practicable, avoid disturbing prime ag soils and provide an analysis on how the developer will avoid that. The development may not result in more than 50% of prime ag soils on the site being removed from existing or potential ag production".

- **Recommendation:** Recommend bonding for the installation of SEGS and also a requirement for decommissioning plans to include a requirement for a grading permit or a standard grading plan to return the ground to a usable state. Also, recommend something similar to Anne Arundel county's regulations regarding the removal of prime ag soils.
- Impact on Forest Conservation Act – Ms. Baker explained that the County has been requiring compliance with Forest Conservation requirements when there is a new facility. The PSC has supported this requirement in several cases. She suggested that the County could add mitigate for tree removal when placing a SEGS. Anne Arundel county has a penalty for tree removal at a ratio of 3-to-1.

Discussion and Comments: Mr. Kline expressed his opinion that is a reasonable requirement; however, Mr. Wiley expressed his concern that it is too restrictive and would impede property owner's right.

- **Recommendation:** Do not include a mitigation of 3:1 for tree removal.
- Buffers, Landscaping and Fencing – Ms. Baker stated that some counties are requiring a buffering around solar panels with landscaping and fencing. She believes that the solar companies will install a fence without the County requiring it because it will protect their equipment.

Discussion and Comments: Mr. Kline expressed his opinion that landscaping should not be part of the requirements. The SEGS could be located in an area where trees would not survive.

- **Recommendation:** The Commission does not recommend landscaping around the solar arrays.
- Community vs. Utility Scale facilities – Ms. Baker stated that many of the counties differentiate between small scale and large scale solar facilities. The cut-off is the 2 megawatt threshold that the CPCN has established as the breaking point between small and large scale facilities. She explained that the County will continue to regulate SEGS smaller than 2 megawatts by requiring special exceptions, site plans, etc.

A discussion with the Board of County Commissioners regarding SEGS has been scheduled for September 24th. Mr. Les Knapp from MaCo will be in attendance also to discuss the State's perspective on this issue.

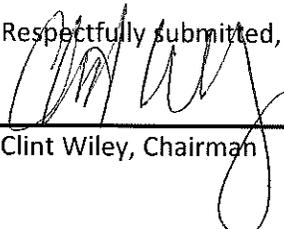
-ADJOURNMENT

Mr. Kline made a motion to adjourn the meeting at 9:30 p.m. The motion was seconded by Mr. Weddle and so ordered by the Chairman.

-UPCOMING MEETINGS

1. Monday, October 7, 2019, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD 21740

Respectfully submitted,



Clint Wiley, Chairman



Washington County

M A R Y L A N D

DEPARTMENT OF PLANNING & ZONING

COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

October 28, 2019

RZ-19-004

APPLICATION FOR ZONING MAP AMENDMENT PLANNING COMMISSION RECOMMENDATION

Property Owner(s)	JPK Properties LLC
Applicant(s)	Same as property owner
Location	South side of Breathedsville Road
Election District	#12 - Fairplay
Comprehensive Plan Designation	Agriculture Rural
Zoning Map	67
Parcel(s)	P. 363 (Lot 4)
Acreage	2.86 acres
Existing Zoning	Agriculture Rural
Requested Zoning	Agriculture Rural with Rural Business (RB) floating zone
Date of Meeting	September 9, 2019

RECOMMENDATION

The Washington County Planning Commission took action at its regular meeting held on Monday, October 7, 2019 to recommend approval of Map Amendment RZ-19-004 to the Board of County Commissioners. The Commission considered the application, the supporting documentation submitted with the application, and the applicant's presentation during the public rezoning information meeting. The Commission also considered the Staff Report and Analysis, written comments of interested parties received by the Department of Planning & Zoning and the specific items for consideration of Section 5E.6.c in the Zoning Ordinance. Based upon this information, the Planning Commission finds that the application can meet criteria set forth in Section 5E4.b of the County's Zoning Ordinance to establish the RB district in this location; and, therefore, recommend approval of the application.

Copies of the application, Staff Report and Analysis, minutes of the September 9, 2019 public rezoning meeting and the October 7, 2019 regular meeting are attached.

Respectfully submitted,

Stephen T. Goodrich, Director
Washington County Department of
Planning & Zoning

STG/JLB/dse

Attachments

cc: Zachary Kieffer
Kirk Downey, County Attorney

RZ-19-004

-----Original Message-----

From: George Anikis <geoanne@myactv.net>
Sent: Monday, September 16, 2019 9:09 AM
To: Goodrich, Stephen <SGoodric@washco-md.net>
Subject: Keplinger's Excavation request

RECEIVED

SEP 16 2019

WASHINGTON COUNTY
PLANNING DEPARTMENT

[EXTERNAL SENDER]

Good morning Steve:

Hope all is well with you. A voice from the past. I wanted to share my concern regarding the Kiplinger request on Breathedsville Road. To begin with, the road is narrow with no shoulders. There are only two ways for traffic on Breathedsville Road to exit onto the Sharpsburg Pike; Manor Church Rd to the south and Lappans Rd to the north. The exit onto the Sharpsburg Pike from Manor Church Rd for trucks pulling a flatbed and making a right turn to go north requires the truck to cross the southbound lane to effect the turning radius. Steve, check with the State Police barracks concerning the number of accidents at the intersection of Manor Church Road (Spielman Road on the west side) and the Sharpsburg Pike. There have been four or five in the last year. The line of sight looking south is poor, as there is a dip in the intersection. The exit to the Sharpsburg Pike from Lappans has a traffic signal, making it somewhat safer for flatbeds to execute a turn. In the interest of safety, please review the road and traffic patterns. perhaps a requirement that all equipment using a flatbed be required to use Lappans and limit the use of manor Church Rd.

Regards,

George Anikis



Open Session Item

SUBJECT: Washington County Mobile Home Park Revenue Tax

PRESENTATION DATE: December 3, 2019

PRESENTATION BY: Sara Greaves, Chief Financial Officer; Kirk Downey, County Attorney/Interim County Administrator

RECOMMENDATION: For informational purposes only

REPORT-IN-BRIEF: The mobile home park tax in Washington County has been a topic of recent discussion brought forth by residents of Lakeside Park. At the November 19th meeting, a commissioner requested staff to look at revising the Mobile Home Park Tax to a lower amount.

DISCUSSION: The Washington County mobile home park tax has not been increased since 1963. The tax is charged to the Mobile Home Park and is calculated from gross receipts multiplied by 15%.

16 Maryland jurisdictions impose a trailer tax. The tax is either a flat charge per space (from \$5 to \$20/month) or a percentage of the rent charged (ranging from 7%-20%).

There are 3 counties in Maryland that repealed the tax in the last few years. It has been stated that the revenue loss for those counties is similar to what Washington County would experience, however, Washington County's overall budget is much smaller, making the impact of this loss larger.

Trailer Tax as a % of General Fund Budget

Anne Arundel County – .06%

Baltimore County – .03%

Howard County - .06%

Washington County – .24%

Below are some changes for consideration:

Option 1 – Reduce the tax to 7.5%. Fiscal impact is estimated \$300,000 in revenue loss annually.

Option 2 – Keep tax at 15% but cap it at no more than \$25 per month. Fiscal Impact is estimated \$318,000 in revenue loss annually. This could be viewed as a regressive tax, where residents with less valuable “lots” pay a percent of tax that is higher than a high value “lot”.

FISCAL IMPACT: Mobile home park tax results in annual revenue of \$550,000-\$600,000

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: West's Annotated Code of Maryland Local Government and Trailer Rental Tax Ordinance

AUDIO/VISUAL NEEDS: None

West's Annotated Code of Maryland
Local Government (Refs & Annos)
Division IV. Local Finance [Titles 16-23] (Refs & Annos)
Title 20. Taxes and Development Impact Fees (Refs & Annos)
Subtitle 5. Mobile Home and Trailer Park Taxes (Refs & Annos)

MD Code, Local Government, § 20-501
Formerly cited as MD CODE, Art. 24, § 9-401

§ 20-501. In general

Effective: October 1, 2013
Currentness

Definitions

(a)(1) In this section the following words have the meanings indicated.

(2) “Camping shelter” means a tent or other collapsible structure that provides temporary living quarters for recreational, camping, or travel use.

(3) “Mobile home park” means a mobile home court or park or a trailer park.

(4) “Recreational vehicle” means a trailer or other vehicle that provides temporary living quarters for recreational, camping, or travel use.

Mobile home park tax authorized

(b)(1) By resolution or ordinance, a county or municipality may impose a tax on the amount paid for:

(i) the rental, leasing, or use of any space, facility, or accommodation in a mobile home park; or

(ii) services provided by a mobile home park.

(2) The tax authorized under this subsection does not apply to a recreational vehicle or camping shelter if:

(i) the recreational vehicle or camping shelter is intended and used only for temporary occupancy of 30 days or less; or

(ii) the county or municipality imposes the tax authorized under subsection (c) of this section.

Separate tax for recreational vehicles or camping shelters authorized

(c)(1) Except as provided in paragraph (3) of this subsection, by resolution or ordinance, a county or municipality may impose a tax on the amount paid for:

(i) the rental, leasing, or use of any space, facility, or accommodation in a mobile home park for a recreational vehicle or camping shelter, regardless of the period of occupancy; or

(ii) services provided by a mobile home park in connection with the rental, leasing, or use of any space, facility, or accommodation for a recreational vehicle or camping shelter.

(2) Except as provided in paragraph (3) of this subsection, the rate of the tax authorized under this subsection may not exceed 3% of the amount subject to the tax.

(3) In Washington County:

(i) the rate of the tax authorized under this subsection is 6%;

(ii) the tax authorized under this subsection applies only to a recreational vehicle or camping shelter intended and used only for temporary occupancy of 30 days or less; and

(iii) the revenue from the tax authorized under this subsection shall be distributed in the same manner as the hotel rental tax under § 20-421 of this title.

Collection

(d) A county or municipality may require the operator or owner of a mobile home park to collect a tax authorized under this section and remit the tax collected to the county or municipality or to the agency that the county or municipality designates.

Records

(e) A county or municipality may provide for:

(1) the maintenance of public records relating to a tax authorized under this section and its collection; and

(2) the inspection or publication of the records.

Penalties

(f) A county or municipality may provide for penalties for failure to comply with the requirements relating to a tax authorized under this section.

Effect of section

(g) This section does not affect any requirement concerning permits to locate a trailer, house trailer, trailer coach, or mobile home.

Credits

Added by Acts 2013, c. 119, § 2, eff. Oct. 1, 2013.

MD Code, Local Government, § 20-501, MD LOCAL GOVT § 20-501
Current through all legislation from the 2019 Regular Session of the General Assembly.

End of Document

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A RESOLUTION LEVYING A TAX ON AUTOMOBILE TRAILER
CAMPS: FIXING THE AMOUNT AND PROVIDING FOR THE
COLLECTION THEREOF: AND PRESCRIBING PENALTIES
FOR VIOLATION OF THE RESOLUTION.

Section 1: BE IT RESOLVED BY the County Commissioners for Washington County, Maryland, that the following definitions shall apply whenever used in this resolution unless a different meaning appears from the context.

- (1) "Automobile Trailer" means any vehicle or structure designed and constructed in such manner as permits occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation, or trade or use as a selling or advertising device for any business, profession, occupation, or trade and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.
- (2) "Trailer Camp" means any park, trailer park, trailer court, court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any automobile trailer or automobile trailers and upon which any automobile trailer or automobile trailers are parked and as to which charges are made for the use of the trailer camp. The term does not include automobile trailer sales lots on which unoccupied trailers are parked for the purposes of inspection and sale.
- (3) "Gross Monthly Charges" means the gross charges for rental, leasing, or use of any space, facilities, or accommodations within a trailer camp and the gross charges for the providing of any services to automobile trailers located on the trailer camp.

Section 2. AND BE IT FURTHER RESOLVED BY~ the County Commissioners for Washington County, Maryland, pursuant to the power and authority contained in Section 12C of Article 81 of the Annotated Code of Maryland (1957 edition, as enacted by Chapter 581, laws of Maryland 1963) that every person, firm or corporation operating and conducting an automobile trailer camp or camps in Washington County shall pay a monthly tax computed at fifteen per centum of the gross monthly charges collected by the automobile trailer camp, with a minimum of at least \$2.00 per occupied trailer space per month.

Section 3. AND BE IT FURTHER RESOLVED that the aforesaid tax shall be accumulated and paid monthly to the Treasurer of Washington County. On or before the fifteenth day of each month after the effective date of this resolution, every trailer camp operator having two or more spaces in operation, shall file with the Supervisor of Assessments of Washington County a report showing

the amount of tax due for each month preceding the filing of such report and shall pay to the Treasurer of Washington County the total tax for the preceding month as shown thereon.

Section 4. AND BE IT FURTHER RESOLVED that if any person, firm or corporation required to collect and remit the tax imposed by this resolution fails to file a statement and a remittance, or if the Supervisor of Assessments has reasonable cause to believe an erroneous statement has been filed, the Supervisor of Assessments may proceed to determine the amount due to the County, and in connection therewith shall make such investigations and take such testimony and other evidence as may be necessary; provided, however, the notice and opportunity to be heard be given by the Supervisor of Assessments to any person, firm or corporation that may become liable for an amount determined by the Supervisor of Assessments.

Section 5. AND BE IT FURTHER RESOLVED that every trailer camp operator shall keep and maintain on the premises of the trailer camp a register showing the name, address, license number, date of arrival, date of departure, and amount charged each trailer owner. Said register shall be kept up to date and shall be available at all reasonable times to inspection by the County Commissioners, the Supervisor of Assessments, or their authorized representatives. All trailer owners shall sign in and sign out personally. Said register shall be retained by the trailer camp operator for at least two years.

Section 6. AND BE IT FURTHER RESOLVED that failure to pay to the Treasurer taxes when due as described in this resolution shall be subject to a penalty of one per cent per month.

Section 7. AND BE IT FURTHER RESOLVED that any person, firm or corporation liable for the taxes imposed by this resolution who or which (1) willfully fails to pay the taxes imposed by this resolution; or (2) wilfully fails to file any report required by this resolution; or (3) wilfully makes any false statement or misleading omission in any report filed as required by this resolution or wilfully fails to maintain a register as required by this resolution is guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$100.00, or imprisoned for not more than thirty days, or both for each offense; such fine or imprisonment in the discretion of the court.

Section 8. AND BE IT FURTHER RESOLVED that the provisions of this resolution shall take effect on the 1st day of July 1963.

TRUE COPY TEST: /S/ G. Dennis Thurston.
Dennis Thurston, Clerk to County Commissioners.