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OF
DORCHESTER COUNTY, MARYLAND

2008 Legislative Session,
Legislative Day No. 2, February 5, 2008

Introduced By: County Council

BILL NO. 2008 - 3

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND PURSUANT TO ARTICLE 25A, SECTION 5(S) AND ARTICLE 25A, SECTION 5(T) OF THE ANNOTATED CODE OF MARYLAND REPEALING AND REENACTING CHAPTER 119 ENTITLED "PLUMBING" OF THE DORCHESTER COUNTY CODE REGULATING THE INSTALLATION, REPLACEMENT OR MAJOR REPAIR OF PLUMBING, PROVIDING FOR A LICENSE TO PERFORM PLUMBING, FOR PERMITS AND FEES, FOR MINIMUM PLUMBING STANDARDS AND REQUIREMENTS, PROVIDING FOR THE CREATION OF THE POSITION OF CODE OFFICIAL, PROVIDING FOR APPEALS TO THE BOARD OF BUILDING APPEALS AND PROVIDING THAT VIOLATIONS OF THIS CHAPTER ARE CIVIL INFRACTIONS AND GENERALLY RELATED TO PLUMBING.

Introduced, read first time, ordered posted on official bulletin board of County, County Office Building, 501 Court Lane, Cambridge, Maryland, 21613.

Ordered publication for once a week for two (2) successive weeks, and public hearing scheduled on Tuesday, February 19, 2008, Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:55 p.m.

By order: 
Jane Baynard, County Manager

REC-0005 FILED 0622

COUNTY COUNCIL
OF
DORCHESTER COUNTY, MARYLAND

BILL NO. 2008 - 3

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND PURSUANT TO ARTICLE 25A, SECTION 5(S) AND ARTICLE 25A, SECTION 5(T) OF THE ANNOTATED CODE OF MARYLAND REPEALING AND REENACTING CHAPTER 119 ENTITLED "PLUMBING" OF THE DORCHESTER COUNTY CODE REGULATING THE INSTALLATION, REPLACEMENT OR MAJOR REPAIR OF PLUMBING, PROVIDING FOR A LICENSE TO PERFORM PLUMBING, FOR PERMITS AND FEES, FOR MINIMUM PLUMBING STANDARDS AND REQUIREMENTS, PROVIDING FOR THE CREATION OF THE POSITION OF CODE OFFICIAL, PROVIDING FOR APPEALS TO THE BOARD OF BUILDING APPEALS AND PROVIDING THAT VIOLATION OF THIS CHAPTER ARE CIVIL INFRACTIONS AND GENERALLY RELATING TO PLUMBING.

SECTION ONE: Acting under Article 25A, Section 5(T) and Section 5(S) of The Annotated Code of Maryland (the "Acts"), be it ENACTED and ORDAINED by the County Council of Dorchester County Maryland that Chapter 119, entitled "Plumbing" be repealed and reenacted to read as follows:

PLUMBING

CHAPTER 119

- § 119.1 Definitions.
- § 119.2 Code Official.
- § 119.3 Adoption of minimum requirements.
- § 119.4 Permit required; issuance; fees.
- § 119.5 Licensing requirements for businesses.
- § 119.6 Types of licenses; proof of qualification required prior to issuance.
- § 119.7 Suspension or revocation of license; notification and hearing.
- § 119.8 Disposition of moneys received.
- § 119.9 Applicability of provisions.

- § 119.10 Revisions of rules and regulations.
- § 119.11 Permit to work within easement.
- § 119.12 Appeals to Board of Building Appeals.
- § 119.13 Appeals to Courts.
- § 119.14 Civil Infractions; Violations and penalties.
- § 119.15 Short Title.

§ 119.1 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings indicated:

CODE OFFICIAL – That person designated by the County Council of Dorchester County, Maryland responsible and charged with the administration and enforcement of this chapter.

PLUMBING – The practice, materials and fixtures used in the installation, maintenance, extension, alteration and removal of all piping, plumbing fixtures, plumbing appliances and plumbing appurtenances connected to, or to be connected to, any of the following:

- A. Sanitary drainage or storm drainage facilities.
- B. Venting systems and the public or private water supply systems within or adjacent to any building, structure or conveyance.

§ 119.2 POSITION OF CODE OFFICIAL ESTABLISHED.

A. **Creation of the position**

There is hereby established the position of Code Official. The County Council of Dorchester County, Maryland (the "County Council") shall appoint a Code Official.

B. **Administration of enforcement**

- (1) This chapter shall be administered and enforced by the Code Official. The Code Official may be provided with the assistance of such other persons as the County Council may direct, and he may delegate, upon the approval of the County Manager, such duties and responsibilities in connection with the administration and enforcement of this chapter as are appropriate, in his judgment.
- (2) The Code Official shall have the authority to issue plumbing licenses and to issue plumbing permits under this Chapter. The Code Official shall have the authority to revoke any license or permit issued under this chapter for cause.

§ 119.3 ADOPTION OF MINIMUM REQUIREMENTS.

The requirements of the plumbing regulations adopted by the Maryland Board of Commissioners of Practical Plumbing, shall be the minimum requirements under this chapter.

§ 119.4 PERMIT REQUIRED; ISSUANCE; FEES.

- A. It shall be unlawful in Dorchester County for any person, firm or corporation to begin any work on the installation, replacement or major repair of any plumbing, except when permitted by the State Plumbing Code and/or §119.9 of this chapter, without first applying for, on forms furnished by the Code Official and obtaining a permit to do such work from the Code Official. Permits shall be issued only to persons, firms and corporations holding valid licenses to do such work in Dorchester County. The fees for all such permits are to be paid prior to the time of issuance.
- B. The plumbing fees may be changed from time to time at the discretion of the Code Official with the concurrence of the County Council.

§ 119.5 LICENSING REQUIREMENT FOR BUSINESSES.

It shall be unlawful in Dorchester County for any person, firm or corporation to engage in the business of installation of plumbing without having first obtained a license to perform such work from the Code Official. These licenses are to be renewed annually. The license fee shall be determined by the County Council and shall be issued to qualified persons, firms or corporations making written application on forms provided by the Code Official. Licenses shall be required only of persons, firms and corporations contracting to do plumbing work and are not required for persons performing such work under the direct supervision of a licensed person, firm or corporation.

§ 119.6 TYPES OF LICENSES; PROOF OF QUALIFICATIONS REQUIRED PRIOR TO ISSUANCE.

- A. There shall be one type of license under this chapter to do work in Dorchester County, as follows:
 - (1) General plumbing license.
- B. This license shall be issued by the Code Official upon payment of the required fee by person, firms or corporation making necessary application and furnishing proof of qualification to contract for and perform such work. Proof of qualification will be in the form of a valid license as required by the laws of the State of Maryland.
- C. Persons, firms or corporations desiring license to do general plumbing work in Dorchester County shall be in possession of a valid master plumber's certificate issued by the Maryland State Board of Practical Plumbing.

§ 119.7 SUSPENSION OR REVOCATION OF LICENSE; NOTIFICATION AND HEARING.

The Code Official shall have the power to suspend or revoke any license issued under this chapter for cause or if the same was obtained through fraud or if a license has for a second time willfully violated any of the provisions of this chapter. Whenever the Code Official shall find that such violation has occurred, the Code Official shall give written notice to the licensee that it contemplates the suspension or revocation of such license and shall give its reason therefore. Said notice shall appoint a time and place of hearing before the Code Official and shall be mailed by certified or registered mail to the licensee affected. At the time of such hearing, the licensee may, personally or through legal representation, present such evidence as he deems fit, and,

after hearing all the testimony, the Code Official shall decide the question in such a manner as to it appears just and right.

§ 119.8 DISPOSITION OF MONEYS RECEIVED.

All moneys received by and on behalf of the Code Official under the terms and provisions of this chapter shall be deposited with the Director of Finance of Dorchester County to be applied against the annual expenses of the Code Official.

§ 119.9 APPLICABILITY OF PROVISIONS.

- A. This chapter shall not prevent an individual property owner from personally performing plumbing construction work in a single-family dwelling used exclusively for living purposes or related accessory outbuildings, provided that such property owner is a bona fide owner and occupant of such dwelling for a period of six months immediately following completion and said owner and occupant purchases all materials and personally performs all labor in connection therewith. Said plumbing construction work shall be carried out under a permit issued by the Code Official.
- B. This chapter shall not prevent maintenance employees of any plant or business from performing their duties of repairing or maintaining existing plumbing facilities at their place of employment. Permanent employees of this type will not be required to hold the plumbing construction license required by this chapter.

§ 119.10 REVISIONS OF RULES AND REGULATIONS.

With the approval of the County Council, the Code Official shall, from time to time, make, revise or revoke rules and regulations necessary to the administration of this chapter.

§ 119.11 PERMIT TO WORK WITHIN AN EASEMENT.

Where there is an easement, appurtenant to land and property, valid on its face, the use of the easement by the dominant owner shall not be subject to the consent of the servient owner in any permitting process under this chapter.

§ 119.12 APPEALS TO BOARD OF BUILDING APPEALS.

A. Board of Building Appeals

The Board of Building Appeals, constituted under Chapter 65 entitled "Building Code, Section 65-4(F) and Section 65-4(G) of the Dorchester County Code is hereby granted the authority to hear and to decide appeals from decisions of the Code Official under this chapter.

B. Appeal

Any person allegedly aggrieved by any decision of the Code Official in the administration or enforcement of this chapter may file an appeal with the Board of Building Appeals. This shall be the exclusive procedure to file an appeal from a decision of the Code Official.

C. Rules/Regulations/Procedures

The rules, regulations and procedures of the Board of Building Appeals under Chapter 65 of the Dorchester County Code shall apply to appeals under this chapter.

§ 119.13 APPEALS TO COURTS.

A. Time limit for appeal

Any person allegedly aggrieved by any decision of the Board of Building Appeals may appeal the same to the Circuit Court of Dorchester County within 30 days of the notification of the decision.

B. Stays

The filing of an appeal does not stay an order or action of the Board of Building Appeals. Upon motion and after hearing the Court may grant a stay, unless prohibited by law, upon conditions as to bond or otherwise that the Court considers proper.

C. Cost of transcript

The appellant shall be responsible for paying the expense of transcription.

D. Liability of Board of Building Appeals for costs

Costs shall not be allowed against the Board of Building Appeals unless it shall appear to the Circuit Court that the Board of Building Appeals acted with gross negligence or in bad faith or with malice in making the decision appealed from.

§ 119.14 CIVIL INFRACTIONS; VIOLATIONS AND PENALTIES.

Any person who violates any part of this chapter shall be guilty of a civil infraction under the authority of Chapter 147 of the Dorchester County Code. The maximum civil penalty for each violation of this chapter shall be \$1,000. Each new day may constitute a separate violation. An occurrence may contain more than one offense.

§ 119.15 SHORT TITLE.

This chapter may be cited as the "Dorchester County Plumbing Code".

SECTION TWO: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND that General Code Publishers is directed to codify new Chapter 119 of the Dorchester County Code accordingly.

SECTION THREE: Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that this Bill shall be known as Bill No. 2008-_____ of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

REC0005 F0000627

PASSED this 19th day of FEBRUARY, 2008.

ATTEST:

COUNTY COUNCIL OF
DORCHESTER COUNTY,
MARYLAND

BY: Jane Baynard
Jane Baynard, County Manager

William V. Nichols
Williams V. Nichols, President

APPROVED this 19th day of FEBRUARY, 2008.

ATTEST:

COUNTY COUNCIL OF
DORCHESTER COUNTY,
MARYLAND

BY: Jane Baynard
Jane Baynard, County Manager

William V. Nichols
Williams V. Nichols, President

Nichols - aye
Newcomb - aye
Elzey - aye
Price - aye
Travers - aye

C:PlumbCode.Bill/mlh