

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

BILL NO. 2019-18

Title of Bill: Amendment – HVAC Standards

Synopsis: A Bill to amend certain provisions of the Cecil County Code, Chapter 229, HVAC Standards to update references to the Division of Permits and Inspections, to update the edition of the International Mechanical Code to 2018, and assignment of responsibilities when contractor is removed.

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

Introduced and order posted on: October 1, 2019

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

Consideration scheduled on: November 19, 2019

By: _____
Council Manager

PUBLIC HEARING

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

By: _____
Council Manager

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

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

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

9 **WHEREAS**, pursuant to Chapter 229, of the Cecil County Code, there is HVAC Standards; and

10 **WHEREAS**, the Chief, Permits and Inspections Division, Cecil County Department of Land Use and
11 Development Services has recommended amendments, insertions, and deletions to Chapter 229 of the
12 Cecil County Code, as more fully set forth herein; and

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

15 **NOW, THEREFORE, BE IT HEREBY ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
16 **MARYLAND**, that the HVAC Standards Code adopted under Cecil County Code, Chapter 229, is amended
17 as follows:

18 Chapter 229

19 HVAC Standards

20 GENERAL REFERENCES

21 § 229-1. Purpose.

22 The purpose of this chapter is to provide basic and uniform HVAC regulations in terms of performance objectives
23 implemented by specific requirements, establishing reasonable safeguards for the installation and repair of HVAC
24 systems.

25 § 229-2. Definitions.

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

27 CODE OFFICIAL — The officer or other designated authority charged with the administration and enforcement of
28 the applicable codes.

29 CONTRACTOR — A heating, ventilation, air-conditioning and/or refrigeration contractor.

30 COOLING SYSTEM — A system by which heat is removed from air, surrounding surfaces or both; includes an air-
31 conditioning system.

32 HEATING SYSTEM — A system by which heat is transmitted by radiation, conduction, or convection, or a
33 combination of any of these methods, to the air, surrounding surfaces or both. Does not include a fireplace or wood
34 burning stove not incorporated into or used as a primary heating system.

35 HVAC CONTRACTOR — An individual who provides heating, ventilation, air conditioning or refrigeration services.

36 HVAC SERVICES — To install, maintain, alter, remodel or repair heating systems, cooling systems, refrigeration
37 systems, ventilation systems or hydronic systems.

38 HYDRONIC SYSTEM — A heating and cooling system using liquids or steam to transmit or remove heat.

39 LICENSE — Unless the context requires otherwise, a license issued by the State of Maryland to provide or to assist
40 in providing heating, ventilation, air-conditioning, or refrigeration services.

41 PERSON — A natural person, the heirs, executors, administrators, or assigns and includes a firm, partnership or
42 corporation, its or their successors or assigns.

43 PREMISES — The building(s) and that part of the grounds of one parcel of property where an installation would
44 affect the safety of those buildings or adjacent property.

45 REFRIGERATION SYSTEM — A combination of interconnected refrigerant containing parts constituting one closed
46 circuit in which a refrigerant is circulated for the purpose of extracting heat.

47 VENTILATION SYSTEM — The natural or mechanical process of supplying conditioned or unconditioned air to or
48 removing such air from any space.

49 § 229-3. Licenses. [Amended 11-13-2012 by Ord. No. 2012-12]

50 Any HVAC mechanical work commenced within Cecil County shall be conducted by a corporation, firm or person
51 licensed by the State Board of Heating, Ventilation, Air Conditioning and Refrigeration Contractors, as outlined in
52 the Business Regulation Article of the Annotated Code of Maryland, Title 9A, Heating, Ventilation, Air-Conditioning
53 and Refrigeration Contractors.

54 § 229-4. Permits.

55 A. An owner, authorized agent or contractor who desires to erect, install, enlarge, alter, repair, remove,
56 convert or replace a mechanical system or to cause such work to be done shall first make application to
57 the ~~DIVISION Department~~ of Permits and Inspections and obtain the required permit for the work.

58 Exception: Where equipment and appliance replacement or repairs must be performed in an
59 emergency situation, the permit application shall be submitted within the next working business day of
60 the ~~DIVISION Department~~ of Permits and Inspections.

61 B. The County will grant permits to companies, corporations, individuals, and/or organizations that
62 provide, and place on file with the **OFFICE OF PERMITS AND INSPECTIONS Department**, the following;

63 (1) Certification of liability insurance, for mechanical contracting only;

- 64 (2) Identification (documentation of a person(s) authorized to bind the Company in legal
65 matters;
- 66 (3) A copy of a Maryland mechanical/HVAC license.
- 67 C. No work shall commence in the County until a permit to do such work has been issued by the **DIVISION**
68 **Department** of Permits and Inspections to a licensed contractor.
- 69 D. Application for such a permit shall be made on forms prepared and provided by the **DIVISION**
70 **Department** of Permits and Inspections.
- 71 E. Permits not required. Permits shall not be required for the following:
- 72 (1) Portable heating appliances.
- 73 (2) Portable ventilating appliances and equipment.
- 74 (3) Portable cooling units.
- 75 (4) Steam, hot water or chilled water piping within any heating or cooling equipment
76 regulated by this code.
- 77 (5) The replacement of any minor part that does not alter the approval of equipment or an
78 appliance or made such equipment or appliance unsafe.
- 79 (6) Portable evaporative coolers.
- 80 (7) Self-contained refrigeration systems that contain 10 pounds (4.5 kg) or less of
81 refrigerant, or that are activated by motors of one horsepower (0.75 kw) or less.
- 82 (8) Portable fuel cell appliances that are not connected to a fixed piping system and are not
83 interconnected to a power grid.
- 84 § 229-5. Denial, rescission or suspension of permits.
- 85 A. At any time that the **DIVISION Department** of Permits and Inspections or any designated Code
86 Enforcement Officer or inspector of the County determines that any person, firm, or corporation erects,
87 constructs, alters, repairs, removes, demolishes or utilizes a mechanical system, or causes same to be
88 done in violation of this code or the Mechanical Code as adopted by the Cecil County Council, notice
89 shall be sent to said person, firm or corporation advising of said violation and corrections necessary.
90 Said notice shall be presumed received upon being mailed to the address of said person, firm or
91 corporation provided on any permits issued or other information obtainable for such person, firm or
92 corporation three days after mailing. Until such violation(s) has been corrected, the **DIVISION**
93 **Department** of Permits and Inspections and/or any appropriate Code Official of the County shall have
94 the power to suspend any permit issued to said person, firm or corporation, withdraw any permits
95 issued to said person, firm or corporation and/or deny any further permits requested by said person,
96 firm or corporation.

97 B. Any person shall have the right to appeal any decision of the Code Official. An application for appeal
98 shall be filed in writing to the ~~DIVISION Department~~ of Permits and Inspections within 10 days of
99 receipt of any notice. All appeals shall be heard by the Mechanical Board appointed by the County
100 Executive in accordance with the Charter. [Amended 11-13-2012 by Ord. No. 2012-12]

101 § 229-6. Transfer of permits.

- 102 A. In the case where a contractor signs an application for a permit and does not desire to do the work
103 covered by it, either in part or in its entirety, he shall notify the County ~~DIVISION Department~~ of
104 Permits and Inspections in writing, requesting that he be released from responsibility for that part of
105 the work which he does not desire to do. He will, however, be held responsible for any work he has
106 completed and an inspection shall be performed to verify his responsibility. The ~~DIVISION Department~~
107 of Permits and Inspections' records will indicate the extent of such completed work and such
108 responsibility, and the permit will be revised accordingly and held in abeyance.
- 109 B. In the event that the contractor who signed the application for a permit dies and the owner calls in a
110 new contractor, the original permit will remain active upon request, in writing, from the homeowner.
111 An inspection will be required prior to a new contractor being designated, and the new contractor will
112 be responsible for all of the uncompleted work.
- 113 C. In the case where the contractor who originally signed the application (and to whom the permit was
114 issued) is removed from the work by the owner and is replaced by another contractor, the owner shall
115 notify the ~~DIVISION Department~~ of Permits and Inspections, in writing, of the proposed change. The
116 first contractor will be notified by the ~~DIVISION Department~~ of the proposed change and no transfer of
117 the permit will be made without his consent in fewer than seven days. The transfer will be made by the
118 ~~DIVISION Department~~ once an inspection is performed and completed. The ~~NEW and the first~~
119 contractor will be held responsible for the entire work performed under the scope of the permit. ~~that~~
120 ~~part of the work constructed by him.~~

121 § 229-7. Inspections.

122 Inspection of all HVAC work required before and during any construction must be requested by the contractor who
123 holds the HVAC permit prior to covering any work performed. The County Inspector shall be notified by the
124 contractor, at least 24 hours in advance, to perform an inspection before covering any rough work. The Inspector
125 shall be requested to perform a final inspection at such time when all work is completed.

126 § 229-8. Exemptions.

127 This chapter does not apply to the following:

- 128 A. An employee of a public utility service company regulated by the Public Service Commission when
129 engaged in the development, construction, maintenance, or repair of electric or gas appliances in the
130 service area of the public utility.
- 131 B. An employee of the United States, the State of Maryland, or the local government, or an independent
132 agency while that employee is practicing heating, ventilation, air-conditioning or refrigeration services
133 on or within buildings or structures owned or solely occupied by those entities.
- 134 C. An individual possessing a master electrician's license issued by the state or the County, when engaged
135 in the installation, alteration, service, repair or replacement of individually controlled electric resistant
136 heat.
- 137 D. An individual who assists in providing services as an employee or subordinate of a licensee if the
138 individual assists in providing heating, ventilation, air-conditioning or refrigeration services while under
139 control of the licensee. The licensee is responsible for the heating, ventilation, air-conditioning or
140 refrigeration services that the individual provides.
- 141 E. An individual who installs, alters, remodels, maintains or repairs oil burners exclusively.

142 § 229-9. Display of licenses.

143 All licensed HVAC contractors shall display the company name and license number on all work vehicles.

144 § 229-10. Fees.

145 Fees shall be established by resolution by the Cecil County Council as provided for by law. Copies of the fee
146 schedule will be available in the offices of the Cecil County Council and the **DIVISION Department** of Permits and
147 Inspections.

148 § 229-11. Applicable standards.

149 The ~~2018 current~~ edition of the International Mechanical Code ~~as adopted by the State Board of Heating,~~
150 ~~Ventilation, Air Conditioning and Refrigeration Contractors~~ shall be the code in effect and will be enforced within
151 Cecil County. Any provisions of the Maryland Building Performance Standards that deal directly with mechanical
152 installations as adopted by the State of Maryland shall also be complied with.

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

CERTIFICATION

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

BY Council Manager