

COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION 2024-04

BILL NO. 2024-07

Title of Bill: Amendment — Energy Conservation Standards

Synopsis: A Bill to amend certain provisions of the Cecil County Code, Chapter 195, ENERGY CONSERVATION STANDARDS to update the edition of the International Energy Conservation Code to 2021.

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

Introduced and order posted on: February 20, 2024

Public Hearing Scheduled on: March 19, 2024 at 7:00 pm

Consideration scheduled on: April 2, 2024

By: _____
Council Manager

Notice of time and place of public hearing and title of Bill having been posted by February 20, 2024 at the County Administrative Building, 200 Chesapeake Blvd, Elkton, and having been published according to the Charter on March 6, 2024 and March 13, 2024 a public hearing was held on March 19, 2024 and concluded on March 19, 2024.

By: _____
Council Manager

Explanation: CAPITALS INDICATE MATTER ADDED TO EXISTING ORDINANCE.
~~Strike through~~ indicate matter deleted from existing ordinance.
Underlining indicates language added by amendment.
~~Double Strike through~~ indicates language deleted 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
3 properly and efficiently, and that employees of the executive branch faithfully perform their duties;
4 and

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

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

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

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

17 **NOW, THEREFORE, BE IT HEREBY ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
18 **MARYLAND**, that Chapter 195, Energy Conservation Standards, is amended as follows:

19 Chapter 195

20 Energy Conservation Standards

21 General References

22 Building construction — See Ch. 157.

23 Electrical standards — See Ch. 191.

24 Housing standards — See Ch. 225.

25 HVAC standards — See Ch. 229.

26 Plumbing — See Ch. 270.

27 § 195-1. Adoption of standards.

28 A. A certain document, copies of which are on file in the Division of Permits and
29 Inspections of Cecil County, being marked and designated as the "International Energy
30 Conservation Code, **2021 2018** Edition," as published by the International Code Council, be and
31 is hereby adopted as the Energy Conservation Code of Cecil County, Maryland, for regulating
32 and governing energy-efficient envelopes and installation of energy-efficient mechanical,
33 lighting and power systems as therein provided, providing for the issuance of permits and
34 collection of fees therefor; and each and all regulations, provisions, penalties, conditions and
35 terms of said Energy Code on file in the Office of Permits and Inspections are hereby referred
36 to, adopted and made a part hereof, as if fully set out in this chapter. [Amended 7-5-2016 by
37 Bill No. 2016-12; 11-20-2019 by Bill No. 2019-17]

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

40 § 195-2. Higher standards to govern.

41 Additional requirements concerning energy conservation for buildings and structures may be
42 required by the Energy Conservation Building Standards, Public Utilities Article, §§ 7-401 through 7-
43 408, Annotated Code of Maryland, as amended.

44 195-3. Adoption of amendments. [Amended 11-20-2019 by Bill No. 2019-17]

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

51 § 195-4. Amendments, additions and deletions.

52 The following sections of the **2021 2018** International Energy Conservation Code are hereby revised
53 and amended as follows:

54 A. Section C101.1 Title.

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

- 56 (2) In addition to the International Energy Conservation Code, local jurisdictions are
 57 responsible for implementation and enforcement of the Maryland building performance
 58 standards.
- 59 B. Section C101.2.1 Additional requirements concerning energy conservation for buildings
 60 and structures may be required by the Energy Conservation Building Standards, Public
 61 Utility Companies article, §§ 7-401 through 7-408, Annotated Code of Maryland, as
 62 amended.
- 63 C. Section C108.4 Failure to comply.
 64 (1) Delete: "shall be liable to a fine of not less than \$250 dollars or more than \$2,500
 65 dollars."
 66 (2) Insert: "may be liable to a fine as adjudicated by the court having jurisdiction and may
 67 also be responsible for any and all costs incurred by the County in pursuit of compliance."
- 68 D. Section C202 General Definitions.
 69 Add: Equivalent Modification — Per the flexibility intended in the IECC, the State of
 70 Maryland shall recognize alternatives accepted by the County for the design and
 71 conservation of energy for buildings that, when installed, reduce annual energy usage or
 72 reduce the annual cost of energy usage equal to or less than the amount specified within
 73 any pathway in the current IECC edition or corresponding Residential Code edition.
 74 Allowable energy neutral trade-offs shall include, but not be limited to, building air
 75 tightness, building envelope and fenestration components, equipment, duct tightness,
 76 lighting, appliances and renewable energy systems.
- 77 E. Section 405 Electrical Power and Lighting Systems.
 78 Section C405.2.1 Occupant Sensor Controls.
 79 Add: Section C405.2.1.3 Specific Application Controls.
 80 For the construction of new hotels:
 81 A) Each hotel guest room shall be equipped with a master control device that
 82 automatically turns off the power to all lighting fixtures in the guest room no more than
 83 30 minutes after the room has been vacated; and

84 B) A master control device may also control the heating, ventilation, or air conditioning
85 default settings in hotel guest rooms 30 minutes after a room has been vacated by:
86 (1) Increasing the set temperature by at least 3° F when in the heating mode.

87 § 195-5. Fees.

88 All fees shall be established by the County as provided for by law. Copies of the fee schedule will be
89 available in the Division of Permits and Inspections.

90 § 195-6. Definitions.

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

92 BUILDER/CONTRACTOR — The party to whom a permit for the building or structure not in compliance
93 was issued and shall also include any party actually performing the work of construction upon said
94 building. The builder/contractor shall also include any officer of any corporation, any partner of any
95 partnership or any related corporation, partnership, limited liability company or limited-liability
96 partnership owned in whole or in part by any aforementioned party.

97 CODE — The building, plumbing, mechanical, electrical or energy codes or other construction-related
98 codes adopted by Cecil County and enforced by the Division of Permits and Inspections.

99 CODE OFFICIAL — The official or his designee appointed by the County Executive, who is charged with
100 the enforcement of the building, plumbing, mechanical, electrical and energy codes or other
101 construction-related codes as adopted by Cecil County.

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

107 STOP-WORK ORDER — A legal notice posted on a specific property, building, structure or equipment by
108 a Code Official, indicating that a violation(s) of a code enforced by the Division of Permits and

109 Inspections has been found and therefore all construction, alterations or repairs on the specific
110 premises or equipment shall be stopped until such time as any and all violations have been remedied.

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

117 § 195-7. Suspension, withholding or revocation of permits.

118 A. Suspension. Whenever the Division of Permits and Inspections or any designated Code
119 Official of the County determines that an owner or contractor, as defined in this chapter,
120 is in violation of the provisions of this code or other rules and regulations of any other
121 department or agency of Cecil County in connection with the erection, alteration or
122 demolition of buildings, structures, lands, or equipment thereon or therein, the **Chief** of
123 Permits and Inspections or his designee may suspend all active permits and inspections
124 necessary which the individual has acquired or may need until such time as any and all
125 violations have been corrected.

126 B. Withholding. Whenever the Division of Permits and Inspections or any designated Code
127 Official of the County shall find that any contractor or owner, as defined in this chapter,
128 is in violation of this code or the rules and regulations of any other department or
129 agency of Cecil County in connection with the erection, alteration or demolition of
130 buildings, structures, land or equipment thereon or therein, the Chief of Permits and
131 Inspections or his designee may refuse to grant any additional permits to the contractor
132 or owner until all such violations have been corrected.

133 C. Revocation. The Division of Permits and Inspections or any designated Code Official of
134 the County may revoke a permit or approval issued under the provisions of the code

135 when it is determined that any owner or contractor, as defined in this chapter, is in
 136 violation of this code in the case of any false statement or misrepresentation of fact in
 137 the application or on the plans on which the permit or approval was based. If any permit
 138 is issued in violation of the provisions of this code or other laws, resolutions and
 139 regulations of Cecil County, or laws of the State of Maryland, or without proper
 140 authority, it may be voided as if it had never been issued.

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

153 § 195-8. Violations and penalties; stop-work orders.

154 A. Any person who shall violate a provision of this code or shall fail to comply with any of
 155 the requirements thereof or who erects, constructs, alters or repairs a building,
 156 structure or equipment in violation of an approved plan or directive of the Code Official
 157 of his designee or of a permit or certificate issued under the provisions of this code may
 158 be liable upon judicial finding of said violation to a fine of not more than \$1,000 or
 159 imprisonment for not more than 90 days and, in addition, shall pay all costs and
 160 expenses associated with the County's abatement of said violation, as well as any and all
 161 fair and reasonable attorneys' fees incurred as a result of said abatement efforts. Each

162 day a violation exists shall be deemed a separate offense. Nothing herein contained shall
163 prevent the County from taking such other lawful action as is necessary to prevent or
164 remedy any violation.

165 B. Unlawful continuance. Any person who shall continue work in or about the structure
166 after having been served with a stop-work order, except such work as that person is
167 directed to perform to remove a violation or unsafe conditions, shall be liable for a fine
168 of not less than \$250 and not more than \$1,000 and shall be liable for all costs, expenses
169 and reasonable attorneys' fees associated with the County's administrative actions
170 and/or legal proceedings taken to discontinue any such work after the service of said
171 stop-work order. Each day that a violation continues shall be deemed a separate
172 offense.

173 **AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,**

174 that this Act shall take effect in 60 calendar days from the date it becomes law.

CERTIFICATION

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

BY Council Manager