

**CHAPTER 5**  
**BUILDING AND HOUSING REGULATIONS**  
**ARTICLE 1. BUILDING REGULATIONS**

**Section 5-100      Adoption of a Building Code**

The Commissioners of Rising Sun hereby adopt the terms and provision as set out in the model code, of which one (1) copy is on file in the offices of the Town Hall, being marked and designated as the *International Building Code*, 2006 edition, including all Appendix Chapters , with the exceptions of Appendix A, D & J, as published by the International Code Council, and to also include all current supplements and any future supplements provide that the Town Commissioners do not disallow said future supplements within sixty (60) days of publications; are hereby adopted as the Building Code of the Town of Rising Sun, in the State of Maryland for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Town of Rising Sun are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-100.1. titled Amendments.

**Section 5-100.1      Amendments**

The following sections of this code are hereby revised as follows:

- (a) Section 101.1. Insert the name “Town of Rising Sun”
- (b) Section 101.4.5 Insert the phrase “Town of Rising Sun Property Maintenance, Minimum Housing and Quality of Life Code”, in place of the phrase “International Property Maintenance Code” located in the first sentence.
- (c) Section 113.4 titled Violation Penalties shall be modified by deleting the text after the last comma in the last sentence and replacing it with the following:

*“shall be guilty of a summery offence, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00) or by imprisonment not exceeding (30) days or both such fine and imprisonment. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.”*

- (d) Section 1612.3. Insert: “Town of Rising Sun”
- (e) Section 1612.3. Insert: “1986”
- (f) Section 3410.2. Insert: “October 1, 2007”

## **Section 5-110      Adoption of a Residential Building Code**

The Commissioners of Rising Sun hereby adopt the terms and provision as set out in the model code, of which one (1) copy is on file in the offices of the Town Hall, being marked and designated as the *International Residential Code*, 2006 edition, including including all Appendix Chapters , with the exceptions of Appendix I & L, as published by the International Code Council, and to also include all current supplements and any future supplements provide that the Town Commissioners do not disallow said future supplements within sixty (60) days of publications; are hereby adopted as the Residential Building Code of the Town of Rising Sun, in the State of Maryland for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the Town of Rising Sun are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-110.1. titled Amendments.

### **Section 5-110.1.      Amendments**

The following sections of this code are hereby revised as follows:

- (a) Section R101.1. Insert the name “Town of Rising Sun”.
- (b) Section 113.4 titled Violation Penalties shall be modified by deleting the text after the last comma in the last sentence and replacing it with the following:

*“shall be guilty of a summary offence, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00) or by imprisonment not exceeding (30) days or both such fine and imprisonment. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.”*

- (c) Section R202 - Definitions: The Following definitions will be added to section R202 of Chapter 2 titled Definitions, of the International Residential Code (IRC).

**NEW CONSTRUCTION.** For the purposes of enforcing the provisions of the Town of Rising Sun Fire Prevention Code and the Town of Rising Sun Residential Building Code, any work, addition to, remodel, repair, renovation, or alteration of any building(s) or structure(s) may be defined as “New Construction” when 50 percent or more of the exterior weight bearing walls are destroyed, removed or demolished.

**ALTERATION OF FLOOR AREA.** For the purpose of this definition, alterations, remodeling, repairs or replacements involving the below criteria shall be used to determine the percentage of “alteration of floor area”. The calculation of “alteration of floor area” shall include the entire room or spaces identified below and shall include any bathrooms, closets, hallways, storage & utility spaces within those areas regardless if they are directly part of the work being performed. The 50% referred to under “Substantial Addition or Substantial Alternation, Remodel, Replacement and Repairs” applies to the entire building’s existing gross occupiable floor area in plan view. The calculation for existing gross occupiable floor area shall include bathrooms, closets, hallways, storage & utility spaces, but shall not include, garages, or uncovered decks or porches.

The total percentage of alteration of floor area shall be based upon one or more of the following projects:

- (c.1) Removing wall finishes and exposing framing of:

1.1. Interior wall

1.1.a Where finishes are removed from one side only, the room or space to which the framing is exposed will be included in the calculation.

1.1.b Removing finishing from both sides of common wall between rooms shall result in both rooms being included in the calculation.

1.2 Perimeter exterior wall (one or both sides).

- (c.2) New wall construction, such as a basement refinishing; removing, repositioning, either interior or perimeter exterior walls or dividing a space into new spaces, with a new wall, shall result in the rooms or spaces affected or created to be included in the calculation.
- (c.3) Removal of the ceiling in any room or space to expose rafters, trusses, beams, purlins, or floor joists, will cause the entire room or space to be included in the calculation.
- (c.4) Removal of the roof structure, involving the removal of rafters, trusses, beams, or purlins will cause only rooms or spaces that are directly below the removed roof structure to be included in the calculation.
- (c.5) Removal of floor finishes which exposes floor framing and/or removal of concrete slab, will cause the entire room or space to be included in the calculation.
- (c.6) Relocating plumbing fixtures in a bathroom or kitchen, or exposing any walls or ceilings to expose studs, rafters, trusses, beams, purlins, or floor joists, will cause the entire room or space to be included in the calculation.
- (c.7) Running of new electrical wiring to outlets, fixtures, devices or equipment that involves removal of wall or ceiling coverings that expose existing wiring or is performed to run new wiring, will cause the entire room or space to be included in the calculation.
- (c.8) Other Repairs, Renovations, Modifications, Reconstruction, Change of Use or occupancy classification and or addition as considered substantial by the Fire Code Official or outlined in the Town of Rising Sun's Fire Prevention Code.

**SUBSTANTIAL ALTERATION, REMODEL, REPAIR and REPLACEMENT.** Shall be defined as any work on an existing buildings or structure regulated by this code, that involves alterations, remodeling, replacements or repairs that involves the alteration of the gross floor area greater than fifty percent (50%) of the existing gross floor area.

**SUBSTANTIAL ADDITION.** Shall be defined as any addition to an existing buildings or structure regulated by this code, that exceeds fifty percent (50%) of the existing occupiable gross floor area. The calculation for existing gross occupiable floor area shall include bathrooms, closets,

hallways, storage & utility spaces, but shall not include, garages, or uncovered decks or porches.

(d) Table R301.2 (1) Insert the following design criteria in table 301.2(1)

Ground Snow Load:	30 lbs. psf.
Wind Speed:	90 mph.
Topographic Effects	No
Special Wind Region	No
Wind-borne debris zone	No
Seismic Design Category:	B.
Weathering Damage:	Severe.
Frost Line Depth:	32 inches.
Termite Damage:	Moderate to Heavy.
Decay:	Slight to Moderate.
Winter Design Temperature:	13°.
Ice Barrier Underlayment Required	Yes
Flood Hazards:	As per Chapter 10 of the Town of Rising Sun Code of Ordinances
Air Freezing Index	>1500
Mean Annual Temp	53.6 degrees
Elevation	387
Latitude	39.67
Winter heating	17°F
Summer Cooling	89°F
Altitude Correction Factor	None
Indoor Design Temperature	64°F-75°F
Design Temperature Cooling	75F
Heating Temperature Difference	55
Wind Velocity Heating	7.5F
Wind Velocity Cooling	7.5F
Coincident Wet Bulb	74%
Daily Range	16°F -25°F
Winter Humidity	30%
Summer Humidity	50%

- (e) Section R313.1, titled Townhouse Automatic Fire Sprinkler Systems, delete the word “townhouse” at the end of the sentence, and continue the sentence to read, “in all newly constructed townhouses and in existing townhouses that are undergoing Substantial Alterations, Remodeling, Replacements or Repairs, or Substantial Additions as defined herein. In addition, the exception listed will be deleted in its entirety.”
- (f) Section R313.1.1, titled Design and Installation, after the words “NFPA 13D”, add “NFPA 13R, or NFPA 13.”
- (g) Section R313.2, titled One- and Two-Family Dwellings Automatic Fire Sprinkler Systems, delete the words “one- and two- family dwellings” at the end of the sentence, and continue the sentence to read, “in all newly constructed one-and two-family dwellings, or manufactured homes, to include mobile homes, and in existing one- and two- family dwellings, or manufactured homes, to include mobile homes, that are undergoing Substantial Alterations, Remodeling, Replacements or Repairs, or Substantial Additions as defined herein. If a one-and two-family dwellings, or manufactured homes, to include mobile homes, is currently suppressed, then any addition, alteration, enlargement, or replacement to the existing structure must be suppressed in accordance with R313.2.1. In addition, the exception listed will be deleted in its entirety.”
- (h) Section P2603.5 titled “Freezing”, shall be modified by striking the last sentence starting with the words “Water service pipe...” and replacing it to read as “Water service piping shall be installed not less than six (6) inches below the frost line.”
- (i) P2603.5.1 titled Sewer depth. Shall be deleted in its entirety and replaced to read as:  

Building sewers that connect to private sewage disposal systems shall be not less than 12 inches below finished grade at the point of septic tank connection. Building sewers shall be not less than 18 inches below grade at any point in the line.

## **Section 5-120      Adoption of a Existing Building Code**

The Commissioners of Rising Sun hereby adopt the terms and provision as set out in the model code, of which one (1) copy is on file in the offices of the Town Hall, being marked and designated as the *International Existing Building Code*, 2006 edition, including including all Appendix Chapters, as published by the International Code Council, and to also include all current supplements and any future supplements provide that the Town Commissioners do not disallow said future supplements within sixty (60) days of publications; are hereby adopted as the Existing Building Code of the Town of Rising Sun, in the State of Maryland for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as

herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code on file in the office of the Town of Rising Sun are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-120.1. titled Amendments.

#### **Section 5-120.1.     Amendments**

The following sections of this code are hereby revised as follows:

- (a) Section 101.1. Insert the name “Town of Rising Sun”
- (b) Section 113.4 titled Violation Penalties shall be modified by deleting the text starting with the word “subject” near the end of the last sentence and replacing it with the following:

*“shall be guilty of a summery offence, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00) or by imprisonment not exceeding (30) days or both such fine and imprisonment. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.”*

- (c) Section 1301.2. Insert: “October 1, 2007”

#### **Section 5-130       Adoption of a Plumbing Code**

The Commissioners of Rising Sun hereby adopt the terms and provision as set out in the model code, of which one (1) copy is on file in the offices of the Town Hall, being marked and designated as the *International Plumbing Code*, 2006 edition, including including all Appendix Chapters, with the exceptions of Appendix A, as published by the International Code Council, and to also include all current supplements and any future supplements provide that the Town Commissioners do not disallow said future supplements within sixty (60) days of publications; are hereby adopted as the Plumbing Code of the Town of Rising Sun, in the State of Maryland regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the Town of Rising Sun are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-130.1. titled Amendments.

**Section 5-130.1.            Amendments**

The following sections of this code are hereby revised as follows:

- (a) Section 101.1. Insert the name “Town of Rising Sun”
- (b) Section 106.6.2. Insert: Town of Rising Sun Fee Schedule as adopted and modified from time to time.
- (c) Section 106.6.3. Shall be deleted in its entirety
- (d) Section 108.4. titled Violation Penalties shall be modified by deleting the text starting with the phrase “shall be guilty of” located in the middle of the section and replacing it with the following:

*“shall be guilty of a summery offence, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00) or by imprisonment not exceeding (30) days or both such fine and imprisonment. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.”*
- (e) Section 108.5. Insert the following phrases where indicated
  - 1. “\$ 100”
  - 2. “\$ 1,000”
- (f) Section 305.6.1. Insert 36” in both locations requesting a number.
- (g) Section 904.1. Insert 6” (152 mm) in both locations where indicated.

**Section 5-140            Adoption of a Mechanical Code**

The Commissioners of Rising Sun hereby adopt the terms and provision as set out in the model code, of which one (1) copy is on file in the offices of the Town Hall, being marked and designated as the *International Mechanical Code*, 2006 edition, including all Appendix Chapters , with the exceptions of Appendix B, as published by the International Code Council, and to also include all current supplements and any future supplements provide that the Town Commissioners do not disallow said future supplements within sixty (60) days of publications; are hereby adopted as the Mechanical Code of the Town of Rising Sun, in the State of Maryland regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in

the office of the Town of Rising Sun are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-140.1. titled Amendments.

#### **Section 5-140.1.     Amendments**

The following sections of this code are hereby revised as follows:

- (a) Section 101.1. Insert the name “Town of Rising Sun”
- (b) Section 106.5.2. Insert: Town of Rising Sun Fee Schedule as adopted and modified from time to time.
- (c) Section 106.5.3. Shall be deleted in its entirety
- (d) Section 108.4. titled Violation Penalties shall be modified by deleting the text starting with the phrase “shall be guilty of” located in the middle of the section and replacing it with the following:

*“shall be guilty of a summery offence, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00) or by imprisonment not exceeding (30) days or both such fine and imprisonment. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.”*

- (e) Section 108.5. Insert the following phrases where indicated
  - 1. “\$ 100”
  - 2. “\$ 1,000”

#### **Section 5-150       Adoption of a Electrical Code Administrative Provisions**

The Commissioners of Rising Sun hereby adopt the terms and provision as set out in the model code, of which one (1) copy is on file in the offices of the Town Hall, being marked and designated as the *International Electrical Code Administrative Provisions*, 2006 edition, including all Appendix Chapters , with the exceptions of Appendix I & L, as published by the International Code Council, and to also include all current supplements and any future supplements provide that the Town Commissioners do not disallow said future supplements within sixty (60) days of publications; are hereby adopted as the Electrical Code of the Town of Rising Sun, in the State of Maryland for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location,

relocation, replacement, addition to, use or maintenance of electrical systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Electrical Code on file in the office of the Town of Rising Sun are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-150.1. titled Amendments.

#### **Section 5-150.1.     Amendments**

The following sections of this code are hereby revised as follows:

- (a) Section 101.1. Insert the name “Town of Rising Sun”
- (b) Section 404.2. Insert: Town of Rising Sun Fee Schedule as adopted and modified from time to time.

#### **Section 5-160         Adoption of a Fuel Gas Code**

The Commissioners of Rising Sun hereby adopt the terms and provision as set out in the model code, of which one (1) copy is on file in the offices of the Town Hall, being marked and designated as the *International Fuel Gas Code*, 2006 edition, including all Appendix Chapters, as published by the International Code Council, and to also include all current supplements and any future supplements provide that the Town Commissioners do not disallow said future supplements within sixty (60) days of publications; are hereby adopted as the Fuel Gas Code of the Town of Rising Sun, in the State of Maryland for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the Town of Rising Sun are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-160.1. titled Amendments.

#### **Section 5-140.1.     Amendments**

The following sections of this code are hereby revised as follows:

- (a) Section 101.1. Insert the name “Town of Rising Sun”
- (b) Section 106.5.2. Insert: Town of Rising Sun Fee Schedule as adopted and modified from time to time.

- (c) Section 106.5.3. Shall be deleted in its entirety
- (d) Section 108.4. titled Violation Penalties shall be modified by deleting the text starting with the phrase shall be guilty of" located in the middle of the section and replacing it with the following:

*"shall be guilty of a summery offence, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00) or by imprisonment not exceeding (30) days or both such fine and imprisonment. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues."*

- (e) Section 108.5. Insert the following phrases where indicated

1. "\$ 100"
2. "\$ 1,000"

## **Section 5-170      Adoption of Energy Conservation Code**

The Commissioners of Rising Sun hereby adopt the terms and provision as set out in the model code, of which one (1) copy is on file in the offices of the Town Hall, being marked and designated as the *International Energy Conservation Code*, 2006 edition, including including all Appendix Chapters, as published by the International Code Council, and to also include all current supplements and any future supplements provide that the Town Commissioners do not disallow said future supplements within sixty (60) days of publications; are hereby adopted as the Energy Conservation Code of the Town of Rising Sun, in the State of Maryland for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation Code on file in the office of the Town of Rising Sun are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 5-170.1. titled Amendments.

### **Section 5-170.1. Amendments**

The following sections of this code are hereby revised as follows:

- (a) Section 101.1. Insert the name "Town of Rising Sun."

**ARTICLE 2. PROPERTY MAINTENANCE,  
MINIMUM HOUSING AND QUALITY OF LIFE CODE**

**Section 5-201      Adoption of a Property Maintenance, Minimum Housing and Quality of Life Codes**

The Commissioners of Rising Sun hereby adopt the terms and provision as set out in a document, of which one (1) copy is on file in the offices of the Town Hall, being marked and designated as The Town of Rising Sun Property Maintenance, Minimum Housing and Quality of Life Code, edition 2023-01; to include all future amendments and editions as adopted by the Board of Commissioners. This document shall be made a part of Chapter 5 titled Building and Housing Regulations of the Town of Rising Sun Code, for the purposes creating minimum standards for Property Maintenance and Minimum Housing, in order to protect the values of property, investments of business owners, improve the quality of life of all residents and to ensure and safeguard the life of any and all occupants in the Town of Rising Sun. The Town shall have enforcement authority for this code and shall appoint a Codes Official (s) who shall enforce this code, issue permits, collect fees, perform plan reviews, inspect for compliance, abate hazards and prosecute violations thereof.

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