

# ENROLLED

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND  
LEGISLATIVE SESSION, 2014  
BILL 2014-06

Introduced: February 18, 2014

BY: The Council President at the request of the County Executive.

AN ACT to amend Chapter 141 of the Wicomico County Code, titled "Fees" Section 141-3, titled "Department of Planning, Zoning and Community Development" to allow an alternate payment schedule for fire code plan review and inspection fees;

WHEREAS, Section 141-3 currently requires the fees for fire code plan review and inspection to be paid prior to the plan review and inspection process commencing;

WHEREAS, to accommodate the varying needs of those paying such fees, it is suggested that the County Code be amended to provide the option for payment of the fee to be made in two parts;

WHEREAS, the current time frame to request a fee refund for fire code plan review and inspection fees is six (6) months and it is recommended the time frame to request a fee refund be extended to one (1) year from when the fee was paid; and

WHEREAS, it appears advisable, upon the favorable recommendation of the County Executive and the Department of Planning, Zoning and Community Development, to amend Section 141-3 of Chapter 141 of the Wicomico County Code, titled "Department of Planning, Zoning and Community Development" to allow an alternate payment schedule option for fire code plan review and inspection fees and allow refunds to be requested one year from when the fee was paid.

**SECTION 1: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION,** that Chapter 141, Section 141-3, titled "Department of Planning, Zoning and Community Development" be and the same are hereby amended, to read as follows:

CHAPTER 141  
FEES

\* \* \*

§ 141-3. Department of Planning, Zoning and Community Development.

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C. Firesafety Fees.

(1) ~~Plan review and use and occupancy inspection~~ FIRE CODE PLAN REVIEW AND ALL REQUIRED INSPECTIONS FOR FINAL CERTIFICATE OF OCCUPANCY:

(a) Basic fee. For all construction except one and two family dwellings, whether new or renovation, a fee of 60% of the building permit fee charged by the issuing building department, but no less than \$75, shall be levied. This fee includes the first reinspection and one final inspection. Not included in this fee is plan review, all other reinspections and related inspections of specialized fire protection equipment. The fee is payable upon submittal of the initial plans for review to the Department of Planning, Zoning and Community Development. AS AN ALTERNATE PAYMENT SCHEDULE, THE FEE MAY BE PAID IN TWO PARTS: 25% UPON SUBMITTAL OF THE PLANS FOR REVIEW AND THE REMAINING 75% OF THE FEE TO BE PAID PRIOR TO THE FIRE PROTECTION DIVISION ISSUING THE TRANSMITTAL OF PLANS REVIEW FOR FIRE CODE COMPLIANCE TO THE SUBMITTING PARTY AND THE APPLICABLE BUILDING DEPARTMENT.

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(4) Refunds: Projects canceled before a permit is issued are eligible for a refund of 50% of the fees paid.

Such a refund must be requested in writing to the Fire Protection Division within ~~six months~~ ONE YEAR of the payment of the fee and the request must detail the reasons for the refund request. IF THE ALTERNATE PAYMENT SCHEDULE WAS USED, THE FIRST 25% PAYMENT CANNOT BE REFUNDED IF THE PROJECT IS CANCELED BEFORE A PERMIT IS ISSUED. IF THE ALTERNATE PAYMENT SCHEDULE WAS USED AND BOTH THE 25% PAYMENT AND THE 75% PAYMENT WERE MADE, THE BUILDING PERMIT WAS ISSUED AND THE PROJECT WAS THEN CANCELLED, THE PROJECT IS ELIGIBLE FOR A REFUND OF 50% OF THE FEES PAID. SUCH A REFUND MUST BE REQUESTED IN WRITING TO THE FIRE PROTECTION DIVISION WITHIN ONE YEAR OF THE PAYMENT OF THE FEE AND THE REQUEST MUST DETAIL THE REASONS FOR THE REFUND REQUEST.

(5) FULL REFUND: PROJECTS SUBMITTED FOR REVIEW AND CANCELED WITHIN SEVENTY-TWO (72) HOURS OF THE PROJECT BEING SUBMITTED FOR REVIEW ARE ELIGIBLE FOR A FULL REFUND OF FIRE SAFETY FEES PAID. SUCH A REFUND MUST BE REQUESTED IN WRITING TO THE FIRE PROTECTION DIVISION WITHIN SEVENTY TWO (72) HOURS OF THE PROJECT BEING SUBMITTED FOR REVIEW AND THE REQUEST MUST DETAIL THE REASONS FOR THE REFUND REQUEST.

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SECTION II. BE IT FURTHER ENACTED THAT this Bill shall be known as Bill No. 2014-06 of Wicomico County, Maryland and shall take effect sixty (60) days after its final passage, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of the County voting in any such referendum.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 18<sup>th</sup> day of March 2014.

WICOMICO COUNTY, MARYLAND

  
BY: Matt Holloway, President

  
BY: Edgar A. Baker, Jr., Secretary

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.

  
Edgar A. Baker, Jr., Secretary

Explanation:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike out indicates material deleted from law.~~

~~CAPITAL STRIKE OUT~~ indicates matter stricken from Bill by Amendment.

Underlining indicates Amendments to Bill.

COUNTY COUNCIL  
OF  
WICOMICO COUNTY, MARYLAND

BILL NO. 2014-06

Legislative Day No. 04

INTRODUCED BY: President of the Council upon recommendation of the County Executive

Date: February 18, 2014

Introduced, read first time, ordered posted and public hearing scheduled on: March 18, 2014

Time: 10:30 a.m.

AN ACT to amend Chapter 141 of the Wicomico County Code, titled "Fees" Section 141-3, titled "Department of Planning, Zoning and Community Development" to allow an alternate payment schedule for fire code plan review and inspection fees;

**PUBLIC HEARING:** Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on March 18, 2014 and concluded on March 18, 2014.

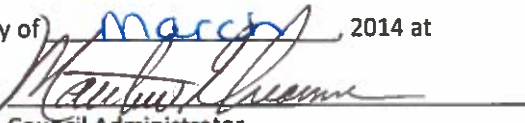
  
Council Administrator

**CERTIFICATION**

The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 18<sup>th</sup> day of March, 2014.

  
Council Administrator

Presented to the County Executive for approval this 20<sup>th</sup> day of March, 2014 at 2:30 a.m. (5 days §411)

  
Council Administrator

**BY THE EXECUTIVE:**

  
County Executive

APPROVED

Date: Mar. 20, 2014  
(21 days §411)

VETOED

Date: \_\_\_\_\_


**EFFECTIVE DATE:**

This Bill having been approved by the County Executive and returned to the Council, becomes law on March 20, 2014 and effective on: May 19, 2014. (60 days §311)


**ENROLLMENT:**

Legislative Bill No. 2014-06 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

  
Council Administrator  
Date: 4-1-14

ENROLLED

  
Council President  
Date: 4-1-14