

ORDINANCE NO. 1182

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING § 4-42 OF THE CODE OF THE CITY OF CAMBRIDGE, MARYLAND FOR THE PURPOSE OF WAIVING PERMIT FEES FOR NEW CONSTRUCTION, ALTERATION, REMOVAL, DEMOLITION, MOVING, OR OTHER BUILDING OPERATIONS, NOT TO EXCEED \$200.00, FOR ANY BONA FIDE NON-PROFIT ENTITY UNDER CERTAIN CONDITIONS; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO BUILDING PERMIT FEES IN THE CITY OF CAMBRIDGE.

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-202 and § 3-27(1) of the Charter of the City of Cambridge (the "Charter"), the Commissioners of Cambridge are authorized and empowered to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as they may deem necessary for the good government of the City of Cambridge (the "City"); for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; to secure persons and property from danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the City and visitors thereto and sojourners therein; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-205(d)(1)(i), the Commissioners of Cambridge are authorized and empowered to establish and collect reasonable fees and charges for franchises, permits, or licenses granted by the City; and

WHEREAS, pursuant to § 3-27(35) of the Charter, the Commissioners of Cambridge are authorized and empowered to generally require permits or licenses to be obtained where necessary for regulatory purposes in the interest of the public health, safety, or morals and to establish and collect fees and charges for all licenses and permits issued under such authority; and

WHEREAS, the Commissioners of Cambridge are desirous of amending § 4-10 of the City Code for the purpose of waiving permit fees for new construction, alteration, removal, demolition, moving, or other building operations, not to exceed \$200.00, for any bona fide non-profit entity under certain conditions; and

WHEREAS, the Commissioners of Cambridge find that the amendments set forth herein are necessary to promote and protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of Cambridge, that:

SECTION 1. Chapter 4 (Buildings and Housing), Article I (Building Code) of the Code of the City of Cambridge, Maryland is hereby amended as follows:

Sec. 4-10. – Same – Section 112.0, Fees.

Sections 112.1 to 112.5, inclusive, of the BOCA National Building Code are deleted, and a new section 112.1, entitled “General,” is enacted in lieu thereof, to read as follows:

Section 112.1. General: A permit to begin work for new construction, alteration, removal, demolition, moving or other building operations shall not be issued until the fee prescribed for such has been paid. Fees for the various permits shall be determined by the department of public works and approved by the City Council; **provided, however, that the City shall waive any such fees, not to exceed \$200.00, for a bona fide non-profit entity with a determination of tax-exempt status from the Internal Revenue Service that is current as of the date of application for the permit.**

Home Builder Guaranty Fund Permit Fee. The building permitting officer for the City shall collect from home builders a Guaranty Fund Fee as required by the Maryland Home Builder Registration Act, as codified in Sections 4.5-101 through 4.5-801 of the Business Regulations Act, Annotated Code of Maryland (which fee is fifty dollars at the time of passage of this Ordinance), as amended from time to time. Said Guaranty Fund Fee is due and shall be collected with the submission of an application for a building permit for construction of a new home, including custom homes, mobile homes, modular homes and condominiums. The permitting officer shall remit the Guaranty Fund fees collected to the Consumer Protection Division on a monthly basis.

Exemption. As presently set forth in the Maryland Home Builder Registration Act, landowners who are performing construction of a home he/she intend to live in on their own land and who submit a Landowner Affidavit to the city permitting office, are not required to pay the Guaranty Fund Fee.

SECTION 2. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. In this Ordinance, unless a section of the City Code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out with a single strikethrough. With respect to the substantive provisions of this Ordinance set forth in Section 1, language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Commissioners of Cambridge that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

AND BE IT FURTHER enacted and ordained that this Ordinance shall become effective immediately upon passage.

ATTEST: THE COMMISSIONERS OF CAMBRIDGE

Patrick C. Comiskey, City Manager

By: _____
Andrew Bradshaw, Mayor

Introduced the 14th day of June, 2021
Passed the 12th day of July, 2021
Effective the 12th day of July, 2021