

SENATE BILL 907

C2, E4

8lr2753
CF 8lr2713

By: **Senator Pugh**

Introduced and read first time: February 19, 2008

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Demolition Work - Safety Provisions and Permitting**

3 FOR the purpose of requiring a contractor to obtain a permit for demolition work in a
4 certain manner; requiring certain contractors to obtain a demolition permit
5 from the Department of Labor, Licensing, and Regulation; requiring the
6 demolition permit applicant to submit a certain application to the Department
7 and pay a certain fee to the Department; requiring the Department to adopt
8 certain regulations; establishing a certain presumption; providing for the
9 application of this Act; defining certain terms; and generally relating to
10 demolition permits.

11 BY adding to
12 Article - Public Safety
13 Section 12-705
14 Annotated Code of Maryland
15 (2003 Volume and 2007 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Public Safety**

19 **12-705.**

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
21 MEANINGS INDICATED.

22 (2) (I) "CONTRACTOR" MEANS A PERSON THAT PERFORMS
23 DEMOLITION.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (II) **“CONTRACTOR” INCLUDES A PERSON THAT PERFORMS**
2 **DEMOLITION UNDER A CONTRACT OR SUBCONTRACT.**

3 (3) **“DEMOLITION” MEANS AN OPERATION IN WHICH A**
4 **STRUCTURE OR MASS OF MATERIAL IS WRECKED, RAZED, RENDED, MOVED, OR**
5 **REMOVED USING ANY TOOL, EQUIPMENT, OR EXPLOSIVE.**

6 (4) **“DEPARTMENT” MEANS THE DEPARTMENT OF LABOR,**
7 **LICENSING, AND REGULATION.**

8 (B) (1) **THIS SECTION APPLIES ONLY TO DEMOLITION OF A**
9 **STRUCTURE OR MASS OF MATERIAL BUILT ON OR BEFORE DECEMBER 31, 1977.**

10 (2) **THIS SECTION DOES NOT REPLACE EXISTING STATE, COUNTY,**
11 **OR LOCAL LAWS AND REGULATIONS THAT MAY AFFECT DEMOLITION POLICIES,**
12 **PROCEDURES, AND REQUIREMENTS.**

13 (C) **IF A RESIDENTIAL UNIT WAS BUILT ON OR BEFORE DECEMBER 31,**
14 **1977, IT IS PRESUMED THAT THERE IS LEAD-BASED PAINT IN THE UNIT.**

15 (D) (1) **NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW**
16 **AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEFORE A**
17 **CONTRACTOR PERFORMS DEMOLITION IN THE STATE, THE CONTRACTOR SHALL**
18 **APPLY FOR A DEMOLITION PERMIT.**

19 (2) (I) **IF A PERMIT IS REQUIRED BY THE LOCAL JURISDICTION**
20 **IN WHICH DEMOLITION IS SCHEDULED, THE CONTRACTOR SHALL:**

21 1. **OBTAIN THE DEMOLITION PERMIT FROM THE**
22 **LOCAL JURISDICTION; AND**

23 2. **IN ADDITION TO ANY LOCAL LAWS AND**
24 **REGULATIONS REGARDING DEMOLITION, COMPLY WITH THE NOTICE, SIGNAGE,**
25 **AND LEAD HAZARD PROVISIONS OF SUBSECTION (F) OF THIS SECTION.**

26 (II) **IF A PERMIT IS NOT REQUIRED BY THE LOCAL**
27 **JURISDICTION IN WHICH DEMOLITION IS SCHEDULED, THE CONTRACTOR SHALL**
28 **OBTAIN THE DEMOLITION PERMIT FROM THE DEPARTMENT IN ACCORDANCE**
29 **WITH THIS SECTION.**

30 (E) **TO APPLY FOR A DEMOLITION PERMIT FROM THE DEPARTMENT, AN**
31 **APPLICANT SHALL:**

1 (1) **SUBMIT TO THE DEPARTMENT UNDER OATH AN APPLICATION**
2 **ON THE FORM PROVIDED BY THE DEPARTMENT; AND**

3 (2) **PAY TO THE DEPARTMENT A NONREFUNDABLE APPLICATION**
4 **FEE ESTABLISHED BY REGULATION.**

5 **(F) THE APPLICATION SHALL REQUIRE THE APPLICANT TO SUBMIT TO**
6 **THE DEPARTMENT:**

7 (1) **PROOF THAT THE APPLICANT:**

8 (I) **SUCCESSFULLY COMPLETED A TRAINING COURSE ON**
9 **DEMOLITION PROTOCOL;**

10 (II) **HOLDS A LEAD-SAFE CERTIFICATE;**

11 (III) **PROVIDED WRITTEN NOTICE OF THE SCHEDULED**
12 **DEMOLITION TO:**

13 1. **THE OWNERS OF ALL PROPERTIES THAT**
14 **IMMEDIATELY ADJOIN THE PROPERTY SUBJECT TO DEMOLITION; AND**

15 2. **THE OWNERS OF ANY WIRED OR OTHER**
16 **FACILITIES THAT MIGHT HAVE TO BE TEMPORARILY REMOVED BECAUSE OF THE**
17 **PROPOSED DEMOLITION WORK;**

18 (IV) **DISTRIBUTED A SUFFICIENT NUMBER OF TAC MATS, OR**
19 **OTHER COMPARABLE FLOORING ADHESIVE, TO EACH RESIDENTIAL HOUSEHOLD**
20 **ADJACENT TO THE DEMOLITION SITE;**

21 (V) **HAD THE DEMOLITION LOTS INSPECTED AND THAT ANY**
22 **LOTS FOUND TO BE INFECTED WERE TREATED WITH RODENTICIDE BY A RODENT**
23 **CONTROL PROFESSIONAL;**

24 (VI) **POSTED INFORMATION REGARDING THE SCHEDULED**
25 **DEMOLITION LOCATION, DATE, AND TIME ON-SITE AND ON ANY AVAILABLE**
26 **NEIGHBORHOOD BULLETIN BOARDS, HOTLINES, AND INTERNET WEBSITES AT**
27 **LEAST 5 DAYS, BUT NOT MORE THAN 10 DAYS, BEFORE THE SCHEDULED ACTION**
28 **IN THE FOLLOWING MANNER:**

29 1. **AT LEAST 4 FEET LONG AND 3 FEET HIGH;**

30 2. **WRITTEN IN BLACK LETTERING, AT LEAST 2**
31 **INCHES HIGH, ON A YELLOW BACKGROUND;**

1 **3. POSTED IN A CONSPICUOUS MANNER, CLEARLY**
2 **VISIBLE AND LEGIBLE TO THE PUBLIC, NOT OVER 10 FEET ABOVE GROUND**
3 **LEVEL; AND**

4 **4. MAINTAINED IN GOOD CONDITION UNTIL THE**
5 **TIME OF THE DEMOLITION;**

6 **(VII) PROVIDED NOTIFICATION OF THE SCHEDULED**
7 **DEMOLITION TO THE LOCAL POLICE DEPARTMENT, HEALTH AGENCY, HOUSING**
8 **AUTHORITY, FIRST RESPONDERS, PUBLIC WORKS, AND INFORMATION HOTLINE**
9 **SERVICE PROVIDERS;**

10 **(VIII) IF DEMOLITION INVOLVES A RESIDENTIAL UNIT, SAFELY**
11 **DISPOSED OF ANY LEADED WINDOWS IN A LEAD-SAFE MANNER PRIOR TO**
12 **DEMOLITION; AND**

13 **(IX) EMPLOYED A PRE-DEMOLITION INSPECTOR AND**
14 **DEVELOPED A MAIN TRUCK ROUTE THAT MINIMIZES DISRUPTIONS TO THE**
15 **NEIGHBORING COMMUNITY; AND**

16 **(2) AN AGREEMENT BY THE APPLICANT TO:**

17 **(I) BEGIN DEMOLITION WORK WITHIN 30 DAYS OF**
18 **APPROVAL OF A DEMOLITION PERMIT AND END WITHIN 90 DAYS OF APPROVAL**
19 **OF A DEMOLITION PERMIT AND PAY TO THE DEPARTMENT 15 CENTS PER CUBIC**
20 **FOOT OF THE DEMOLITION SITE FOR A FAILURE TO ADHERE TO PERMIT**
21 **REQUIREMENTS;**

22 **(II) AT LEAST 24 HOURS BEFORE BEGINNING DEMOLITION**
23 **WORK, ATTEND AN ON-SITE, PRE-DEMOLITION CONSULTATION WITH A**
24 **DEPARTMENT INSPECTOR TO DISCUSS AND CONFIRM:**

25 **1. APPROPRIATE HOSING AND WETTING**
26 **REQUIREMENTS AND PROCEDURES;**

27 **2. NOTIFICATION REQUIREMENTS; AND**

28 **3. ANY OTHER ISSUES THE INSPECTOR REQUIRES;**

29 **(III) HAVE ALL ARCHITECTURAL MATERIALS REMOVED**
30 **FROM THE DEMOLITION SITE BY A CERTIFIED LEAD HAZARD CONTROL WORKER;**

1 (IV) BEGIN DEBRIS REMOVAL WITHIN 24 HOURS OF
2 DEMOLITION COMPLETION;

3 (V) REFRAIN FROM CONDUCTING DEMOLITION WORK
4 BETWEEN THE HOURS OF 7 P.M. AND 7 A.M. UNLESS A SPECIAL PROVISION IS
5 PROVIDED BY THE DEPARTMENT;

6 (VI) SECURE THE DEMOLITION SITE DURING THE
7 DEMOLITION PHASE AND AFTER DEMOLITION AND DEBRIS REMOVAL;

8 (VII) IF A PARTY WALL IS STRUCTURALLY UNSAFE AFTER
9 DEMOLITION, REMOVE ANY DANGEROUS PART AND RECONSTRUCT TO
10 PROPERLY ENCLOSE ADJACENT STRUCTURES;

11 (VIII) FOLLOW APPLICABLE STORMWATER REQUIREMENTS
12 UNDER APPLICABLE STATE AND LOCAL REGULATIONS, INCLUDING COMAR
13 26.17.02.01 THROUGH 26.17.02.11;

14 (IX) IDENTIFY ANY ASBESTOS, OIL TANKS, AND AIR
15 POLLUTANTS AND REMEDIATE THEIR EXISTENCE UNDER APPLICABLE STATE
16 AND LOCAL REGULATIONS; AND

17 (X) APPLY WATER TO THE DEMOLITION SITE IN
18 ACCORDANCE WITH COMAR 26.11.06.03D.

19 (G) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT
20 THIS SECTION AND ESTABLISH PENALTIES FOR VIOLATIONS OF THIS SECTION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2008.