

Building Permit Requirements

The Department of Planning, Housing and Zoning is open, and we are able to process your permit and project submissions. Please review our updated interim procedures for submittals (/images/pdf/planning/Updated_COVID_DPHZ_Procedures.pdf) while the County Government Center at 400 High Street is open for limited access by appointment only.

What is Needed To Apply For A Permit?

To obtain a building permit, the following items must be submitted:

- Application form (/images/pdf/planning/Building_Permit_Application_2023.pdf)
- Application instructions (/images/pdf/planning/Instructions_Building_Permit_Application.pdf)
- Two sets of construction plans (Three sets are required for additions and renovations)
- Site plan drawn scale of 1" = 40', a sample site plan is available at the Planning Office
- Any applicable fees. For the Planning and Zoning fee schedule, click here (/images/pdf/planning/Planning_Fees_-_Effective_July_1_2023.pdf). Health Department, sediment control and stormwater fees may also be required.

What Building Codes are Used?

Effective May 29, 2023

- 2021 IRC
- NFPA 70 National Electrical Code Handbook 2017
- NFPA 101 Life Safety Code 2018
- 2021 IECC International Energy Conservation Code
- 2021 International Plumbing Code
- 2021 IBC
- NFPA 1 Fire Code 2018
- 2021 International Mechanical Code (IMC)

Where Do I Submit These Items?

The application and attachments should be submitted to:

Kent County Department of Planning & Zoning

County Government Center
400 High Street
Chestertown, Maryland 21620

If you have any questions, please call the Planning and Zoning Department at (410) 778-7423 between the hours of 8:30 AM and 4:30 PM, Monday through Friday or fax at 410-810-2932.

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Chapter 73

BUILDING CONSTRUCTION

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[HISTORY: Adopted by the County Commissioners of Kent County 3-6-1990 by Bill No. 2-90. Amendments noted where applicable.]

GENERAL REFERENCES

Fences — See Ch. 87.

Housing standards — See Ch. 192.

§ 73-1. Adoption of standards; conflicting provisions. [Added 6-2-1992 by Bill No. 5-92; amended 12-6-1994 by Bill No. 6-94; 6-3-2008 by Bill No. 3-2008]

- A. The ICC International Building Code (2009 Edition) (the IBC) as may be modified by the Maryland Department of Housing and Community Development, the ICC International Residential Code (2009 Edition) (the IRC) as may be modified by the Maryland Department of Housing and Community Development, and the International Energy Conservation Code (2009 Edition) (the IECC) as may be modified by the Maryland Department of Housing and Community Development, and as amended from time to time, are hereby adopted and incorporated into the law of Kent County as if fully set out herein, for the purpose of controlling all matters pertaining to the construction, alteration, addition, removal, demolition, use, location, occupancy, and maintenance of all structures, except as revised or amended herein. [Amended 11-16-2010 by Bill No. 4-2010]
- B. The International Mechanical Code (2006 Edition), as may be modified by the Maryland Department of Housing and Community Development, and as amended from time to time, is hereby adopted and incorporated into the law of Kent County as if fully set out herein for the purpose of providing minimum requirements for safe mechanical systems in residential buildings and all other buildings wherein mechanical systems are installed.
- C. In the event of any conflict between the provisions found in the IBC, IRC, and the Kent County Land Use Ordinance, the provisions of the Kent County Land Use Ordinance shall apply.

§ 73-1

§ 73-2

§ 73-2. Continuation of existing use.

The legal use and occupancy of any structure existing on the date of adoption of this code or for which it has been heretofore approved shall be continued without change, except as may be specifically covered in this code or as may be deemed necessary by the Building Code Administrator for the general safety and welfare of the occupants and the public.

§ 73-2

§ 73-3

§ 73-3. Licensed professionals required.

All design for new construction work, alteration, expansion, addition or modification work involving the practice of architecture or professional engineering, as defined by the statutory requirements of the professional registration laws of the State of Maryland where said work is to be undertaken within the State of Maryland, shall be prepared by registered architects or professional engineers duly licensed by the State of Maryland. All plans, computations and specifications required for a building permit application for such work shall be prepared by or under the direct supervision of a registered architect or engineer and bear that architect's or engineer's signature and seal in accordance with the State of Maryland's statutes and regulations governing the professional registration and certification of architects and professional engineers.

Design work, plans, computations and specifications required for a building permit application shall be prepared by or under the direct supervision of the duly registered design professional or his professional architect or engineering consultants and bear professional seals in accordance with the following table:

Use Group	Professional Required
A: Assembly buildings	Architect or structural engineer
B: Business	Architect or structural engineer
E: Educational	Architect or structural engineer
F: Factory	Architect or structural engineer
H: High hazard	Structural engineer
I: Institutional	Architect or structural engineer
M: Mercantile	Architect or structural engineer
R-1: Hotel/motel	Architect or structural engineer
R-2: Multifamily	Architect or structural engineer
R-3: Single-family and duplex	None
R-4: Single-family and duplex	None
S-1 and S-2: Storage building	Architect or structural engineer
U: Utility building	None

§ 73-4

§ 73-5. Administrator.

§ 73-5

The County Commissioners shall designate a Building Code Administrator (hereinafter "Code Administrator"). In the event that a Building Administrator has not been appointed, the appointing authority shall designate a person or agency to be responsible for enforcing the provisions of the Building Code.

§ 73-5

§ 73-6

§ 73-6. Transfer of permit.

A building permit or any application for a building permit shall not be transferred from the applicant's name to another without the written approval of the Code Administrator. Request for the transfer by the applicant must be in writing.

§ 73-6
§ 73-7. Fees.

§ 73-7

- A. The County Commissioners shall establish, by resolution, a schedule of fees for permits, interpretations, amendments, appeals and other matters pertaining to this chapter. The schedule of fees shall be available in the Planning and Zoning Office and may be revised from time to time only by the County Commissioners.
- B. No permit shall be issued or action taken under this chapter until the fee has been paid in full.

§ 73-7
§ 73-8. Inspections.

§ 73-8

- A. After issuing a building permit, the Code Administrator shall conduct such inspections from time to time during and upon completion of the work for which the permit has been issued. A record of all such examinations and inspections and of all violations of this code shall be maintained by the Code Administrator (or his authorized agent) of its readiness for an inspection of the completed phases of construction as listed below:
- (1) Phase 1. Site review and footing/foundation excavation (in advance of foundation construction, e.g., concrete placement).
 - (2) Phase 2. Foundation structure inspection prior to backfilling and framing, including parging, waterproofing and drain tile (where required).
 - (3) Phase 3. Completed structural framing. This inspection is not required for single-family and duplex dwellings.
 - (4) Phase 4. Framing inspection at the completion of rough-in plumbing, electrical and heating, ventilating and air-conditioning (HVAC) work, prior to insulation and prior to interior finishes.
 - (5) Phase 5. Insulation inspection.
 - (6) Phase 6. Final inspection of the finished building, including compliance with handicap code requirements per Section 512.1 of the BOCA National Building Code, grading and required erosion control measures and the determination that the building is ready for use, safe and substantially complete.
- B. The Code Administrator shall have the authority to determine any questions relative to what is "ready for use, safe and substantially complete."
- C. Inspection requests shall be made at least twenty-four (24) hours in advance of desired time of inspection and advise whether morning or afternoon inspection is desired. Requests for inspection shall be made to the Code Administrator. If upon visiting the site the inspector finds that the construction pertaining to the requested inspection does not meet the provisions of the code, the Code Administrator may impose a reinspection fee.
- D. The Code Administrator may also impose a reinspection fee for the following reasons:
- (1) Permit not posted on premises.
 - (2) Plans not on premises at time of inspection.
 - (3) Premises locked or otherwise inaccessible to inspector at time of inspection.
 - (4) Lack of safe access into premises.
 - (5) Lack of safe access between floors or between other areas of the work.
 - (6) Previous violation not corrected on call back.
- E. In the event that the footing inspection is not made within twenty-four (24) hours of the time requested, the applicant may continue with construction at his/her risk, without penalty for proceeding with construction.
- F. In the event that other inspections are not made within forty-eight (48) hours of the time requested, the applicant may continue with construction at his/her risk without penalty for proceeding with construction.

§ 73-8

§ 73-9

§ 73-9. Farm buildings. [Amended 6-3-2008 by Bill No. 3-2008]

Buildings on farms, classified under Use Group S-1 or U, including those facilities for housing of animals, for farm equipment and for farm storage but not including residential buildings, shall not be subject to inspection other than electric and plumbing.

§ 73-9.1. Automatic residential fire sprinkler systems in one- and two-family dwellings. [Added 11-16-2010 by Bill No. 4-2010]

Chapter 3, Section R313.2, of the International Residential Code, which requires automatic fire sprinkler systems in one- and two-family dwellings, is hereby deleted, and new Chapter 3, Section R313.2, provisions are inserted as follows:

R 313.2 One- and two-family dwelling automatic fire systems. Effective January 1, 2011, an automatic residential fire sprinkler system shall be offered as an option to be installed in all newly constructed one- and two-family dwellings built solely for the owner's own occupancy under the following provisions:

- (a) Option to buyer. A seller of a newly constructed one- or two-family dwelling shall offer the initial buyer or owner an option to install a residential automatic fire sprinkler system.
- (b) Disclosure of information. The real estate sales contract for the construction or sale of a new one- or two-family dwelling shall disclose the estimated cost of installing a residential automatic sprinkler system and the anticipated estimate to maintain such system. The buyer shall acknowledge receipt of the sprinkler option notification regarding the installation of a residential sprinkler system and shall indicate whether the buyer intends to exercise the option to install a residential sprinkler system to improve the life and safety of the occupants and to reduce property damage from fire.
- (c) Every home constructed as a spec house, rental or part of a marketing campaign to sell one- or two-family dwellings shall contain a residential automatic sprinkler system.
- (d) Before issuing a building permit, the Department of Planning, Housing and Zoning shall require the applicant to submit a signed and notarized sprinkler option notification indicating compliance with the provisions of this section.
- (e) The Department of Planning, Housing and Zoning shall withhold the issuance of a building permit for the construction of a new one- or two-family dwelling that does not meet the provisions of this section in regard to notification to the buyer and submission of all necessary documentation.
- (f) **Exceptions:**
 1. An automatic residential fire sprinkler system shall not be required for additions or alterations to one- or two-family dwellings that are not already provided with an automatic sprinkler system.
 2. Mandatory automatic sprinkler systems may be required for new one- or two-family dwellings constructed within the boundaries of the incorporated municipalities of Kent County.

§ 73-9.1

§ 73-10

§ 73-10. Right of entry.

The Code Administrator and any other designated building code enforcement officer shall have the right to enter upon any premises at all reasonable times for the purpose of discharging the duties imposed upon him/her by this chapter where there is reasonable belief that a violation of this chapter has been or is being committed.

§ 73-10

§ 73-11

§ 73-11. **Prohibited acts.**

- A. It shall be unlawful for any person, firm or corporation to erect, place, construct, alter, extend, remove, demolish, use or occupy any building or structure or equipment regulated by this code or cause the same to be done in conflict with or in violation of any of the provisions of this code.
- B. It shall be a violation of this chapter to interfere with the Building Code Administrator or any other building code enforcement officer in the performance of his/her duties.

§ 73-12. Board of Building Appeals.

- A. Membership of Board. The Board of Building Appeals, hereinafter referred to as the "Board of Appeals," shall consist of three (3) members appointed by the County Commissioners of Kent County, one (1) member to be appointed for three (3) years, one (1) member for two (2) years and one (1) member for one (1) year, and thereafter each new member shall be appointed for three (3) years or until his/her successor has been appointed. An alternate shall be appointed to serve in the absence of a regular member.
- B. Qualifications of Board members. At least one (1) of the three (3) members of the Board of Appeals shall be a licensed architect or professional engineer, construction superintendent or general contractor with at least ten (10) years' experience.
- C. Adjourned meeting. When three (3) members are not present to consider a specific appeal, the hearing shall be postponed if requested by either the appellant, the Code Administrator or their representative(s).
- D. Action of the Board. The Board shall affirm, modify or reverse the decision of the Code Administrator by concurring vote of at least two (2) members of the Board.
- E. Determining vote. Failure to secure a majority vote of the Board in support of the appellant shall be confirmation of the Code Administrator's decision.
- F. Court review. An appeal to the Circuit Court for Kent County from a decision of the Board may be filed in the manner as set forth in Chapter 1100 of the Maryland Rules.

§ 73-13. Notice of construction.¹ [Amended 12-6-1994 by Bill No. 6-94]

- A. Required. All persons, firms or corporations, before erecting or constructing any new building or buildings or any addition or alteration to any existing building in Kent County, the total expense of said construction or alteration being one thousand dollars (\$1,000.) or more, shall be required to notify the Supervisor of Assessments of Kent County, in writing, of the intention to erect, construct or alter such building or buildings and shall state the location of the building or buildings and the approximate amount of money to be expended on said erection, construction or alteration.
- B. Acknowledged. Upon the receipt of said notice, the Supervisor of Assessments of Kent County shall acknowledge the receipt of the same in writing, on such form or forms as may be suitable therefor. No fee shall be charged therefor.
- C. Penalty. Any person, firm or corporation failing to comply with the provisions of this section shall be liable for double taxation upon a reasonable assessment of the erection, construction, addition or alteration so made for a period not to exceed three (3) years.

1. Editor's Note: This section was also derived from Section 9-20 of the 1989 Code, adopted 4-3-1990.

§ 73-13

§ 73-14

§ 73-14. **Disabled and aged. [Amended 12-6-1994 by Bill No. 6-94]**

Provisions for the disabled and aged shall be provided in accordance with the laws of the State of Maryland. The Code Administrator shall review all plans for conformance with such codes and shall verify compliance prior to issuing the certificate of use and occupancy.

§ 73-14

§ 73-15

§ 73-15. Frost protection.²

Except when erected upon solid rock or otherwise protected from frost, foundation walls, piers and other permanent supports of all buildings and structures larger than two hundred (200) square feet in area or ten (10) feet in height shall extend below the frost line of the locality, and spread footings of adequate size shall be provided when necessary to properly distribute the load within the allowable bearing value of the soil. Such structures shall be supported on piles or ranging timbers when solid earth or rock is not available. Footings shall not be founded on frozen soils unless such frozen condition is of a permanent character.³

2. Editor's Note: Former § 73-15, Swimming pools, as amended, was repealed 6-3-2008 by Bill No. 3-2008. This bill also redesignated former §§ 73-16 through 73-20 as §§ 73-15 through 73-19, respectively.

3. Editor's Note: See also Ch. 192, Part 4, Footings.

§ 73-15

§ 73-16

§ 73-16. Modifications to standards. [Amended 6-3-2008 by Bill No. 3-2008]

The present Chapter 192, Part 2, Electrical Standards, and Part 3, Plumbing Standards, shall apply for plumbing and electrical codes, permits and inspections requested. The inspections requested, when possible, should be coordinated by the Building Code Administrator.

§ 73-16

§ 73-17

§ 73-17. Effect on existing actions.

This chapter shall not discharge, impair or release any contract, obligation, duty, liability or penalty whatever existing on the date of its enactment. All suits and actions, both civil and criminal, pending or which may hereinafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this chapter shall be instituted, proceeded with and prosecuted to final determination and judgment as if this chapter has not become effective.

- Enforcement; violations and penalties.**
- A. If the notice of violation is not complied with in the time period stated in the notice of violation, the Building Code Administrator shall request the County Attorney or any other designated attorney to institute the appropriate proceeding at law or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.
 - B. It shall be the duty of the Administrator to enforce the provisions of this chapter and to refuse to issue any permit which would violate the provisions of this chapter. It shall be the duty of all officers and employees of Kent County to assist the enforcing officer by reporting to him any seeming violation of this chapter.
 - C. The Administrator is authorized and directed to institute any appropriate action to correct violations of this chapter.
 - D. Any person, firm, corporation or other legal entity violating any provision of this chapter or any amendment thereto, upon conviction, shall be fined not less than one hundred dollars (\$100.) nor more than five hundred dollars (\$500.) or may be imprisoned for a period of not more than thirty (30) days, or may be subject to both fine and imprisonment, in the discretion of the court. Each and every day during which such violation occurs or continues may be deemed a separate offense.⁴
 - E. If a person is found by the District Court to have committed a civil violation, in addition to the penalties set forth above he shall be liable for the cost of the proceedings in the District Court. All building permits shall be revocable subject to the continued compliance with all requirements and conditions of this and other applicable laws and regulations.

4. Editor's Note: Original Subsections 5-105(d) through (i), which listed citations for civil infractions and immediately followed this subsection, were deleted 12-6-1994 by Bill No. 6-94.

§ 73-18

§ 73-19

§ 73-19. Additional remedies.

The imposition of the penalties herein described shall not preclude the County Attorney or any other designated attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, business or use of a building or structure on or about any premises.

