

(II) IF A MUNICIPALITY ELECTS TO IMPLEMENT AND ENFORCE THE STANDARDS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COUNTY, IN WHICH THE MUNICIPALITY IS LOCATED, IS NOT RESPONSIBLE FOR IMPLEMENTATION AND ENFORCEMENT OF THE STANDARDS WITHIN THE MUNICIPALITY.

(3) A COUNTY THAT HAS NOT ADOPTED A BUILDING CODE AS OF OCTOBER 1, 1992 IS RESPONSIBLE FOR IMPLEMENTATION AND ENFORCEMENT OF THE MARYLAND BUILDING PERFORMANCE STANDARDS WITHIN THE COUNTY UNLESS IT ELECTS TO NEGOTIATE WITH A MUNICIPALITY LOCATED WITHIN THE COUNTY TO HAVE THE MUNICIPALITY IMPLEMENT AND ENFORCE THE STANDARDS WITHIN THE COUNTY.

(4) A MUNICIPALITY THAT HAS ADOPTED A BUILDING CODE AS OF OCTOBER 1, 1992 IS RESPONSIBLE FOR IMPLEMENTATION AND ENFORCEMENT OF THE MARYLAND BUILDING PERFORMANCE STANDARDS WITHIN THE MUNICIPALITY UNLESS IT ELECTS TO NEGOTIATE WITH THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED TO HAVE THE COUNTY IMPLEMENT AND ENFORCE THE STANDARDS WITHIN THE MUNICIPALITY.

(G) A LOCAL JURISDICTION MAY CHARGE FEES NECESSARY TO COVER THE COST OF IMPLEMENTATION AND ENFORCEMENT OF THE MARYLAND BUILDING PERFORMANCE STANDARDS AND ANY LOCAL AMENDMENTS TO THE STANDARDS.

(H) THIS SUBTITLE MAY NOT BE CONSTRUED TO ALTER OR ABROGATE ANY EXISTING ZONING POWER OR RELATED AUTHORITY THAT MUNICIPALITIES AND COUNTIES MAY EXERCISE AS OF OCTOBER 1, 1993.

6-403.

(A) BEFORE ADOPTING THE MARYLAND BUILDING PERFORMANCE STANDARDS OR ANY SUBSEQUENT VERSIONS OF THE STANDARDS, THE DEPARTMENT SHALL:

(1) REVIEW THE BOCA NATIONAL BUILDING CODE TO DETERMINE WHETHER MODIFICATIONS SHOULD BE INCORPORATED IN THE MARYLAND BUILDING PERFORMANCE STANDARDS;

(2) ACCEPT WRITTEN COMMENTS AND HOLD A PUBLIC HEARING ON ANY PROPOSED MODIFICATION; AND

(3) TAKE INTO CONSIDERATION COMMENTS RECEIVED BEFORE ADOPTING THE MARYLAND BUILDING PERFORMANCE STANDARDS.

(B) THE DEPARTMENT MAY NOT ADOPT, AS PART OF THE MARYLAND BUILDING PERFORMANCE STANDARDS, A MODIFICATION OF A BUILDING CODE REQUIREMENT THAT IS MORE STRINGENT THAN THE REQUIREMENT IN THE BOCA NATIONAL BUILDING CODE.