

COUNCIL OF THE TOWN OF INDIAN HEAD

Ordinance No. 04-03-21

Introduced By: Mayor & Council
Date Introduced: April 5, 2021
Date Adopted: May 3, 2021
Date Effective: May 23, 2021

AN ORDINANCE concerning

INTERNATIONAL EXISTING BUILDING CODE 2018

FOR the purpose of adopting the International Existing Building Code 2018, with certain modifications, as the code for the repair, alteration, change of occupancy, addition, and relocation of existing buildings in the Town of Indian Head; providing for the administration and enforcement of that code; specifying penalties for violations; providing that the provisions of this Ordinance are severable; and all matters generally related thereto.

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BY repealing and reenacting, with amendments
Chapter 43 – Building Construction
Article VII, Existing Building Code
Sections 43-14 and 43-15
Code of the Town of Indian Head
(1990 Edition as amended)

SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE TOWN OF INDIAN HEAD, That Sections 43-14 through 43-15 of the Code of the Town of Indian Head (1990 Edition, as amended), be and they hereby are repealed and reenacted, with amendments, to read as follows:

CHAPTER 43 – BUILDING CONSTRUCTION

ARTICLE VII. EXISTING BUILDING CODE

43-14. ADOPTION OF STANDARDS; COPIES ON FILE.

Subject to the provisions of §43-15, there is hereby adopted by the Town of Indian Head for the purpose of regulating and controlling the repair, alteration, change of occupancy, addition, and relocation of existing buildings in the Town of Indian Head the International Existing Building Code, ((2006)) 2018 as published by the International Code Council. Not less than one (1) copy of the International Existing Building Code, ((2006)) 2018, shall be kept on file in the Town Hall.

43-15 MODIFICATIONS.

The International Existing Building Code ((2006)) 2018, as adopted by §43-10, is modified as set forth below:

A. In the second line of Section 101.1 on page 1, in the space labeled "[NAME OF JURISDICTION]," insert "the Town of Indian Head."

B. Section 102.4 on page 1 is revised to read as follows:

102.4 Referenced codes and standards. The codes and standards referenced in this code and listed in Chapter 15 shall be considered part of the requirements of this code to the prescribed extent of each such reference, except to the extent that any of such standards have been expressly modified in the Code of the Town of Indian Head. Where differences occur between the provisions of this code and the referenced codes and standards, the provisions of this code shall apply.

C. ((New)) Section ((102.6)) 102.4.2 ((is added)) on page 2 IS REVISED to read as follows:

((102.6)) 102.4.2 Conflicting provisions. Except as otherwise provided in Section 102.4, in any situation where a provision of this code conflicts with the provision of any other law, ordinance, code or regulation, the provision which establishes the higher standard for the promotion and protection of the public health, safety and welfare shall prevail, regardless which may have been enacted first.

D. SECTION 103 ON PAGE 2 IS DELETED IN ITS ENTIRETY.

E. ((Section)) SECTIONS 104.8 AND 104.8.1 on page ((2))3 ((is deleted in its entirety.)) ARE REVISED TO READ AS FOLLOWS:

104.8 LIABILITY. THE BUILDING OFFICIAL, MEMBER OF THE BOARD OF APPEALS OR EMPLOYEE CHARGED WITH THE ENFORCEMENT OF THIS CODE, WHILE ACTING FOR THE TOWN IN GOOD FAITH AND WITHOUT MALICE IN THE DISCHARGE OF THE DUTIES REQUIRED BY THIS CODE OR OTHER PERTINENT LAW OR ORDINANCE, SHALL NOT THEREBY BE RENDERED CIVILLY OR CRIMINALLY LIABLE PERSONALLY AND IS HEREBY RELIEVED FROM PERSONAL LIABILITY FOR ANY DAMAGE ACCRUING TO PERSONS OR PROPERTY AS A RESULT OF ANY ACT OR BY REASON OF AN ACT OR OMISSION IN THE DISCHARGE OF OFFICIAL DUTIES.

104.8.1 LEGAL DEFENSE. ANY SUIT OR CRIMINAL COMPLAINT INSTITUTED AGAINST AN OFFICER OR EMPLOYEE BECAUSE OF AN ACT PERFORMED BY THAT OFFICER OR EMPLOYEE IN THE LAWFUL DISCHARGE OF DUTIES AND UNDER THE PROVISIONS OF THIS CODE SHALL BE DEFENDED BY LEGAL REPRESENTATIVES OF THE TOWN.

F. In the third line of Section 105.3 on page 4, delete "Department of Building Safety" and substitute "Town."

G. In the last line of Section 105.3.1 on page ((4)) 5, delete "issue" and substitute "authorize the issuance or."

H. In the second line of Section 106.3.1 on page ((5)) 6, delete "Code Official" and substitute "Town."

I. In the first line of Section 106.3.3 on page ((5)) 6, delete "Code Official" and substitute "Town."

J. In the first line of the Section 107.1 on page ((6)) 7, delete "Code Official" and substitute "Town."

K. In the fourth line of Section 108.4 on page ((6)) 7, delete "Code Official" and substitute "Town."

L. Section 108.6 on page ((6)) 7 is revised to read as follows:

108.6 Refund. The Code Official shall authorize the refunding of the full amount of any fee that was erroneously paid or collected. The Code Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of the fee payment.

M. In the first line of Section 109.2 on page 7, delete "issuing" and substitute "authorizing the issuance of."

N. In the third and fourth lines of Section 110.2 on page ((7)) 8, delete "Department of Building Safety" and substitute "Town," and in the fourth line of that section, delete "issue" and substitute "authorize the issuance of."

O. Section 112.1 on page ((8))9 is revised to read as follows:

112.1 Appeal. Any person aggrieved by an order, decision or determination made by the Code Official relating to the application and interpretation of this code may take an appeal to the Board of Appeals by filing a notice of appeal with the Board within 10 days from the order, decision or determination from which the appeal is taken.

P. Section 112.3 on page ((8)) 9 is deleted in its entirety, and new Section ((112.2)) 112.3 is substituted, to read as follows:

112.2 Board of Appeals. The Board of Appeals referred to in Section 112.1 is the same Board of Appeals provided for in Chapter 6 of the Code of the Town of Indian Head. All appeals filed pursuant to Section 112.1 shall be governed by the provisions of such Chapter 6 and by any rules of procedure adopted by the Board of Appeals pursuant to Chapter 6.

Q. Section 113.3 on page ((8)) 9 is deleted in its entirety, and new Section 113.3 is substituted in lieu thereof, to read as follows:

113.3 Prosecution of violation. In addition to the penalties provided for in Section 113.4, in case of failure to comply with a notice of violation within the time specified in the notice, or in case of any other unlawful acts under this code, the Code Official, with the approval of the Town Manager of the Town, may institute in the name of the Town an appropriate civil action or proceeding against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation; or
4. To prevent, or to require the termination or removal of, the occupancy of the structure that is not in compliance with the provisions of this code or any order or direction made pursuant thereto.

R. Section 113.4 on page ((8)) 9 is revised to read as follows:

108.4 Violations and penalties.

1. Knowing and intentional violations of this code, or of any orders issued pursuant to this code, or the erection, installation, alteration or repair of plumbing work in violation of approved construction documents or directive of the Code Official, or of a permit or

certification issued under the provisions of this code, are declared to be misdemeanors. Any person who knowingly and willfully commits any of these acts shall, upon conviction, be subject to a penalty as set forth in Chapter 1, Article IV, and particularly § 1-36, of the Code of the Town of Indian Head (1990, as amended). Each day that one of these acts continues is a separate offense.

2. Except as provided in Paragraph 1 above, violations of this code or of any orders issued pursuant to this code, or the erection, installation, alteration or repair of plumbing work in violation of approved construction documents or directive of the Code Official, or of a permit or certification issued under the provisions of this code, are declared to be municipal infractions and shall be subject to the penalties and procedures as provided in Chapter 1, Article IV, and particularly § 1-37, of the Code of the Town of Indian Head (1990, as amended). The fine for each violation shall be \$400 for each initial violation and \$400 for each day thereafter that the violation continues. Each day that one of these acts continues is a separate offense.

S. Section 114.3 on page 9 is revised to read as follows:

Any person who shall continue any work after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties prescribed by Section 113.4.

T. DELETE ALL REFERENCES TO THE "INTERNATIONAL FIRE CODE" AND SUBSTITUTE ""STATE FIRE CODE OF MARYLAND".

U. DELETE ALL REFERENCES TO THE "INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)".

V. DELETE ALL REFERENCES TO THE "ACCESSIBILITY REQUIREMENTS - CHAPTER 11 OF THE INTERNATIONAL BUILDING CODE (IBC)," AND SUBSTITUTE "THE MARYLAND ACCESSIBILITY CODE SET FORTH IN COMAR 05.02.02."

SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Ordinance which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

SECTION 3. AND BE IT FURTHER ENACTED, that this Ordinance shall become effective at the expiration of twenty (20) calendar days after its approval by the Council.

INDIAN HEAD TOWN COUNCIL



Brandon Paulin, Mayor



Ron Sitoula, Vice Mayor



Randy Albright, Councilman

ATTEST:

Andrea Brady
Town Clerk

5/3/21
Date

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.