

# COUNCIL OF THE TOWN OF INDIAN HEAD

## Ordinance No. 04-04-21

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Introduced By:	Mayor & Council
Date Introduced:	April 5, 2021
Town Council Hearing:	None
Amendments Adopted:	None
Date Adopted:	May 3, 2021
Date Effective:	May 23, 2021

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**AN ORDINANCE** concerning

### INTERNATIONAL ENERGY CONSERVATION CODE 2018

**FOR** the purpose of adopting the International Energy Conservation Code 2018, with certain modifications, as the energy conservation code for 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 VIII, Energy Conservation Code  
Sections 43-16 and 43-17  
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Sections 43-16 through 43-17 of the Code of the Town of Indian Head (1990 Edition, as amended), be and they hereby are repealed and reenacted, with amendments, to read as follows: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 VIII. ENERGY CONSERVATION CODE

##### **43-16 ADOPTION OF STANDARDS; COPIES ON FILE.**

Subject to the provisions of § 43-17, there is hereby adopted by the Town of Indian Head for the purpose of establishing minimum standards governing the consumption of energy resources in buildings and structures in the Town, a certain document entitled the International Energy Conservation Code ((2006)) 2018, as published by the International Code Council. Not less than one (1) copy of the International Energy Conservation Code ((2006)) 2018 shall be kept on file in Town Hall.

##### **43-17 MODIFICATIONS.**

The International Energy Conservation Code ((2006)) 2018, as adopted by § 43-16, is modified as set forth below:

A. In the second line of Section (101.1) C101.1 on page ((1)) C-3, in the space labeled "[NAME OF JURISDICTION]," insert "the Town of Indian Head."

B. Section ((107.1)) C107.1 on page ((3)) C-6 is revised to read as follows:

**((107.1)) C107.1 Referenced standards.** The standards and portions thereof, referenced in this code and listed in Chapter 6 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 standards, the provisions of this code shall apply.

C. ((New)) Section ((107.3 is added on page 3,)) C107.1.1 on page ((3,)) C-6 IS REVISED to read as follows:

**((107.3)) C107.1.1 Conflicting provisions.** Except as otherwise provided in ((Sections 107.1 and 107.2)) SECTION 107.2, 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. New Sections ((108.1 and 108.2)) C109.1 AND C109.2 are added on page ((3)) C-6, to be under the new Section ((108)) C110, "Enforcement," and to read as follows:

## **SECTION ((108) C110 ENFORCEMENT**

### **((108.1)) 110.1 Violations and penalties.**

1. Knowing and intentional violations of this code or of any order or directive of the Code Official, or the erection, installation, alteration or repair of work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under 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 of 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 an order or directive of the Code Official, or the erection, installation, alteration or repair of mechanical work in violation of the approved construction documents or directive of the Code Official, or a permit or certificate issued under 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 the acts continues is a separate offense.

**((108.2)) 111.2 Prosecution.** In addition to the penalties provided for in Section ((108.1)) 110.1, in case of any 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 of 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.

E. ADD NEW SECTION C111, LIABILITY AND DEFENSE ON PAGE C-6 TO READ AS FOLLOWS:

### **SECTION C 111**

#### **LIABILITY AND DEFENSE**

**C 111.1 LIABILITY.** THE CODE 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.

**C 111.2 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. The definition of "Code Official" as contained in Section 202 on page ((10)) C-8 is revised to read as follows:

**CODE OFFICIAL.** The Director of the Department of Public Works of the Town, or such other person as the Town's Town Manager designates.

G. DELETE ALL REFERENCES TO THE "INTERNATIONAL FIRE CODE" AND REPLACE WITH THE "STATE FIRE CODE OF MARYLAND."

H. IN THE EVENT OF A CONFLICT BETWEEN THE INTERNATIONAL ENERGY CONSERVATION CODE 2018 AND THE 2017 NATIONAL ELECTRIC CODE THE 2017 NATIONAL ELECTRIC CODE SHALL PREVAIL.

**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

Brandon Paulin, Mayor

Ron Sitoula

Ron Sitoula, Vice Mayor

Randy Albright

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.