

**COUNCIL OF THE TOWN OF INDIAN HEAD**

**Ordinance No. 04-02-21**

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<b>Introduced By:</b>	<b>Mayor &amp; Council</b>
<b>Date Introduced:</b>	<b>April 5, 2021</b>
<b>Amendments Adopted:</b>	<b>None</b>
<b>Date Adopted:</b>	<b>May 3, 2021</b>
<b>Date Effective:</b>	<b>May 23, 2021</b>

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**AN ORDINANCE** concerning

**INTERNATIONAL BUILDING CODE 2018**

**FOR** the purpose of adopting the International Building Code 2018, with certain modifications and additions, as the building code for the Town of Indian Head, with certain exceptions; providing for the administration and enforcement of that code; specifying penalties for violations; adopting as a supplement to that code certain regulations established by Charles County for the construction of certain structures and improvements; 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  
Sections 43-1, 43-2 and 43.2.1.B  
Code of the Town of Indian Head  
(1990 Edition as amended)

**BY** adding  
Chapter 43 – BUILDING CONSTRUCTION  
Section 43.2.2  
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 43-1, 43-2 and 43-2.1.B of the Code of the Town of Indian Head (1990 as amended), Chapter 43, Building Construction, Article I, Building Code, be and they are hereby repealed and reenacted, with amendments, to read as follows:

**CHAPTER 43 – BUILDING CONSTRUCTION**

**ARTICLE I, BUILDING CODE**

**43-1. ADOPTION OF STANDARDS; COPIES ON FILE.**

Subject to the provisions of § 43-2, there is hereby adopted by the Town of Indian Head for the purpose of establishing minimum standards governing the design, construction, alteration, enlargement, repair, demolition, removal, maintenance and use of buildings and structures in the Town, a certain document entitled “The International Building Code ((2006)) 2018” as published by the International Code Council. Not less than one (1)

copy of "The International Building Code ((2006)) 2018" shall be kept on file in Town Hall.

**§ 43-2. MODIFICATION OF STANDARDS.**

The International Building Code ((2006)) 2018, as adopted by §43-1, 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 101.2 ON PAGE 1 IS REVISED TO ADD:

**EXCEPTION 2:** EXISTING BUILDINGS UNDERGOING REPAIR, ALTERATIONS, OR ADDITIONS AND CHANGES OF OCCUPANCY SHALL BE PERMITTED TO COMPLY WITH THE MARYLAND BUILDING REHABILITATION CODE AS SET FORTH IN COMAR TITLE 5, SUBTITLE 16.

((B.)) C. Section 101.4 on page 1 is revised to read as follows:

**101.4 Referenced codes.** The codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code, as modified by the Town of Indian Head, shall be considered part of the requirements of this code to the prescribed extent of such reference, EXCEPT AS NOTED BELOW.

D. SECTION 101.4.3 ON PAGE 1 IS REVISED BY DELETING WITHOUT REPLACEMENT THE SENTENCE: "THE PROVISIONS OF THE INTERNATIONAL PRIVATE SEWAGE DISPOSAL SHALL APPLY TO PRIVATE SEWAGE DISPOSAL SYSTEMS."

E. SECTION 101.4.5 ON PAGE 1 IS REMOVED AND REPLACED AS FOLLOWS:

**101.4.5. FIRE PREVENTION.** FIRE PROTECTION AND SAFETY PRACTICES SHALL BE DEEMED TO INCLUDE THE REQUIREMENTS OF THE FIRE CODE OF THE STATE OF MARYLAND. THE PROVISIONS OF THE FIRE CODE OF THE STATE OF MARYLAND SHALL GOVERN IN ALL MATTERS IN WHICH THEY ARE APPLICABLE AND SHALL SUPERSEDE THE REQUIREMENTS OF THE IBC IN ALL CASES.

((C.))F. Section 102.4 on page ((1)) 2 is revised to read as follows:

**102.4 Referenced codes and standards.** The codes and standards referenced in this code and listed in Chapter 35 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. The standards contained in the Maryland Accessibility Code adopted by the Maryland Department of Housing and Community Development also shall be deemed part of this code. In any situation where a provision of this code conflicts with the provision of any such standard or 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, except that:

102.4.1 In the event of a conflict between a provision of this code (or the standards listed in Chapter 35) and the Maryland Accessibility Code, the Maryland Accessibility Code shall prevail.

102.4.2 In the event of a conflict between a provision of this code (or the standards listed in Chapter 35) and the provisions of the Annotated Code of Maryland

((contained in Article 38A, Sections 59 through 66; Article 89, Section 49B; Title 9A of the Business Regulations article; and Title 12 of the Business Occupations and Professions article,)) the provisions of the Annotated Code of Maryland shall prevail.

((D.)) G. Delete in its entirety Section 103, Department of Building Safety, on page 2, and substitute the following:

**SECTION 103**  
**BUILDING OFFICIAL**

**103.1 General.** This code shall be administered and enforced by the Building Official. The Building Official shall be the Director of Public Works of the Town or such other person as the Town's Town Manager designates.

((E.)) H. In the ((first)) THIRD line of Section 104.2 on page 2, delete "issue" and substitute "authorize the issuance of."

((F.)) I. ((Delete)) REVISE Section 104.8 AND SECTION 104.8.1 on page ((2)) 3 ((in its entirety.)) 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.

J. IN SECTION 105.2 ON PAGE 4, UNDER "BUILDING", INSERT:

14. OUTBUILDINGS (NON-HABITABLE) FOR VERIFIABLE AGRICULTURAL USE ON AGRICULTURALLY ZONED PARCELS OF FIVE ACRES OR MORE.

K. IN SECTION 105.2 ON PAGE 4, UNDER "BUILDING", INSERT:

15. TENTS AND MEMBRANE STRUCTURES THAT ARE OPEN SIDED, WITH NO COOKING FACILITIES CONTAINED WITHIN, FOR USE LESS THAN 180 DAYS, UP TO 2,400 SQUARE FEET ARE EXEMPT FROM PERMITS.

L. IN SECTION 105.2 ON PAGE 4, UNDER "BUILDING", INSERT:

16. FLAGPOLES 20 FEET AND UNDER ARE EXEMPT FROM PERMITS.

((G.)) M. In the NEXT TO last line of Section 105.3.1 on page ((4)) 5, delete "issue" and substitute "authorize the issuance of," and in ((that same)) THE NEXT line, immediately after "practicable," insert "by the Town Treasurer."

((H.)) N. Section ((108.2)) 109.2 on page ((6)) 8 is revised to read as follows:

**((108.2)) 109.2 Fee schedule.** The permit fees for all work which a permit is required by this code shall be as prescribed by ordinance adopted by the Town Council from time to time.

((I.)) O. Section ((108.6)) 109.6 on page ((7)) 8 is revised to read as follows:

**108.6 Fee refunds.** The Building Official shall authorize the refunding of the full amount of any fee that was erroneously paid or collected. The Building 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.

((J.)) P. Section ((112.1)) 113.1 on page ((8)) 10 is deleted, and new Section ((112.1)) 113.1 is substituted, to read as follows:

**((112.1)) 113.1 General.** The Board of Appeals provided for in Chapter 6 of the Code of the Town of Indian Head may hear and decide appeals of orders, decisions or determinations of the Building Official relating to the application and interpretation of this code. The application shall be filed within 20 days from the date of the order, decision or determination being appealed. All appeals filed pursuant to this section 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.

((K.)) Q. Section ((112.3)) 113.3 on page ((8)) 10 is deleted in its entirety.

((L.)) R. Section ((113.3)) 114.3 on page ((8)) 10 is revised to read as follows:

**((113.3)) 114.3 Prosecution.** In addition to the penalties provided for in Section ((113.4)) 114.4 in case of any unlawful acts the Building Official, with the approval of the Town Manager of the Town, may institute in the name of the Town an appropriate civil action or proceedings 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 the occupancy of the structure that is not in compliance with the provisions of this code.

((M.)) S. Section ((113.4)) 114.4 on page ((8)) 10 is deleted, and new Section ((113.4)) 114.4 is substituted to read as follows:

**((113.4)) 114.4 Violations and penalties.**

1. Knowing and intentional violations of this code, failures to comply with this code, or refusals or failures to comply with a notice issued pursuant to Section ((113.2)) 114.2 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, failures to comply with this code, or refusals or failures to comply with a notice issued pursuant to Section ((113.2)) 114.2 of this code, are declared to be municipal infractions and shall be subject to the penalties and procedures as approved in Chapter 1, Article IV, and particularly § 1-37, of the Code of the Town of Indian Head (1990, as amended). These acts are strict liability offenses. Each day that one of these acts continues is a separate offense. The fine shall be \$400 for each initial violation and \$400 for each day thereafter that the violation continues.

((N.)) In the last line of Section 114.3 on page 9, delete "law" and substitute "Section 113.4."

O.) T. The definition of "Building Official" as contained in Section 202 on page ((12)) 16 is revised to read as follows:

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

((P.)) U. New Section ((907.9.2.1)) 907.9 is added to Section ((907.9.2)) 907 on page ((189)) 241, to read as follows:

**((907.9.2.1)) 907.9 Audible outside building.** In addition to being audible in the locations specified in this Section 907, the signaling system, or a supplemental alarm signaling system, shall be audible on the exterior of the building.

((Q.)) V. Section ((1018.2.2)) 1022.2.2 on page ((223)) 289 is revised to read as follows:

**1018.2.2 Arrangement.** Exterior exit doors shall lead directly to the exit discharge or the public way, except that all required exit access doors for uses in all use categories except use group R shall open towards a yard, court or open space.

((R.)) W. Section ((1018.2)) 1022.2 page ((223)) 289 is deleted in its entirety.

((S. In the first through fourth lines of Section 3410.2 on page 545, in the space labeled "[Date to be inserted by the jurisdiction. Note: It is recommended that the date coincide with the effective date of building codes within the jurisdiction]," insert "the date of adoption of this code."))

((T.)) X. New Section ((3110)) 3114 is added to Chapter 31, Special Construction, to follow immediately after Section ((3109)) 3113.4 on page ((534)) 604, to read as follows:

## **SECTION ((3110)) 3114**

### **SPECIAL CONSTRUCTION PRECAUTIONS**

**((3110.1)) 3114.1 General.** In any construction area of more than four single dwelling units or any commercial unit, shopping center, office building, multifamily dwelling, school, etc., fire protection and fire prevention fixtures shall be required as provided in Sections ((3110.2, 3110.3, and 3110.4)) 3114.2, 3114.3 and 3114.4.

**((3110.2)) 3114.2 Serviceable road.** Prior to the framing of the building, a serviceable all-weather road shall be installed so that all normal access that will be available when the building is open will be available to fire prevention and suppression authorities while the building is under construction.

**((3110.3)) 3114.3 Adequate water supply.** All underground waterlines shall be installed prior to framing, and adequate fire hydrants and water supply for fire fighting shall be provided.

**((3110.4)) 3114.4 Telephone.** Prior to framing, a telephone or some other means of transmitting an alarm of fire shall be installed.

Y. IN SECTION 504.1 ON PAGE 104, DELETE THE FIRST PARAGRAPH AND REPLACE IT WITH THE FOLLOWING:

**504.1 AUTOMATIC SPRINKLER SYSTEM INCREASE.** FOR BUILDINGS PROTECTED THROUGHOUT WITH AN APPROVED AUTOMATIC SPRINKLER SYSTEM INSTALLED IN ACCORDANCE WITH IBC SECTION 903.3.1.1, THE VALUE SPECIFIED IN TABLE 504 FOR MAXIMUM HEIGHT IS INCREASED BY 20 FEET (6,096 MM), AND THE MAXIMUM NUMBER OF STORIES IS INCREASED BY ONE STORY. WHEN THE BUILDING IS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM INSTALLED IN ACCORDANCE WITH IBC SECTION 903.3.1.2 FOR GROUPS R-1, R-2, R-4, AND IN ACCORDANCE WITH IBC

SECTION 903.3.1.3 FOR GROUP R-3, THE BUILDING HEIGHT LIMITATIONS SPECIFIED IN TABLE 504 ARE INCREASED BY ONE STORY AND 20 FEET (6,096 MM) BUT MAY NOT EXCEED A HEIGHT OF FOUR STORIES AND 60 FEET (18,288 MM) ABOVE THE GRADE PLANE. THESE INCREASES ARE PERMITTED IN ADDITION TO THE AREA INCREASE.

Z. IN SECTION 901.1 ON PAGE 217, ADD THE FOLLOWING AT THE END OF THE PARAGRAPH:

FIRE PROTECTION SYSTEM REQUIREMENTS OF CHAPTER 9 MAY BE CONCURRENTLY COVERED IN THE STATE FIRE CODE, PUBLIC SAFETY ARTICLE, §§ 6-206 AND 6-501, ANNOTATED CODE OF MARYLAND AND COMAR 29.06.01. THE STATE FIRE CODE IS ENFORCED BY THE STATE FIRE MARSHAL OR AUTHORIZED FIRE OFFICIAL.

AA. IN SECTION 1001.1 ON PAGE 257, ADD THE FOLLOWING AT THE END OF THE PARAGRAPH:

MEANS OF EGRESS REQUIREMENTS IN CHAPTER 10 MAY BE CONCURRENTLY COVERED IN THE STATE FIRE CODE, PUBLIC SAFETY ARTICLE, §§ 6-206 AND 6-501, ANNOTATED CODE OF MARYLAND AND COMAR 29.06.01. THE STATE FIRE CODE IS ENFORCED BY THE STATE FIRE MARSHAL OR AUTHORIZED FIRE OFFICIAL.

BB. IN SECTION 1011.5.2 ON PAGE 277, DELETE EXCEPTIONS 3 AND 4 AND REPLACE THEM WITH THE FOLLOWING:

3. IN OCCUPANCIES IN R-3 AS APPLICABLE IN IBC 101.2, WITHIN DWELLING UNITS IN OCCUPANCIES IN GROUP R-2, AS APPLICABLE IN IBC SECTION 101.2 AND IN OCCUPANCIES IN GROUP U WHICH ARE ACCESSORY TO AN OCCUPANCY IN GROUP R-3, THE MAXIMUM RISER HEIGHT SHALL BE 8 1/4 INCHES (210 MM) AND THE MINIMUM TREAD DEPTH SHALL BE NINE INCHES (229 MM). THE MINIMUM WINDER TREAD DEPTH AT THE WALK LINE SHALL BE NINE INCHES (229 MM), AND THE MINIMUM WINDER TREAD DEPTH SHALL BE SIX INCHES (152 MM). A NOSING NOT LESS THAN 3/4 INCH (19 MM) BUT NOT MORE THAN 1 1/4 INCHES (32 MM) SHALL BE PROVIDED ON STAIRWAYS WITH SOLID RISERS WHERE THE TREAD DEPTH IS LESS THAN 11 INCHES (279 MM).

4. THE MARYLAND BUILDING REHABILITATION CODE AS SET FORTH IN COMAR TITLE 5, SUBTITLE 16, GOVERNS THE REPLACEMENT OF EXISTING STAIRWAYS.

CC. IN SECTION 1014.3 ON PAGE 282, ADD ANOTHER EXCEPTION TO READ AS FOLLOWS:

**EXCEPTION 2:** FOR OCCUPANCIES IN GROUP R-3 AS APPLICABLE IN IBC SECTION 101.2 AND WITHIN DWELLING UNITS IN OCCUPANCIES GROUP R-2 AS APPLICABLE IN IBC SECTION 101.2, THE GRIP PORTION OF HANDRAILS SHALL HAVE A CIRCULAR CROSS-SECTION OF 1.25 INCHES (32 MM) MINIMUM TO 2.625 INCHES (66.7 MM) MAXIMUM. OTHER SHAPES THAT PROVIDE AN EQUIVALENT GRASPING SURFACE ARE PERMISSIBLE. EDGES SHALL HAVE A MINIMUM RADIUS OF 0.125 INCH (3.2 MM).

DD. IN SECTION 2401.1 ON PAGE 555, ADD THE FOLLOWING AT THE END OF THE PARAGRAPH:

THE REQUIREMENTS FOR SAFETY GLAZING SET FORTH IN PUBLIC SAFETY ARTICLE TITLE 12, SUBTITLE 4, ANNOTATED CODE OF MARYLAND, ARE IN ADDITION TO CHAPTER 24, SECTION 2406, OF THE IBC RELATED TO SAFETY GLAZING. IN THE EVENT OF A CONFLICT BETWEEN CHAPTER 24 OF THE IBC AND THE ANNOTATED CODE OF MARYLAND, THE REQUIREMENTS OF THE ANNOTATED CODE OF MARYLAND WILL PREVAIL.

EE. DELETE SECTION 2701.1 ON PAGE 583 AND SUBSTITUTE THE FOLLOWING:

**2701.1 SCOPE.** FOR THE APPLICABLE ELECTRICAL REQUIREMENTS, REFER TO THE NATIONAL ELECTRICAL CODE AS ADOPTED AND ENFORCED BY THE STATE FIRE MARSHAL, AUTHORIZED FIRE OFFICIALS, OR BUILDING OFFICIALS PURSUANT TO THE PROVISIONS OF THE PUBLIC SAFETY ARTICLE, TITLE 12, SUBTITLE 6, ANNOTATED CODE OF MARYLAND AND KNOWN AS THE "CHARLES COUNTY ELECTRICAL CODE."

FF. IN SECTION 3001.1 ON PAGE 591, ADD THE FOLLOWING AT THE END OF THE PARAGRAPH:

THE PROVISIONS OF CHAPTER 30 OF THE IBC RELATE TO ELEVATORS AND CONVEYING SYSTEMS AND ARE IN ADDITION TO AND NOT INSTEAD OF THE REQUIREMENTS SET FORTH IN THE PUBLIC SAFETY ARTICLE, TITLE 12, SUBTITLE 8, ANNOTATED CODE OF MARYLAND. IN THE EVENT OF A CONFLICT BETWEEN THE IBC AND THE MARYLAND ANNOTATED CODE, THE PROVISIONS OF THE MARYLAND ANNOTATED CODE WILL PREVAIL.

GG. IN SECTION 3102.1 ON PAGE 599, DELETE "THOSE ERECTED FOR A SHORTER PERIOD OF TIME SHALL COMPLY WITH THE INTERNATIONAL FIRE CODE." AND SUBSTITUTE "THOSE ERECTED FOR A SHORTER PERIOD OF TIME SHALL COMPLY WITH THE STATE FIRE CODE."

HH. DELETE IN ITS ENTIRETY CHAPTER 11, ACCESSIBILITY, BEGINNING ON PAGE 305 AND SUBSTITUTE THE MARYLAND ACCESSIBILITY CODE SET FORTH IN COMAR 05.02.02.

II. IN SECTION 1803.5.3 ON PAGE 429, AT THE END OF THE SECTION INSERT THE FOLLOWING:

IN THE PORTION OF CHARLES COUNTY DESIGNATED AS THE "AREA OF SPECIAL GEOTECHNICAL CONSIDERATION" PER THE PLANNING AND GROWTH MANAGEMENT MAP ENTITLED "AREA OF GEOTECHNICAL CONCERN," ALL SOILS AND FOUNDATION SUPPORT SHALL BE REMOVED TO A MINIMUM DEPTH OF FOUR FEET BELOW THE FINAL FINISHED GRADE. THE MINIMUM FOOTING DEPTHS SHALL BE AS DETERMINED BY THIS CODE. SOIL REMOVED SHALL NOT BE USED AS BACKFILL FOR FOUNDATION WALLS OR OTHER STRUCTURAL FILL. NO LARGE TREES OR WOODY VEGETATION WITH LARGE ROOT SYSTEMS SHALL BE LOCATED SUCH THAT THE DRIP ZONE FOR THE TREE IS WITHIN FIVE FEET OF THE FOUNDATION WALL. APPLICANTS MAY PROVIDE A GEOTECHNICAL REPORT PREPARED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF MARYLAND IN LIEU OF COMPLYING WITH THE ABOVE REQUIREMENTS. ALL RECOMMENDATIONS PROVIDED IN THE GEOTECHNICAL REPORT SHALL BE INCORPORATED AS PART OF THE PERMIT AND BECOME A PERMIT CONDITION.

JJ. IN SECTION 1808.5 ON PAGE 440, AT THE END OF THE SECTION INSERT THE FOLLOWING:

ALL EXTERIOR FOOTING OR FOUNDATIONS LOCATED IN THE PORTION OF CHARLES COUNTY DESIGNATED AS THE "AREA OF SPECIAL

GEOTECHNICAL CONSIDERATION" PER THE PLANNING AND GROWTH MANAGEMENT MAP ENTITLED "AREA OF GEOTECHNICAL CONCERN," SHALL EXTEND TO A MINIMUM OF FOUR FEET BELOW THE FINISHED GRADE.

APPLICANTS MAY PROVIDE A GEOTECHNICAL REPORT PREPARED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF MARYLAND IN LIEU OF COMPLYING WITH THE ABOVE REQUIREMENTS. ALL RECOMMENDATIONS PROVIDED IN THE GEOTECHNICAL REPORT SHALL BE INCORPORATED AS PART OF THE PERMIT AND BECOME A PERMIT CONDITION.

KK. IN SECTION 1805.4.3. ON PAGE 443, AT THE END OF THE SECTION INSERT THE FOLLOWING:

IN THE PORTION OF CHARLES COUNTY DESIGNATED AS 'AREAS OF SPECIAL GEOTECHNICAL CONSIDERATION' PER THE PLANNING AND GROWTH MANAGEMENT ENTITLED 'AREA OF GEOTECHNICAL CONCERN,' FOUNDATION DRAINS SHALL BE INSTALLED AND SHALL DISCHARGE AT A MINIMUM OF 10 FEET AWAY FROM ALL FOUNDATION WALLS OR AT THE PROPERTY LINE, WHICHEVER IS LESS.

LL. IN SECTION 3201 ON PAGE 605, ADD A NEW SECTION 3201.5 TO READ AS FOLLOWS:

**3201.5 CONSTRUCTION PROHIBITED IN PUBLIC UTILITY EASEMENT.** NO BUILDING OR STRUCTURE SHALL BE ERECTED UPON ANY PUBLIC UTILITY EASEMENT. FOR THE PURPOSE OF THIS SUBSECTION, A PUBLIC UTILITY EASEMENT SHALL BE A PARCEL OF LAND ON WHICH A LIMITED RIGHT-OF-WAY IS PROVIDED FOR ONE OR MORE DESIGNATED PURPOSES, SUCH AS BUT NOT LIMITED TO WATER, SEWER, GAS, ELECTRIC, OR TELEPHONE, WITHOUT THE TITLE OF THE LAND.

MM. ADD THE FOLLOWING AS NEW CHAPTER 34 ON PAGE 511:

#### **SECTION 3401 GENERAL**

**3401.1 SCOPE.** THE PROVISIONS OF THE MARYLAND BUILDING REHABILITATION CODE SHALL CONTROL THE REPAIRS, MODIFICATIONS, RECONSTRUCTION, ADDITIONS, AND CHANGES IN OCCUPANCY TO EXISTING BUILDINGS.

#### **SECTION 3402 VACANT COMMERCIAL STRUCTURES**

**3402.1 SCOPE.** THIS SECTION IS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE IN ALL EXISTING VACANT COMMERCIAL STRUCTURES; FIXING THE RESPONSIBILITY OF OWNERS; AND PROVIDING FOR ADMINISTRATION, ENFORCEMENT AND PENALTIES.

**3402.2 INTENT.** EXISTING STRUCTURES AND PREMISES THAT DO NOT COMPLY WITH THESE PROVISIONS SHALL BE ALTERED OR REPAIRED TO PROVIDE A MINIMUM LEVEL OF HEALTH AND SAFETY AS REQUIRED HEREIN. ALL VACANT STRUCTURES AND PREMISES THEREOF OR VACANT LAND SHALL BE MAINTAINED IN A CLEAN, SAFE, SECURE AND SANITARY CONDITION AS PROVIDED HEREIN SO AS NOT TO CAUSE A BLIGHTING PROBLEM OR ADVERSELY AFFECT THE PUBLIC HEALTH AND SAFETY.

**3402.3 EXISTING REMEDIES.** THE PROVISIONS IN THIS CODE SHALL NOT BE CONSTRUED TO ABOLISH OR IMPAIR EXISTING REMEDIES OF THE JURISDICTION OR ITS OFFICERS OR AGENCIES RELATING TO THE REMOVAL OR DEMOLITION OF ANY STRUCTURE WHICH IS DANGEROUS, UNSAFE AND UNSANITARY.



**3402.4 SAVING CLAUSE.** THIS CODE SHALL NOT AFFECT VIOLATIONS OF ANY OTHER ORDINANCE, CODE OR REGULATION EXISTING PRIOR TO THE EFFECTIVE DATE HEREOF, AND ANY SUCH VIOLATION SHALL BE GOVERNED AND SHALL CONTINUE TO BE PUNISHABLE TO THE FULL EXTENT OF THE LAW UNDER THE PROVISIONS OF THESE ORDINANCES, CODES OR REGULATIONS IN EFFECT AT THE TIME THE VIOLATION WAS COMMITTED.

### **SECTION 3403 NOTICES AND ORDERS**

**3403.1 NOTICE TO OWNER OR TO PERSON OR PERSONS RESPONSIBLE.** WHENEVER THE CODE OFFICIAL DETERMINES THAT THERE HAS BEEN A VIOLATION OF THIS CODE OR HAS GROUNDS TO BELIEVE THAT A VIOLATION HAS OCCURRED, NOTICE SHALL BE GIVEN TO THE OWNER OR THE PERSON OR PERSONS RESPONSIBLE.

**3403.2 FORM.** SUCH NOTICE SHALL:

1. BE IN WRITING;
2. INCLUDE A DESCRIPTION OF THE REAL ESTATE SUFFICIENT FOR IDENTIFICATION;
3. INCLUDE A STATEMENT OF THE REASON OR REASONS WHY THE NOTICE IS BEING ISSUED; AND
4. INCLUDE A CORRECTION ORDER ALLOWING A REASONABLE TIME FOR THE REPAIRS.

**3403.3 METHOD OF SERVICE.** SUCH NOTICE SHALL BE DEEMED TO BE PROPERLY SERVED IF A COPY THEREOF IS (A) DELIVERED TO THE OWNER PERSONALLY; OR (B) SENT BY CERTIFIED OR REGISTERED MAIL ADDRESSED TO THE OWNER AT THE LAST KNOWN ADDRESS WITH RETURN RECEIPT REQUESTED. IF THE CERTIFIED OR REGISTERED LETTER IS RETURNED SHOWING THAT THE LETTER WAS NOT DELIVERED, A COPY THEREOF SHALL BE POSTED IN A CONSPICUOUS PLACE IN OR ABOUT THE STRUCTURE AFFECTED BY SUCH NOTICE. SERVICE OF SUCH NOTICE IN THE FOREGOING MANNER UPON THE OWNER'S AGENT OR UPON THE PERSON RESPONSIBLE FOR THE STRUCTURE SHALL CONSTITUTE SERVICE OF NOTICE UPON THE OWNER.

**3403.4 TRANSFER OF OWNERSHIP.** IT SHALL BE UNLAWFUL FOR THE OWNER OF ANY STRUCTURE WHO HAS RECEIVED A COMPLIANCE ORDER OR UPON WHOM A NOTICE OF VIOLATION HAS BEEN SERVED TO SELL, TRANSFER, MORTGAGE, LEASE OR OTHERWISE DISPOSE OF ANOTHER UNTIL THE PROVISIONS OF THE COMPLIANCE ORDER OR NOTICE OF VIOLATION HAVE BEEN COMPLIED WITH, OR UNTIL SUCH OWNER SHALL FIRST FURNISH THE GRANTEE, TRANSFEREE, MORTGAGEE OR LESSEE A TRUE COPY OF ANY COMPLIANCE ORDER OR NOTICE OF VIOLATION ISSUED BY THE CODE OFFICIAL AND SHALL FURNISH TO THE CODE OFFICIAL A SIGNED AND NOTARIZED STATEMENT FROM THE GRANTEE, TRANSFEREE, MORTGAGEE OR LESSEE, ACKNOWLEDGING THE RECEIPT OF SUCH COMPLIANCE ORDER OR NOTICE OF VIOLATION AND FULLY ACCEPTING THE RESPONSIBILITY WITHOUT CONDITION FOR MAKING THE CORRECTIONS OR REPAIRS REQUIRED BY SUCH COMPLIANCE ORDER OR NOTICE OF VIOLATION.

**3403.5 CLOSING OF VACANT STRUCTURES.** IF THE STRUCTURE IS VACANT AND UNFIT FOR HUMAN HABITATION AND OCCUPANCY, AND IS NOT IN DANGER OF STRUCTURAL COLLAPSE, THE CODE OFFICIAL IS AUTHORIZED TO POST A PLACARD OF CONDEMNATION ON THE PREMISES AND ORDER

THE STRUCTURE CLOSED UP SO AS NOT TO BE AN ATTRACTIVE NUISANCE. UPON FAILURE OF THE OWNER TO CLOSE UP THE PREMISES WITHIN THE TIME SPECIFIED IN THE ORDER, THE CODE OFFICIAL SHALL CAUSE THE PREMISES TO BE CLOSED THROUGH ANY AVAILABLE PUBLIC AGENCY OR BY CONTRACT OR ARRANGEMENT BY PRIVATE PERSONS AND THE COST THEREOF SHALL BE CHARGED AGAINST THE REAL ESTATE UPON WHICH THE STRUCTURE IS LOCATED AND SHALL BE A LIEN UPON SUCH REAL ESTATE.

**3403.6 NOTICE.** WHENEVER THE CODE OFFICIAL HAS CONDEMNED A STRUCTURE UNDER PROVISIONS OF THIS SECTION, NOTICE SHALL BE POSTED IN A CONSPICUOUS PLACE IN OR ABOUT THE STRUCTURE AFFECTED BY SUCH NOTICE AND SERVED ON THE OWNER OR THE PERSON OR PERSONS RESPONSIBLE FOR THE STRUCTURE.

**3403.7 PLACARDING.** UPON FAILURE OF THE OWNER OR PERSON RESPONSIBLE TO COMPLY WITH THE NOTICE PROVISIONS WITHIN THE TIME GIVEN, THE CODE OFFICIAL SHALL POST ON THE PREMISES A PLACARD BEARING THE WORD "CONDEMNED" AND A STATEMENT OF THE PENALTIES PROVIDED FOR OCCUPYING THE PREMISES OR REMOVING THE PLACARD.

**3403.8 PROHIBITED OCCUPANCY.** ANY PERSON WHO SHALL OCCUPY A PLACARDED PREMISES AND ANY OWNER OR ANY PERSON RESPONSIBLE FOR THE PREMISES WHO SHALL LET ANYONE OCCUPY A PLACARDED PREMISES SHALL BE LIABLE FOR THE PENALTIES PROVIDED BY THIS CODE.

**3403.9 REMOVAL OF PLACARD.** THE CODE OFFICIAL SHALL REMOVE THE CONDEMNATION PLACARD WHENEVER THE DEFECT OR DEFECTS UPON WHICH THE CONDEMNATION AND PLACARDING ACTION WERE BASED HAVE BEEN ELIMINATED. ANY PERSON WHO DEFACES OR REMOVES A CONDEMNATION PLACARD WITHOUT THE APPROVAL OF THE CODE OFFICIAL SHALL BE SUBJECT TO THE PENALTIES PROVIDED BY THE CODE.

## **SECTION 3404 DEMOLITION**

**3404.1 GENERAL.** THE CODE OFFICIAL SHALL ORDER THE OWNER OF ANY PREMISES UPON SUCH THAT IT IS UNREASONABLE TO SECURE FROM CASUAL ENTRY, MEANING WINDOWS AND DOORS BOARDED PER APPENDIX A OF THE 2012 IPMC, AND TRASH AND DEBRIS REMOVED WITHIN 30 DAYS OF THE DATE OF THE NOTICE FROM THE CODE OFFICIAL, REPAIR THE STRUCTURE, TO RAZE AND REMOVE SUCH STRUCTURE WITHIN 90 DAYS; OR IF SUCH STRUCTURE IS CAPABLE OF BEING MADE SAFE BY REPAIRS, TO REPAIR AND MAKE SAFE AND SANITARY WITHIN 90 DAYS OF THE NOTICE OR TO RAZE AND REMOVE AT THE OWNER'S OPTION; OR WHERE THERE HAS BEEN A CESSATION OF NORMAL CONSTRUCTION OF ANY STRUCTURE FOR A PERIOD OF MORE THAN SIX MONTHS, TO RAZE AND REMOVE SUCH STRUCTURE WITHIN 90 DAYS OF THE DATE OF THE NOTICE.

**3404.2 ORDER.** ALL NOTICES AND ORDERS SHALL COMPLY WITH SECTION 3410.

**3404.3 FAILURE TO COMPLY.** IF THE OWNER OF A PREMISES FAILS TO COMPLY WITH A DEMOLITION ORDER WITHIN THE TIME PRESCRIBED, THE CODE OFFICIAL SHALL CAUSE THE STRUCTURE TO BE RAZED AND REMOVED, EITHER THROUGH AN AVAILABLE PUBLIC AGENCY OR BY CONTRACT OR ARRANGEMENT WITH PRIVATE PERSONS, AND THE COST OF SUCH RAZING AND REMOVAL SHALL BE CHARGED AGAINST THE REAL

ESTATE UPON WHICH THE STRUCTURE IS LOCATED AND SHALL BE A LIEN UPON SUCH REAL ESTATE.

**3404.4 SALVAGE MATERIALS.** WHEN ANY STRUCTURE HAS BEEN ORDERED RAZED AND WAS REMOVED THROUGH THE CODE OFFICIAL DUE TO THE OWNER'S FAILURE TO COMPLY, THE GOVERNING BODY OR OTHER DESIGNATED OFFICER UNDER SAID CONTRACT OR ARRANGEMENT AFORESAID SHALL HAVE THE RIGHT TO SELL THE SALVAGE AND VALUABLE MATERIALS AT THE HIGHEST PRICE OBTAINABLE. THE NET PROCEEDS OF SUCH SALE, AFTER DEDUCTING THE EXPENSES OF SUCH RAZING AND REMOVAL, SHALL BE PROMPTLY REMITTED WITH A REPORT OF SUCH SALE OR TRANSACTION, INCLUDING THE ITEMS OF EXPENSE AND THE AMOUNTS DEDUCTED, FOR THE PERSON WHO IS ENTITLED THERETO, SUBJECT TO ANY ORDER OF A COURT. IF SUCH SURPLUS DOES NOT REMAIN TO BE TURNED OVER, THE REPORT SHALL SO STATE.

### **SECTION 3405 EXTERIOR STRUCTURE**

**3405.1 GENERAL.** THE EXTERIOR OF A STRUCTURE SHALL BE MAINTAINED IN GOOD REPAIR, STRUCTURALLY SOUND AND SANITARY SO AS NOT TO POSE A THREAT TO THE PUBLIC HEALTH, SAFETY OR WELFARE OR A BLIGHT TO THE SURROUNDING NEIGHBORHOOD.

**3405.2 FAILURE TO COMPLY.** IF THE OWNER OF A PREMISES FAILS TO COMPLY WITH A REPAIR ORDER WITHIN 90 DAYS, THE CODE OFFICIAL SHALL CAUSE THE STRUCTURE TO BE REPAIRED, EITHER THROUGH AN AVAILABLE PUBLIC AGENCY OR BY CONTRACT OR ARRANGEMENT WITH PRIVATE PERSONS, AND THE COST OF SUCH REPAIR SHALL BE CHARGED AGAINST THE REAL ESTATE UPON WHICH THE STRUCTURE IS LOCATED AND SHALL BE A LIEN UPON SUCH REAL ESTATE.

**3405.3 EXTERIOR PAINTING.** ALL WOOD AND METAL SURFACES, INCLUDING BUT NOT LIMITED TO, WINDOW FRAMES, DOORS, DOOR FRAMES, CORNICES, PORCHES AND TRIM, SHALL BE MAINTAINED IN GOOD CONDITION. PEELING, FLAKING AND CHIPPED PAINT SHALL BE ELIMINATED AND SURFACES REPAINTED.

**3405.4 STREET NUMBERS.** EACH STRUCTURE TO WHICH A STREET NUMBER HAS BEEN ASSIGNED SHALL HAVE SUCH NUMBER DISPLAYED IN A POSITION EASILY OBSERVED AND READABLE FROM THE PUBLIC RIGHT-OF-WAY.

**3405.5 STRUCTURAL MEMBERS.** ALL STRUCTURAL MEMBERS SHALL BE MAINTAINED FREE FROM DETERIORATION, AND SHALL BE CAPABLE OF SAFELY SUPPORTING THE IMPOSED DEAD AND LIVE LOADS.

**3405.6 FOUNDATION WALLS.** ALL FOUNDATION WALLS SHALL BE MAINTAINED PLUMB AND FREE FROM OPEN CRACKS AND BREAKS AND SHALL BE KEPT IN SUCH CONDITION SO AS TO PREVENT THE ENTRY OF RATS.

**3405.7 EXTERIOR WALLS.** ALL EXTERIOR WALLS SHALL BE FREE FROM HOLES, BREAKS, LOOSE OR ROTTING MATERIALS; AND MAINTAINED WEATHERPROOF AND PROPERLY SURFACE COATED WHERE REQUIRED TO PREVENT DETERIORATION.

**3405.8 ROOFS AND DRAINAGE.** THE ROOF AND FLASHING SHALL BE SOUND, TIGHT, AND NOT HAVE DEFECTS THAT ADMIT RAIN. ROOF DRAINAGE SHALL

BE ADEQUATE TO PREVENT DAMPNESS OR DETERIORATION IN THE WALLS OR INTERIOR PORTION OF THE STRUCTURE. ROOF DRAINS, GUTTERS, AND DOWN SPOUTS SHALL BE MAINTAINED IN GOOD REPAIR AND FREE FROM OBSTRUCTIONS. ROOF WATER SHALL NOT BE DISCHARGED IN A MANNER THAT CREATES A PUBLIC NUISANCE.

**3405.9 DECORATIVE FEATURES.** ALL CORNICES, BELT COURSES, CORBELS, TERRA COTTA TRIM, WALL FACINGS AND SIMILAR DECORATIVE FEATURES SHALL BE MAINTAINED IN GOOD REPAIR WITH PROPER ANCHORAGE AND IN SAFE CONDITION.

**3405.10 OVERHANG EXTENSIONS.** ALL CANOPIES, MARQUEES, SIGNS, METAL AWNINGS, FIRE ESCAPES, STANDPIPES, EXHAUST DUCTS AND SIMILAR OVERHANG EXTENSIONS SHALL BE MAINTAINED IN GOOD REPAIR AND BE PROPERLY ANCHORED SO AS TO BE KEPT IN A SOUND CONDITION. WHEN REQUIRED, ALL EXPOSED SURFACES OF METAL OR WOOD SHALL BE PROTECTED FROM THE ELEMENTS AND AGAINST DECAY OR RUST BY PERIODIC APPLICATION OF WEATHER COATING MATERIALS, SUCH AS PAINT OR SIMILAR SURFACE TREATMENT.

**3405.11 STAIR AND WALKING SURFACES.** EVERY STAIR, RAMP, BALCONY, PORCH, DECK OR OTHER WALKING SURFACE SHALL BE KEPT IN A SOUND CONDITION.

**3405.12 STAIRWAYS, DECKS, PORCHES AND BALCONIES.** EVERY EXTERIOR STAIRWAY, DECK, PORCH AND BALCONY, AND ALL APPURTENANCES ATTACHED THERETO, SHALL BE MAINTAINED STRUCTURALLY SOUND, IN GOOD REPAIR, WITH PROPER ANCHORAGE AND CAPABLE OF SUPPORTING THE IMPOSED LOADS.

**3405.13 CHIMNEYS AND TOWERS.** ALL CHIMNEYS, COOLING TOWERS, SMOKE STACKS, AND SIMILAR APPURTENANCES SHALL BE MAINTAINED STRUCTURALLY SAFE AND SOUND, AND IN GOOD REPAIR. ALL EXPOSED SURFACES OF METAL OR WOOD SHALL BE PROTECTED FROM THE ELEMENTS AND AGAINST DECAY OR RUST BY PERIODIC APPLICATION OF WEATHER-COATING MATERIALS, SUCH AS PAINT OR SIMILAR SURFACE TREATMENT.

**3405.14 HANDRAILS AND GUARDS.** EVERY HANDRAIL AND GUARD SHALL BE FIRMLY FASTENED AND CAPABLE OF SUPPORTING NORMALLY IMPOSED LOADS AND SHALL BE MAINTAINED IN GOOD CONDITION.

**3405.15 WINDOW AND DOOR FRAMES.** EVERY WINDOW, DOOR AND FRAME SHALL BE KEPT IN SOUND CONDITION, GOOD REPAIR AND WEATHERTIGHT.

**3405.15.1 GLAZING.** ALL GLAZING MATERIALS SHALL BE MAINTAINED FREE FROM CRACKS AND HOLES.

**3405.15.2 OPENABLE WINDOWS.** EVERY WINDOW, OTHER THAN A FIXED WINDOW, SHALL BE EASILY OPENABLE AND CAPABLE OF BEING HELD IN POSITION BY WINDOW HARDWARE.

**3405.16 DOORS.** ALL EXTERIOR DOORS AND HARDWARE SHALL BE MAINTAINED IN GOOD CONDITION.

**3405.17 BASEMENT HATCHWAYS.** EVERY BASEMENT HATCHWAY SHALL BE MAINTAINED TO PREVENT THE ENTRANCE OF RATS, RAIN, AND SURFACE DRAINAGE WATER.

**3405.18 GUARDS FOR BASEMENT WINDOWS.** EVERY BASEMENT WINDOW THAT IS OPENABLE SHALL BE SUPPLIED WITH RAT PROOF SHIELDS, STORM WINDOWS OR OTHER APPROVED PROTECTION AGAINST ENTRY OF RATS.

NN. THE FOLLOWING APPENDICES TO THE IBC ARE ADOPTED: APPENDIX C, GROUP U - AGRICULTURAL BUILDINGS, ON PAGE 547; APPENDIX F, RODENTPROOFING; APPENDIX G, FLOOD-RESISTANT CONSTRUCTION, ON PAGE 661; AND APPENDIX I, PATIO COVERS, ON PAGE 671.

**43-2.1 Illumination Standards.**

B. Violations of this standard are subject to the provisions and penalties set forth in Section 113.4 of the International Building Code ((2006)) 2018 as adopted in Sections 43-1 and 43-2 of this Code.

**SECTION 2. AND BE IT FURTHER ENACTED,** That new Section 43-2.2 be and it hereby added to the Code of the Town of Indian Head (1990 as amended), Chapter 43, Building Construction, Article I, Building Code, to follow immediately after Section 43-2-1 and to read as follows:

**CHAPTER 43 – BUILDING CONSTRUCTION**

**ARTICLE I, BUILDING CODE**

**43-22. ADOPTION OF CHARLES COUNTY REGULATIONS**

AS A SUPPLEMENT TO THE CODES ADOPTED IN THIS CHAPTER, THE TOWN HEREBY ADOPTS AND INCORPORATES BY REFERENCE THE FOLLOWING REGULATIONS ADOPTED BY CHARLES COUNTY:

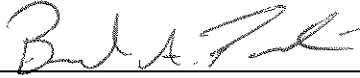
1. STANDARD R1 CONDITIONS FOR RESIDENTIAL DWELLINGS (DECEMBER 2, 2019).
2. STANDARD R2 CONDITIONS FOR MANUFACTURED AND MOBILE HOMES (DECEMBER 2, 2019).
3. STANDARD R3 CONDITIONS FOR MANUFACTURED AND MOBILE HOMES (DECEMBER 2, 2019).
4. STANDARD R4 CONDITIONS FOR FINISHED BASEMENTS (DECEMBER 2, 2019).
5. STANDARD R5 CONDITIONS FOR RESIDENTIAL PORCHES AND SUNROOMS (DECEMBER 2, 2019).
6. STANDARD R6 CONDITIONS FOR RESIDENTIAL DECKS (DECEMBER 2, 2019).
7. STANDARD R7 CONDITIONS FOR RESIDENTIAL SWIMMING POOLS, SPAS AND HOT TUBS (DECEMBER 2, 2019).
8. STANDARD R8 CONDITIONS FOR RESIDENTIAL MASONRY CHIMNEYS, FACTORY-BUILT CHIMNEYS, MASONRY FIREPLACE, AND FACTORY-BUILT FIREPLACES (DECEMBER 2, 2019).
9. STANDARD R9 CONDITIONS FOR RESIDENTIAL ACCESSORY POLE BUILDINGS (DECEMBER 2, 2019).


**SECTION 3. 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 4. 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:

  
\_\_\_\_\_  
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.