

# COUNCIL OF THE TOWN OF INDIAN HEAD

## Ordinance No. 04-06-21

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

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**AN ORDINANCE** concerning

### **INTERNATIONAL MECHANICAL CODE 2018**

**FOR** the purpose of adopting the International Mechanical Code 2018, with certain modifications, as the mechanical 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.

\* \* \* \* \*

**BY** repealing and reenacting, with amendments,  
Chapter 43 – Building Construction  
Article VI, Mechanical Code  
Sections 43-12 and 43-13  
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Sections 43-12 through 43-13 of the Code of the Town of Indian Head (1990 Edition, as amended), be and they hereby are repealed and reenacted, with amendments, to read as follows: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 VI. MECHANICAL CODE**

##### **43-12 Adoption of standards; copies on file.**

Subject to the provisions of § 43-13, there is hereby adopted by the Town of Indian Head for the purpose of establishing minimum standards governing the design, installation and construction of certain mechanical systems in the Town, a certain document entitled the International Mechanical Code ((2008)) 2018, as published by the International Code Council. Not less than one (1) copy of the International Mechanical Code ((2006)) 2018 shall be kept on file in Town Hall.

##### **43-13 Modification of standards.**

The International Mechanical Code ((2006)) 2018, as adopted by § 43-12, 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 102.8 on page ((1)) 2 is revised to read as follows:

**102.8 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 standards, the provisions of this code shall apply.

C. ((New)) Section (((102.10 is added to follow immediately after Section 102.9)) 102.8.1 on page ((1,)) 2 IS REVISED to read as follows:

**((102.10))102.8.1 Conflicting provisions.** ((Except as provided in Section 102.8, in)) 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((.)AND SECTIONS 103.1 AND 103.1.1 ARE SUBSTITUTED TO READ AS FOLLOWS:

**103.1 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.

**103.1.1 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.

E. ((Section 104.2 on page 2 is deleted in its entirety.)) INTENTIONALLY OMITTED

F. In the ((second)) THIRD line of Section ((104.3)) 104.2 on page 2, delete "issue" and substitute "authorize the issuance of."

G. In the last line of Section ((106.5)) 106.4 on page 4, immediately following "to the applicant" insert "by the Town."

H. In the second line of the first paragraph of Section ((106.5.1)) 106.4.1 on page 4, delete "issues" and substitute "authorizes the issuance of."

I. In the first line of the second paragraph of Section ((106.5.1)) 106.4.1 on page 4, delete "issue" and substitute "authorize the issuance of."

J. In the first AND SECOND lines of Section ((106.5.3)) 104.4.3 on page 4, delete "by the Code Official."

K. Section 106.5.2 on page ((4)) 5 is revised to read as follows:

**106.5.2 Fee schedule.** The permit fees for all mechanical work shall be as indicated on a fee schedule adopted by ordinance of the Town Council from time to time.

L. Section 106.5.3 on page ((4)) 5 is revised to read as follows:

**106.5.3 Fee refunds.** 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. Section 108.3 on page ((5)) 7 is deleted in its entirety, and new Section 108.3 is substituted in lieu thereof, to read as follows:

**108.3 Prosecution.** In addition to the penalties provided for in Section 108.4, 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.

N. Section 108.4 on page ((5)) 7 is revised to read as follows:

**108.4 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 mechanical work in violation of approved construction documents or directive of the Code Official, or of a permit or certificate 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 an order or directive of the Code Official issued pursuant to this code, or the erection, installation, alteration or repair of mechanical work in violation of approved construction documents or directive of the Code Official, or of a permit or certificate 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.

O. In the last sentence of Section 108.5 on page ((6)) 7, delete "shall be liable to a fine of not less than [amount] dollars or more than [amount] dollars" and substitute "shall be subject to the penalties as provided in Section 108.4 of this code."

P. Sections 109.2 through 109.7, inclusive, on ((pages 6 and)) PAGE 7 are deleted, and new Section 109.2 is substituted, to read as follows:

**109.2 Board of Appeals.** The Board of Appeals referred to in Section 109.1 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 109.1 shall be governed by the provisions of Chapter 6 and by any rules of procedure adopted by the Board of Appeals pursuant to Chapter 6.

Q. The definition of "Code Official" as contained in Section 202 on page 10 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.


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

**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

  
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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.