

COUNCIL OF THE TOWN OF INDIAN HEAD

Ordinance No. 04-08-21

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

AN ORDINANCE concerning

INTERNATIONAL PROPERTY MAINTENANCE CODE 2018

FOR the purpose of adopting the International Property Maintenance Code 2018, with certain modifications, as the property maintenance 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 78 – PROPERTY MAINTENANCE AND HOUSING STANDARDS
Sections 78-1 and 78-2
Code of the Town of Indian Head
(1990 Edition as amended)

SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA, That Sections 78-1 and 78-2 of the Code of the Town of Indian Head (1990 Edition as amended), be and they are hereby repealed and reenacted, with amendments, to read as follows:

Chapter 78 – PROPERTY MAINTENANCE AND HOUSING STANDARDS

§ 78-1. Adoption of standards; copies on file.

Subject to the provisions of §78-2, the International Property Maintenance Code ((2006)) 2018 as published by the International Code Council is hereby adopted by the Town of Indian Head for the purpose of establishing minimum regulations governing the conditions and maintenance of buildings, structures and property in the Town, and the condemnation and demolition of buildings and structures unfit for human occupancy or use. Not less than one (1) copy of the International Property Maintenance Code ((2006)) 2018 shall be kept on file in the Town Hall.

§ 78-2. Modifications.

The International Property Maintenance Code ((2006)) 2018, as adopted by §78-1, is modified as set forth below:

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

B. Section 102.3, on page 1, is revised to read as follows:

102.3. Application of other codes. Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all other applicable codes of the Town of Indian Head.

C. Section 102.7 on ((page)) PAGES 1 AND 2 is revised to read as follows:

102.7 Referenced codes and standards. The standards referenced in this code and listed in Chapter 8 , except the International Zoning Code, 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.

D. ((New)) Section ((102.9 is added to Section 102, on page 1,)) 102.7.1 on page ((1,)) 2 IS REVISED to read as follows:

((102.9))102.8.1 Conflicting provisions. 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.

E. Delete in its entirety Section 103, Department of Property Maintenance Inspection, on ((pages 1 and)) PAGE 2, and substitute the following:

SECTION 103 CODE OFFICIAL

103.1. General. This code shall be administered and enforced by the code official. The code official shall be the Code Enforcement Officer of the Town, or such other person as the Town's chief executive officer designates.

103.2 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.

103.2.1 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. Sections 106.3, 106.4 and 106.5, on page 3, are deleted, and new Sections 106.3 and 106.4 are substituted, to read as follows:

106.3 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 107 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 Subsection 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 107 of this code are declared to be municipal infractions and shall be subject to the penalties and procedures as provided in chapter 1, Article III, 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. These acts are strict liability offenses. Each day that one of these acts continues is a separate offense.

106.4 Prosecution. In addition to the penalties provided for in Section 106.3, in case of any unlawful acts, the Code Official, with the approval of the chief executive officer 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 the occupancy of the structure that is not in compliance with the provisions of this code.

G. The second sentence of Section 108.2 on page ((4)) 5 is revised to read as follows:

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 and secured through any available public agency or by contract or arrangement with private persons, and the cost thereof shall be the responsibility of the owner of the structure, shall be a lien on the real estate upon which the structure is located, and may be collected and have the lien enforced in the same manner, and have the same rights, priority rights, interest and penalties, as Town real property taxes.

H. Section 109.5 on page ((4)) 6 is revised to read as follows:

109.5 Costs of emergency repairs. Subject to the availability of funds in the Town's annual budget, costs incurred in the performance of emergency work shall be paid from the treasury of the Town on approval of the Code Official and the Town Manager of the Town. Upon request of the Code Official, with the concurrence of the Town Manager of the Town, the Town Attorney shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

I. Section 110.3 on ((pages 4 and 5)) PAGE 6 is revised to read as follows:

110.3 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 the responsibility of the owner of the structure, shall be a lien on the real estate upon which the structure is located, and may be collected and have the lien enforced in the same manner, and have the same rights, priority rights, interest and penalties, as Town real property taxes.

J. Sections 111.2 through 111.7, inclusive, on ((page 5)) PAGES 6 AND 7 are deleted, and new Section 111.2 is substituted, to read as follows:

111.2 Board of Appeals. The Board of Appeals referred to in Section 111.1 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 111.1 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.

K. The definition of "Code Official" as contained in Section 202 on page ((7)) 9 is revised to read as follows:

CODE OFFICIAL. The Code Enforcement Officer of the Town or such other person as the Town's Town Manager may designate.

L. In the first line of Section 304.14 on page ((10)) 13, insert "January 1" in the space labeled "[DATE]," and in the second line of Section 304.14 insert "December 31" in the space labeled "[DATE]."

M. In the fifth line of Section 602.3 on page ((17)) 23, insert "January 1" in the first space labeled "[DATE]," and insert "December 31" in the second space labeled "[DATE]."

N. In the third line of Section 602.4 on page ((17)) 23, insert "January 1" in the first space labeled "[DATE]," and insert "December 31" in the second space labeled "[DATE]."

O. APPENDIX A, BOARDING STANDARD, IS ADOPTED AND INCORPORATED BY REFERENCE.

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.