

# COUNCIL OF THE TOWN OF INDIAN HEAD

## Ordinance No. 04-09-21

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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 RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS 2018

**FOR** the purpose of adopting the International Residential Code for One- and Two-Family Dwellings 2018, with certain modifications, as the code for the design and construction of certain one- and two-family dwellings and townhouses 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 III, One- and Two-Family Dwelling Code  
Sections 43-6 and 43-7  
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 43-6 through 43-7 of the Code of the Town of Indian Head (1990 edition as amended), Chapter 43, Building Construction, be and they are hereby repealed and reenacted, with amendments, to read as follows:

### CHAPTER 43 – BUILDING CONSTRUCTION

#### ARTICLE III. ONE- AND TWO-FAMILY DWELLING CODE

##### 43-6 ADOPTION OF STANDARDS; COPIES ON FILE.

Subject to the provisions of §43-7 of this Code, there is hereby adopted by the Town of Indian Head for the purpose of regulating the fabrication, erection, construction, alteration and use of certain detached one- and two-family dwellings and townhouses in the Town, a certain document entitled the International Residential Code for One and Two-Family Dwellings ((2006)) 2018, as published by The International Code Council. Not less than one copy of the International Residential Code for One and Two-Family Dwellings ((2006)) 2018 shall be kept on file in the Town Hall of the Town.

##### 43-7 MODIFICATIONS.

The International Residential Code for One- and Two- Family Dwellings ((2006)) 2018, as adopted by §43-6, is modified as set forth below:

A. In the second and third lines of Section R101.1 on page 1, in the space labeled "[NAME OF JURISDICTION]," insert "Town of Indian Head".

B. Section R102.4 on page 1 is revised to read as follows:

**R102.4 Referenced codes and standards.** The codes and standards referenced in this 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 codes and standards, the provisions of the code shall apply.

C. New Section R102.8 is added on page ((1))2 to read as follows:

**R102.8 Conflicting provisions.** Except as otherwise provided in Section R102.4, in any situation where a provision of this code conflicts with the provision of any other law, ordinance, code or regulations, the provision which establishes the higher standard for the promotion and protections of the public health, safety and welfare shall prevail, regardless which may have been enacted first.

D. Section R103 on page ((1))2 is deleted in its entirety.

E. ((Section)) SECTIONS R104.8 AND 104.8.1 on ((page)) PAGES 2 AND 3 ((is deleted in its entirety.)) ARE REVISED TO READ AS FOLLOWS:

**R 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.

**R 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 10th line of Section R105.3.1 on page ((4))5, delete "issue" and substitute "authorize the issuance of," and in the last line of that section, immediately after "practicable," insert "by the Treasurer of the Town".

G. In the second line of Section R106.3.1 on page ((5))6, delete "issues" and substitute "authorizes the issuance of".

H. In the first and second lines of Section R106.3.3 on page ((5))6, delete "is authorized to issue" and substitute "may authorize the issuance of".

I. In the first line of Section R107.1 on page ((5))7, delete "is authorized to issue" and substitute "may authorize the issuance of".

J. Section R108.2 on page ((5))7 is revised to read as follows:

**R108.2 Fee schedule.** The fees for all work for which a permit is required by this code shall be as prescribed by ordinance adopted by the Town Council from time to time.

K. Section R108.5 on page ((6))7 is revised to read as follows:

**R108.5 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.

L. Section R112.1 on page ((7))9 is deleted, and new Section R112.1 is substituted, to read as follows:

**R112.1 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 order, decision or determination being appealed. All appeals filed pursuant to Section R112.1 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.

M. Section R112.3 on page ((8))9 is deleted in its entirety.

N. Section R113.3 on page ((8))9 is deleted in its entirety, and new Section R113.3 is substituted in lieu thereof, to read as follows:

**R113.3 Prosecution of violation.** In addition to the penalties provided for in Section R113.4, 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 Building Official, with the approval of the Town Manager of the Town, may institute 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.

O. Section R113.4 on page ((8))9 is deleted, and new Section R113.4 is substituted in lieu thereof, to read as follows:

**R113.4 Violations and penalties.**

1. Knowing and intentional violations of this code or of any order or directive of the Building Official, or the erection, installation, alteration or repair of a building or structure in violation of the approved construction documents or directive of the Building Official, or 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 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 Building Official, or the erection, installation, alteration or repair of a building or structure in violation of the approved construction documents or directive of the Building Official, or of 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). 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.

P. In the last line of Section 114.2 on page ((8))9, delete "law" and substitute "Section R113.4.1."

Q. The definition of "Building Official" as contained in Section R202 on page ((10))13 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 chief executive officer may designate.

R. On page ((65))67 insert a new Section ((R325))R328 to read as follows:

#### **SECTION ((R325))R328**

##### **AUTOMATIC FIRE SPRINKLER SYSTEMS**

**((R325.1))R328.1 Installation required.** Interior automatic fire sprinkler systems shall be installed, and thereafter maintained, in a good state of operation and repair, in all new one- and two-family dwellings for which building permits are applied for on and after December 1, 2006. A one- or two-family dwelling that exists or is under construction on December 1, 2006, and that is demolished and thereafter reconstructed, or that is renovated to such extent as involves the installation of a new plumbing system in at least 50% of the habitable area of the dwelling, shall be deemed a new dwelling for the purpose of compliance with the requirements of this section.

1. A mobile home, a manufactured home and a modular home are subject to the interior automatic fire sprinkler system requirements of this section.

**((R325.2))R328.2 Exceptions.** The interior automatic fire sprinkler system requirements of this section do not apply to any detached accessory structure such as, but not limited to, a carport, a garage, a structure that does not contain any facilities or rooms designed or used for cooking, sleeping or toileting, a greenhouse and a shed.

**((R325.3))R328.3 Installation standards.** Interior automatic sprinkler systems shall be installed and maintained in accordance with the most recent version of Standard 13D, "Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes," as promulgated by the National Fire Protection Association (NFPA) and as modified and adopted by the Maryland State Fire Prevention Code, as amended from time to time.

S. IN SECTION R101.2 ON PAGE 1, ADD EXCEPTION 3 TO READ AS FOLLOWS:

3. EXISTING BUILDINGS UNDERGOING REPAIR, ALTERATIONS OR ADDITIONS, AND CHANGE OF OCCUPANCY SHALL BE PERMITTED TO COMPLY WITH THE MARYLAND BUILDING REHABILITATION CODE.

T. IN THE FOURTH LINE OF SECTION 106.3.1 ON PAGE 6, DELETE "REVIEWED FOR CODE COMPLIANCE" AND SUBSTITUTE "APPROVED TO ISSUE".

U. ADD AN APPENDIX V TO THE IRC ENTITLED "SWIMMING POOLS, SPAS AND HOT TUBS", WHICH INCORPORATES IN ITS ENTIRETY THE 2012 IRC APPENDIX G, "SWIMMING POOLS, SPAS AND HOT TUBS".

V. ADD A NEW SECTION AG105.1.2 TO APPENDIX V, TO READ AS FOLLOWS:

**AG105.1.2 ABOVEGROUND POOLS.**

1. THE TERRAIN UNDER AN ABOVEGROUND POOL SHALL BE GRADED FLAT.
2. THIS LEVEL GRADING SHALL EXTEND THREE FEET BEYOND THE POOL ASSEMBLY; INCLUDING THE POOL BARRIER/FENCE/DECK PERIMETER, AND/OR OUTERMOST POINT OF THE POOL ASSEMBLY.
3. MEASUREMENTS SHALL BE TAKEN PERPENDICULAR TO THE OUTERMOST POINTS OF THE BARRIER/FENCE/DECK; AROUND THE ENTIRE POOL ASSEMBLY.
4. ANY DECKING THAT IS INTEGRATED TO THE POOL DESIGN, SHALL BE CONSIDERED PART OF THE POOL ASSEMBLY WHEN CALCULATING THIS CONDITION.

W. IN SECTION AG 105.2 ADD A REQUIREMENT 6 TO READ AS FOLLOWS: "THE WIRE SHALL NOT BE LESS THAN 11.5 GAUGE.

X. DELETE SECTION 406.1 ON PAGE 132 IN ITS ENTIRETY.

Y. IN SECTION 406.2 ON PAGE 132, IN THE FIRST AND SECOND LINES DELETE "IN AREAS WHERE A HIGH WATER TABLE OR OTHER SEVERE SOIL/WATER CONDITIONS ARE KNOWN TO EXIST," AND SUBSTITUTE "ALL".

Z. IN SECTION R110.1 ON PAGE 8, DELETE EXCEPTION 2.

AA. IN SECTION R109.1.5 ON PAGE 8, ADD SECTIONS 109.1.5.2, 109.1.5.3, 109.1.5.4 AND 109.1.5.5 TO READ AS FOLLOWS:

**R109.1.5.2 ENERGY EFFICIENCY.** THE DWELLING SHALL BE INSPECTED TO DETERMINE COMPLIANCE WITH THE MARYLAND ENERGY CONSERVATION BUILDING STANDARDS AND COMPLIANCE WITH CHAPTER 11, ENERGY EFFICIENCY.

**R109.5.3 LOAD PATH AND WALL BRACING.** THE LOAD PATH INSPECTION WHICH HAS BEEN REQUIRED IN CHARLES COUNTY SINCE 2004 WILL NOW INCLUDE THE WALL BRACING REQUIREMENTS IN SECTION 602.10, WALL BRACING, OF THE 2015 IRC, AND THE INSPECTION NAME HAS CHANGED TO "LOAD PATH AND WALL BRACING."

**R109.1.5.2 FOOTING INSPECTION FOR DECKS.** FOOTING INSPECTION WILL NOW BE REQUIRED FOR ALL DECK APPLICATIONS.

**R109.1.5.3 PRELIMINARY INSPECTIONS.** FOR ALL FIRE, WIND, WATER, EARTHQUAKE DAMAGE REPAIRS, A PRELIMINARY INSPECTION BY THE BUILDING CODE OFFICIAL WILL BE REQUIRED FOR DETERMINING THE STATUS OF THE EXISTING BUILDING BEFORE THE REBUILD CAN BEGIN.

BB. IN SECTION 505, ON PAGE 158 ADD A NEW SECTION R505.3.9 TO READ AS FOLLOWS:

**R505 STEEL TO STEEL SUPPORT ASSEMBLIES.** THE USE OF STEEL BEAMS IN RESIDENTIAL CONSTRUCTION SHALL BE BY ENGINEERED DESIGN ONLY. IN COMPLYING WITH INDUSTRY STANDARDS, STEEL BEAMS SHALL BE SUPPORTED BY STEEL COLUMNS UNLESS AN ENGINEERED DESIGN SPECIFICALLY REQUIRES AN ALTERNATIVE SUPPORT.

CC. DELETE SECTION R403.1.4 ON PAGE 99 ANMD SUBSTITUTE THE FOLLOWING:

**R403.1.4 MINIMUM DEPTH.** UNLESS OTHERWISE LOCATED IN THE AREA OF GEOTECHNICAL CONCERN, EXTERIOR FOOTINGS SHALL NOT BE PLACED LESS THAN 24 INCHES BELOW THE UNDISTURBED GROUND SURFACE. WHERE APPLICABLE, THE DEPTH OF THE FOOTINGS SHALL ALSO CONFORM TO SECTIONS 403.1.4.1 THROUGH 403.1.4.2. ALL DECK SUPPORT POSTS AND STAIR STRINGERS SHALL BE SUPPORTED ON CONCRETE FOOTINGS A MINIMUM OF 16 INCHES BY 16 INCHES BY EIGHT INCHES.

DD. IN SECTION R110 ON PAGE 8, ADD THE NEW SEXTION R110.6 TO READ AS FOLLOWS:

**R110.6 SALE OF ONE- OR TWO-FAMILY DWELLING.** PRIOR TO THE CONSUMMATION OF THE SAME (SETTLEMENT) OF ANY NEW ONE- OR TWO-FAMILY DWELLING, THERE SHALL BE AN INSPECTION OF THE UNIT AND PREMISES BY THE CODE OFFICIAL AND A CERTIFICATE OF USE AND OCCUPANCY ISSUED OR A LIST OF THE VIOLATIONS OR DEFICIENCIES REQUIRING CORRECTION PRIOR TO ISSUANCE OF SUCH CERTIFICATE. AT THE TIME OF CONSUMMATION OF SUCH SALE, THE CERTIFICATE OF USE AND OCCUPANCY, OR A LIST OF THE DEFICIENCIES OR VIOLATIONS WHICH REMAIN TO BE CORRECTED PRIOR TO ISSUANCE OF SUCH CERTIFICATE, SHALL BE PRESENTED TO THE BUYER. UNLESS CONTRACTUALLY RELIEVED OF SUCH RESPONSIBILITY, THE SELLER SHALL BE RESPONSIBLE FOR CORRECTION OF ANY VIOLATIONS OR DEFICIENCIES NECESSARY FOR THE CERTIFICATE TO BE ISSUED. WHEN A CERTIFICATE OF USE AND OCCUPANCY HAS NOT BEEN ISSUED PRIOR TO CONSUMMATION OF THE SALE, THERE SHALL BE REQUIRED A SEPARATE WRITTEN CONTRACTUAL AGREEMENT INDICATING RESPONSIBILITY FOR CORRECTION OF ALL DEFICIENCIES OR VIOLATIONS CITED BY THE CODE OFFICIAL BY A DATE CERTAIN. THE PROVISIONS OF THIS SUBSECTION ARE NOT APPLICABLE WHEN A NEW DWELLING UNIT IS PURCHASED FOR RESALE AS A NEW DWELLING UNIT.

EE. IN SECTION 202 ON PAGE 14, ADD A NEW DEFINITION TO READ AS FOLLOWS:

**COMPLETE LOAD PATH.** A SYSTEM OF WOOD STRUCTURAL PANELS, METAL CONNECTORS, TIE RODS OR ENGINEER DESIGN THAT PROVIDES A CONTINUOUS CONNECTION OF ALL EXTERIOR FRAMING COMPONENTS FROM THE ROOF OF THE BUILDING TO THE FOUNDATION CAPABLE OF RESISTING WIND UPLIFT FORCES GENERATED BY THE DESIGN WIND SPEED AS ADJUSTED FOR THE EXPOSURE CATEGORY.

FF. IN SECTION R105.2 UNDER BUILDING ON PAGE 3, DELETE "ARE NOT ATTACHED TO A DWELLING" IN THE THIRD AND FOURTH LINES OF ITEM 10.

GG. IN SECTION R105.2 UNDER BUILDING ON PAGE 3, ADD THE FOLLOWING ADDIITONAL EXCEPTIONS:

11. PRE-MADE RESIDENTIAL USE STORAGE SHEDS 200 SQUARE FEET OR LESS FOR NONAUTOMOTIVE STORAGE THAT ARE DELIVERED TOTALLY ASSEMBLED SHALL NOT BE REQUIRED TO PROVIDE FOOTINGS AND FOUNDATIONS BELOW THE FROST LINE.
12. RADIO AND TELEVISION TOWERS FOR ONE- AND TWO-FAMILY DWELLINGS MAY BE ERECTED WITHOUT A BUILDING PERMIT.

HH. IN SECTION R301.2 ADD THE FOLLOWING TABLE R301.2(1), CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA:

GROUND SNOW LOAD = 25 PSF WIND = 115 MPH

SEISMIC DESIGN CRITERIA = A WEATHERING = SEVERE

FROST LINE DEPTH = 24 INCHES TERMITE = MODERATE TO HEAVY DECAY = SLIGHT TO MODERATE

WINTER DESIGN TEMPERATURE = 13° F.

ICE BARRIER UNDERLAYMENT REQUIRED = YES

FLOOD HAZARDS = CHAPTER 238, FLOOD DAMAGE CONTROL, ARTICLE II, FLOODPLAIN MANAGEMENT, SEPTEMBER 2013

AIR FREEZING INDEX = 308

MEAN ANNUAL TEMPERATURE = 55.9° F.

II. DELETE IN ITS ENTIRETY SECTION R303.4 ON PAGE 63. FOR MECHANICAL VENTILATION REQUIREMENTS, REFER TO THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC).

JJ. DELETE SECTION 310.1 ON PAGE 69 AND SUBSTITUTE THE FOLLOWING:

**R310.1 EMERGENCY ESCAPE AND RESCUE REQUIRED.** EVERY SLEEPING ROOM SHALL HAVE AT LEAST ONE OPENABLE EMERGENCY ESCAPE AND RESCUE WINDOW OR EXTERIOR DOOR OPENING FOR EMERGENCY ESCAPE AND RESCUE. IF OPENINGS ARE PROVIDED AS A MEANS OF ESCAPE AND RESCUE, THEY SHALL HAVE A SILL HEIGHT OF NOT MORE THAN 44 INCHES (1,118 MM) ABOVE THE ADJACENT INTERIOR SURFACE. IF A DOOR OPENING HAVING A THRESHOLD BELOW THE ADJACENT GROUND ELEVATION SERVES AS AN EMERGENCY ESCAPE AND RESCUE OPENING AND IS PROVIDED WITH A BULKHEAD ENCLOSURE, THE BULKHEAD ENCLOSURE SHALL COMPLY WITH SECTION R310.3. THE NET CLEAR OPENING DIMENSIONS REQUIRED BY THIS SECTION SHALL BE OBTAINED BY THE NORMAL OPERATION OF THE WINDOW OR DOOR OPENING FROM THE INSIDE. ESCAPE AND RESCUE WINDOW OPENINGS WITH A FINISHED SILL HEIGHT BELOW THE ADJACENT GROUND ELEVATION SHALL BE PROVIDED WITH A WINDOW WELL IN ACCORDANCE WITH SECTION R310.2.

KK. DELETE SECTION 311.7.5 ON PAGE 73 AND SUBSTITUTE THE FOLLOWING:

**R311.7.5 STAIR TREADS AND RISERS.** THE MAXIMUM RISER HEIGHT SHALL BE 8 1/4 INCHES (210 MM) AND THE MINIMUM TREAD DEPTH SHALL BE NINE INCHES (299 MM). THE RISER HEIGHT SHALL BE MEASURED VERTICALLY BETWEEN LEADING EDGES OF THE ADJACENT TREADS. THE TREAD DEPTH SHALL BE MEASURED HORIZONTALLY BETWEEN THE VERTICAL PLANES OF THE FOREMOST PROJECTION OF ADJACENT TREADS AND AT A RIGHT ANGLE TO THE TREADS' LEADING EDGE. THE WALKING FACE OF TREADS AND LANDINGS OF A STAIRWAY SHALL BE SLOPED NO

STEEPER THAN ONE UNIT VERTICAL IN 48 UNITS HORIZONTAL (2% SLOPE). THE GREATEST RISER HEIGHT WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN 3/8 INCH (9.5 MM). THE GREATEST TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN 3/8 INCH (9.5 MM). WINDER TREADS SHALL HAVE A MINIMUM TREAD DEPTH OF NINE INCHES (229 MM) MEASURED AT A POINT 12 INCHES (305 MM) FROM THE SIDE WHERE THE TREADS ARE NARROWER. WINDER TREADS SHALL HAVE A MINIMUM TREAD DEPTH OF SIX INCHES (152 MM) AT ANY POINT.

LL. IN SECTION 311.7.5.3 ON PAGE 72, DELETE THE EXCEPTION AND SUBSTITUTE THE FOLLOWING:

**EXCEPTION:** A NOSING IS NOT REQUIRED IF THE TREAD DEPTH IS A MINIMUM OF 10 INCHES.

MM. DELETE SECTION 311.7.8 ON PAGE 72 AND SUBSTITUTE THE FOLLOWING:

**R311.7.8 HANDRAILS.** HANDRAILS SHALL BE PROVIDED ON AT LEAST ONE SIDE OF STAIRWAYS CONSISTING OF THREE OR MORE RISERS. HANDRAILS SHALL HAVE A MINIMUM HEIGHT OF 34 INCHES (864 MM) AND A MAXIMUM HEIGHT OF 38 INCHES (965 MM) MEASURED VERTICALLY FROM THE NOSING OF THE TREADS. ALL REQUIRED HANDRAILS SHALL BE CONTINUOUS THE FULL LENGTH OF THE STAIRS FROM A POINT DIRECTLY ABOVE THE TOP RISER TO A POINT DIRECTLY ABOVE THE LOWEST RISER OF THE STAIRWAY. THE ENDS OF THE HANDRAIL SHALL BE RETURNED INTO A WALL OR SHALL TERMINATE IN NEWEL POSTS OR SAFETY TERMINALS. A MINIMUM CLEAR SPACE OF 1 1/2 INCHES (38 MM) SHALL BE PROVIDED BETWEEN THE WALL AND THE HANDRAIL.

**EXCEPTIONS:**

1. HANDRAILS SHALL BE PERMITTED TO BE INTERRUPTED BY A NEWEL POST AT A TURN.
2. THE USE OF A VOLUTE, TURNOUT, OR STARTING EASING SHALL BE ALLOWED OVER THE LOWEST TREAD.

NN. IN SECTION 313.2 ON PAGE 75, DELETE THE EXCEPTION AND SUBSTITUTE THE FOLLOWING:

**EXCEPTION:** AN AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM SHALL NOT BE REQUIRED FOR ADDITIONS OR ALTERATIONS TO EXISTING BUILDINGS THAT ARE NOT ALREADY PROVIDED WITH AN AUTOMATIC RESIDENTIAL SPRINKLER SYSTEM; UNLESS THE PROPOSED ADDITION RESULTS IN AN INCREASE IN THE EXISTING SQUARE FOOTAGE OF THE STRUCTURE BY MORE THAN 50%, OR IF THE ALTERATION WILL INVOLVE MORE THAN 70% OF THE EXISTING SQUARE FOOTAGE.

THE SQUARE FOOTAGE OF EVERY ROOM BEING ADDED OR ALTERED SHALL BE INCLUDED IN THE CALCULATION OF TOTAL SQUARE FOOTAGE FOR THE ADDITION OR ALTERATION. THE ENTIRE SQUARE FOOTAGE OF AN INDIVIDUAL ROOM SHALL BE CONSIDERED ADDED OR ALTERED WHEN MORE THAN 50% OF THE TOTAL LINEAR LENGTH OF A ROOM, IS NEW, REMOVED, OR REPLACED. IF THE ADDITION EXCEEDS 50% OR THE ALTERATION EXCEEDS 70%, IT WILL BE CLASSIFIED AS A NEW SINGLE-FAMILY DWELLING AND BE PERMITTED, REVIEWED AND INSPECTED AS SUCH.



OO. IN SECTION R401 ON PAGE 89, AT THE END OF THE SECTION ADD 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.

PP. IN SECTION R403.1.4. ON PAGE 99, ADD THE FOLLOWING AT THE END OF THE SECTION:

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.

QQ. IN SECTION R405.1. ON PAGES 130-131, ADD THE FOLLOWING AT THE END OF THE PARAGRAPH:

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.

RR. THE FOLLOWING APPENDIX TO THE IRC IS ADOPTED: APPENDIX E, MANUFACTURED HOUSING USED AS DWELLINGS, ON PAGE 851, EXCEPT FOR SECTION AE304, FEES.

SS. IN SECTION R313.1.1 ON PAGE 75, DELETE THE TEXT AND SUBSTITUTE THE FOLLOWING:

**R313.1.1 DESIGN AND INSTALLATION.** AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEMS FOR TOWNHOUSES SHALL BE DESIGNED IN ACCORDANCE WITH NFPA 13D.

TT. IN SECTION R403.1.6. ON PAGE 99, ADD THE FOLLOWING EXCEPTIONS:

3. ANCHOR BOLTS ATTACHING SOLE PLATES OF INTERIOR GB BRACED WALL PANELS (R602.10) CAN BE REPLACED WITH AN APPROVED

ANCHORAGE METHOD WITH AT LEAST 200 PLF LATERAL AND 150 PLF UPLIFT WHEN ALL THE FOLLOWING CONDITIONS ARE MET:

- 3.1. THE BASIC WIND SPEED IN ACCORDANCE WITH FIGURE R301.2(4)A DOES NOT EXCEED 115 MPH.
- 3.2. THE SEISMIC DESIGN CATEGORY IS A OR B; AND
- 3.3. THE GB BRACED WALL PANELS ARE NOT PART OF THE EXTERIOR WALL.

UU. IN SECTION M1503.6 ON PAGE 511, AMEND THE FIRST SENTENCE TO READ AS FOLLOWS:

EXHAUST HOOD SYSTEMS CAPABLE OF EXHAUSTING MORE THAN 400 CUBIC FEET PER MINUTE SHALL BE MECHANICALLY OR NATURALLY PROVIDED WITH MAKEUP AIR AT A RATE APPROXIMATELY EQUAL TO THE EXHAUST AIR RATE IN EXCESS OF 400 CUBIC FEET PER MINUTE.

VV. IN SECTION M1503.6 ON PAGE 511, ADD THE FOLLOWING EXCEPTIONS:

**EXCEPTIONS:** MAKEUP AIR OPENINGS ARE NOT REQUIRED FOR KITCHEN EXHAUST SYSTEMS CAPABLE OF EXHAUSTING NOT GREATER THAN 600 CUBIC FEET PER MINUTE, PROVIDED THAT ONE OF THE FOLLOWING CONDITIONS ARE MET:

1. WHERE THE FLOOR AREA WITHIN THE AIR BARRIER OF A DWELLING UNIT IS AT LEAST 1,500 SQUARE FEET, AND WHERE THE NATURAL DRAFT OR MECHANICAL DRAFT SPACE OR WATER-HEATING APPLIANCES ARE NOT LOCATED WITHIN THE AIR BARRIER.
2. WHERE THE FLOOR AREA WITHIN THE AIR BARRIER OF A DWELLING UNIT IS AT LEAST 3,000 SQUARE FEET, AND WHERE THE NATURAL DRAFT SPACE OR WATER- HEATING APPLIANCES ARE NOT LOCATED WITHIN THE AIR BARRIER.
3. WHERE ALL APPLIANCES IN THE HOUSE ARE SEALED COMBUSTION, POWER- VENT, UNVENTED OR ELECTRIC.

**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.