

# COUNCIL OF THE TOWN OF INDIAN HEAD

## Ordinance No. 10-04-06

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**Introduced By:** Mayor Dennis J. Scheessele  
**Date Introduced:** October 2, 2006  
**Date Adopted:** November 6, 2006  
**Date Effective:** November 26, 2006

### AN ORDINANCE concerning

#### **INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS 2003**

**FOR** the purpose of adopting the International Residential Code for One- and Two-Family Dwellings 2003, 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** adding  
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)

**BY** repealing and reenacting, with amendments  
Chapter 1 – GENERAL PROVISIONS  
Section 1-37.J  
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 be and they hereby are added to the Code of the Town of Indian Head (1990 edition as amended), Chapter 43, Building Construction, to be under new Article III, One- and Two-Family Dwelling Code, to read as follows:

### **CHAPTER 3 – 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 2003, AS

PUBLISHED BY THE INTERNATIONAL CODE COUNCIL. NOT LESS THAN ONE (1) COPY OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO-FAMILY DWELLINGS 2003 SHALL BE KEPT ON FILE IN TOWN HALL OF THE TOWN.

**43-7 MODIFICATIONS.**

THE INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS 2003, 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 SPACED LABELED "[NAME OF JURISDICTION]" INSERT "TOWN OF INDIAN HEAD."

B. SECTION R-102.4 ON PAGE 1 IS REVISED TO READ AS FOLLOWS:

**R-102.4 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 R-102.8 IS ADDED ON PAGE 1 TO READ AS FOLLOWS:

**R-102.8 CONFLICTION PROVISIONS:** EXCEPT AS OTHER WISE PROVIDED IN SECTION R-102.4, 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 R-103 ON PAGE 1 IS DELETED IN ITS ENTIRETY.

E. SECTION R-104.8 ON PAGE 2 IS DELETED IN ITS ENTIRETY.

F. IN THE TENTH LINE OF SECTION R-105.3.1 ON PAGE 4, DELETE "ISSUE" AND SUBSTITUTE "AUTHORIZE THE ISSUANCE OF"; AND IN THAT SAME LINE, IMMEDIATELY AFTER "PRACTICABLE" INSERT "BY THE TREASURER OF THE TOWN."

G. IN THE SECOND LINE OF SECTION R106.3.1 ON PAGE 5, DELETE "ISSUES" AND SUBSTITUTE "AUTHORIZES THE ISSUANCE OF."

H. IN THE FIRST AND SECOND LINES OF SECTION R106.3.3 ON PAGE 5, DELETE "IS AUTHORIZED TO ISSUE" AND SUBSTITUTE "MAY AUTHORIZE THE ISSUANCE OF."

I. IN THE FIRST LINE OF SECTION R107.1 ON PAGE 5, DELETE "IS AUTHORIZED TO ISSUE" AND SUBSTITUTE "MAY AUTHORIZE THE ISSUANCE OF."

J. SECTION R-108.2 ON PAGE 5 IS REVISED TO READ AS FOLLOWS:

**R-108.2 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 108.5 ON PAGE 6 IS REVISED TO READ AS FOLLOWS:

**108.5 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 R-112.1 ON PAGE 7 IS DELETED, AND NEW SECTION R-112.1 IS SUBSTITUTED, TO READ AS FOLLOWS:

**R-112.1 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 109.1 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 R-112.3 ON PAGE 8 IS DELETED IN ITS ENTIRETY.

N. SECTION R-113.3 ON PAGE 8 IS DELETED IN ITS ENTIRETY AND NEW SECTION R-113.3 IS SUBSTITUTED IN LIEU THEREOF, TO READ AS FOLLOWS:

**R-113.3 PROSECUTION OF VIOLATION:** IN ADDITION OF THE PENALTIES PROVIDED FOR IN SECTION R-113.4, 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 R-113.4 ON PAGE 8 IS DELETED AND NEW SECTION R-113.4 IS SUBSTITUTED IN LIEU THEREOF, TO READ AS FOLLOWS:

**R-113.4 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 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 FOUR HUNDRED DOLLARS (\$400) FOR EACH FOR EACH INITIAL VIOLATION AND FOUR HUNDRED DOLLARS (\$400) FOR EACH DAY THEREAFTER THAT THE VIOLATION CONTINUES.

P. IN THE LAST LINE OF SECTION 114.2 ON PAGE 8, DELETE "LAW" AND SUBSTITUTE "SECTION R-113.4.1."

Q. THE DEFINITION OF "BUILDING OFFICIAL" AS CONTAINED IN SECTION R-202 ON PAGE 10 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 59 INSERT A NEW SECTION R324 TO READ AS FOLLOWS:

**SECTION R324  
AUTOMATIC FIRE SPRINKLER SYSTEMS**

**R324.1 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 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.

**R324.2 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.

**R324.3 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.

**SECTION 2. AND BE IT FURTHER ENACTED,** That Section 1-37.J of the Code of the Town of Indian Head (1990 as amended) be and it hereby is repealed and reenacted, with amendments, to read as follows:

**Chapter 1 – GENERAL PROVISIONS**  
**ARTICLE IV, General Penalty**

**1-37. Municipal Infractions.**

J. Enumeration of Code provisions to which this section is applicable:

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(7) CHAPTER 43, BUILDING CONSTRUCTION, ARTICLE III, ONE- AND TWO-FAMILY DWELLING CODE.

**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**

  
Dennis J. Scheesele, Mayor

  
Margie A. Posey, Vice Mayor

  
Mary E. Thompson, Councilwoman

ATTEST:

  
Clerk of Council

12-4-06  
Date

<p><b>EXPLANATION:</b> CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. ((Double Parenthesis)) indicate matter deleted from existing law. <u>Underlining</u> indicates amendments to bill. <del>Strike-Out</del> indicates matter stricken from bill by amendment or deleted from the law by amendment.</p>
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