

ORDINANCE NO. 4-2021

INTRODUCED BY: _____

AN ORDINANCE OF THE TOWN OF TRAPPE ADOPTING THE 2021 EDITION OF THE INTERNATIONAL BUILDING CODE, AS MODIFIED BY THE MARYLAND BUILDING PERFORMANCE STANDARDS, AND AS FURTHER AMENDED BY THIS ORDINANCE, AS THE BUILDING CODE OF THE TOWN OF TRAPPE, AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH

WHEREAS, Md. Code Ann. Local Government Article § 5-211 confers upon municipalities the power to make reasonable regulations concerning buildings, including the adoption of a building code; and

WHEREAS, by Ordinance 6-2016, the Town previously adopted the 2015 Edition of the International Building Code; and

WHEREAS, the State of Maryland has adopted the Maryland Building Performance Standards (set forth in COMAR 05.02.07, et. seq.), which include the 2021 Edition of the International Building Code; and

WHEREAS, the Council of Trappe has determined that it is desirable and in the public interest to adopt the 2021 Edition of the International Building Code, as amended by the State of Maryland as the Maryland Building Performance Standards (set forth in COMAR 05.02.07), as further amended by this Ordinance, as the Town of Trappe Building Code, which sets forth regulations governing the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal or demolition of buildings in the Town of Trappe; and to repeal all prior building code ordinances of the Town of Trappe.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF TRAPPE AS FOLLOWS:

SECTION 1. The Council of Trappe hereby adopts the 2021 Edition of the International Building Code, as amended by the State of Maryland as the Maryland Building Performance Standards (set forth in COMAR 05.02.07), a copy of which is attached hereto, and as further amended by this Ordinance.

SECTION 2. Section 11, Article I, of the Trappe Town Code is hereby repealed in its entirety and adopted as follows:

ARTICLE I

Building Code

Section 11.1. Adoption of standards by reference.

The 2021 Edition of the International Building Code, as published by the International Code Council, Inc., as amended by the State of Maryland as the Maryland Building Performance Standards (set forth in COMAR 05.02.07), is hereby adopted as the Town of Trappe Building Code, for the control of buildings and structures as herein provided. All of the regulations, provisions, terms, and conditions, of the Building Code are hereby adopted and made a part hereof as if fully set forth in this Article, with the amendments, deletions, and insertions as set forth in Section 11.2 herein.

Section 11.2. Amendments.

The following sections of the 2021 Edition of the International Building Code are modified as follows:

CHAPTER 1. SCOPE AND ADMINISTRATION

SECTION 101 GENERAL

Section 101.1 Title. These regulations shall be known as the “Town of Trappe Building Code”. Where the name of the jurisdiction is to be indicated in any section of this Code, it shall be considered the “Town of Trappe”.

Section 101.2 Scope. The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception 1. Detached one- and two-family dwellings and multiple single family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.

Exception 2. Existing buildings undergoing repair, alterations or additions, and change of occupancy shall comply with the Maryland Building Rehabilitation Code set forth in COMAR 05.16.

Exception 3. Maintenance of residential structures and premises shall

comply with the State Minimum Livability Code (COMAR 05.02.03) and the Town's Property Maintenance Code (Section 12 of the Trappe Town Code).

Section 101.2.1 Appendices. All of the Appendices are adopted as part of the Trappe Building Code except those in Appendices A, B, D, E, and K.

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**SECTION 104
DUTIES AND POWERS OF BUILDING OFFICIAL**

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Section 104.6 Right of entry. Delete this section in its entirety and substitute the following:

Section 104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises is occupied, that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry, including obtaining an administrative search warrant.

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**SECTION 105
PERMITS**

Section 105.1.1 Annual permit. This subsection is deleted in its entirety.

Section 105.1.2 Annual permit records. This subsection is deleted in its entirety.

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**SECTION 107
CONSTRUCTION DOCUMENTS**

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Section 107.2.1 Information on Construction documents. Amend Section 107.2.1 to include the following paragraph:

Section 107.2.1 Information on Construction documents. For new buildings, additions and alterations to buildings other than detached one and two family dwellings, the application for the building permit shall be accompanied by: two (2) complete sets of architectural, structural, mechanical (heating, ventilation, air conditioning-HVAC) plumbing and electrical plans, drawn to scale with sufficient clarity and detail to show the nature and character of work to be performed. The plans shall be prepared in compliance with this Code, and shall have the seal and signature of a Maryland state professional engineer or architect affixed to each and every sheet of all sets at least one of which shall bear the original (not reproduced) seal and signature.

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SECTION 109 FEES

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Section 109.6 Refunds. Delete subsection 109.6 and substitute the following:

Section 109.6 Refunds. When an unissued permit has been denied by the building official or withdrawn by property owner or agent, a 50% refund is due on building codes and zoning fees paid. No refund will be given on issued permits.

Section 109.7 Inspection fees. Add a new subsection 109.7., to read as follows:

Section 109.7 Re-Inspection fees. A re-inspection fee may be charged for each re-inspection if the work has to be re-inspected because:

1. The work was not ready for inspection at the pre-arranged time for inspection;
2. The inspector did not have access to the work at the pre-arranged time for inspection; or
3. The inspector discovers a flagrant noncompliance during a

requested inspection.

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**SECTION 110
INSPECTIONS**

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Section 110.3.1 Foundation Inspections. Delete subsection 110.3.1 and replace with the following:

Section 110.3.1 Foundation Inspections. Foundation inspections shall be made when the foundation is complete with all required anchors, vents and termite shield are installed.

Section 110.3.9.1 Coordination of Inspections. Add a new subsection 110.3.9.1 to read as follows:

Section 110.3.9. 1 Coordination of inspections. All required inspections shall be made and coordinated with the other trades, building, electrical, plumbing, HVAC and Sprinkler.

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Section 110.5 Inspection request. Amend section to include the following at the end of the first sentence: “forty-eight (48) hours before said work is completed.”

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Section 110.7 Withholding of Inspection and Permit. Add a new subsection 110.7 to read as follows:

Section 110.7 Withholding of Inspection and Permit. If the code official finds that a contractor, developer, or owner has violated the provisions of the Code, or rules or regulations which implement this Code, in connection with the construction, maintenance, alteration, or repair of any building, structures, equipment or land within the Town of Trappe, the Town’s designated building official, after written notice to the violator, and a hearing on the allegations, if applicable, may refuse to grant further inspections or further permits of any kind to the contractor, developer, or owner until all violations have been corrected and all fees have been paid.

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SECTION 113 MEANS OF APPEALS

Section 113.1 General. Delete this section and replace with the following:

Section 113.1 General. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Trappe Board of Appeals, provided that a written application for appeal is filed within 30 days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section 113.2 Limitations on authority. Delete this section and replace with the following:

Section 113.2 Board of Appeals. For the purposes of this code, the board of appeals shall be the Board of Appeals established in the Town of Trappe Zoning Ordinance. All provisions governing the Board of Appeals with respect to members, provisions for alternates, quorum, procedure, chairman, term of office, etc. shall be applicable to appeals from this code. Review of the decision of the Board of Appeals shall also be in accordance with the Trappe Zoning Ordinance, and the Maryland Rules of Procedure applicable to review of administrative agency decisions.

Section 113.3 Qualifications. Deleted.

SECTION 114 VIOLATIONS

Section 114 Violations. Delete this section in its entirety and substitute the following:

Section 114.1 Unlawful acts. It shall be a municipal infraction for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause the same to be done, in conflict with or in violation of any of the provisions of this code.

Section 114.2 Notice of violation. The building official or other authorized designee of the Town of Trappe is authorized to serve a notice of violation or

other order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or a structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 114.3 Prosecution of violation. If the notice is not complied with in the time prescribed by such notice, the building official or other authorized designee of the Town of Trappe is authorized to issue a civil municipal citation and to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The town attorney is authorized to prosecute or file a civil action in connection with a violation of any provision of this code.

Section 114.4 Violation penalties. A violation of this code shall constitute a municipal infraction subject to a fine of Five Hundred Dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to said fine, the Town may request during the adjudication of the infraction that the defendant abate the violation, or in the alternative, to permit the Town to abate the violation at the defendant’s expense. Enforcement of this section shall be in accordance with Md. Code Annotated Local Government Article § 6-102, et. seq., as amended from time to time. This provision is not an exclusive remedy, and the Town may seek injunctive or other relief as necessary.

Section 114.5 Unpaid expenses as a lien against real estate. Whenever, pursuant to this code, a building official directs a property owner to take an action to abate a violation of this code and the property owner fails to do so in the time frame set forth in the notice or pursuant to an order of the court, the building official may cause such action to be performed and the costs thereof shall be a lien against the real estate and shall be collectible in the same manner in which real estate taxes are collected, or the Town may collect it by such other action at law, in the Town’s discretion.

**SECTION 115
STOP WORK ORDER**

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Section 115.2.1 Stop Work Order, Posting. Add a new subsection 115.2.1

to read as follows:

Section 115.2.1 Stop Work Order, Posting. The posting of a stop work order at the job site shall constitute adequate notification by the Town of Trappe’s designated code official.

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CHAPTER 9. FIRE PROTECTION SYSTEMS

901.1 Scope. ADDITIONAL NOTE: Fire protection system requirements of Chapter 9 may be concurrently covered in the State Fire Prevention Code, Public Safety Article §§ 6-101 – 6-102, Annotated Code of Maryland, and COMAR 29.06.01. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official. In the event of a conflict between these provisions and the State Fire Prevention Code, the provisions of the State Fire Prevention Code shall control.

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CHAPTER 10. MEANS OF EGRESS

1001.1 General. ADDITIONAL NOTE: Means of egress requirements of Chapter 10 may be concurrently covered in the State Fire Prevention Code, Public Safety Article, §§ 6-101 – 6-102, Annotated Code of Maryland and COMAR 29.06.01. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official. In the event of a conflict between these provisions and the State Fire Prevention Code, the provisions of the State Fire Prevention Code shall control.

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CHAPTER 11. ACCESSIBILITY

Chapter 11 of the IBC related to accessibility requirements is hereby replaced with the Maryland Accessibility Code set forth in COMAR 05.02.02.

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CHAPTER 16. STRUCTURAL DESIGN

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Section 1607.14. Roof Loads. Delete section 1607.14 and replace with the

following:

Section 1607.14. Minimum Roof Loads. Roofs shall be designed for a minimum live load of 20 pounds per square foot or designed for the minimum snow load, whichever is greater.

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CHAPTER 24. GLASS AND GLAZING

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 prevail.

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CHAPTER 27. ELECTRICAL

2701.1 Scope. The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards and is hereby omitted from this Code. 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 Public Safety Article, Title 12, Subtitle 6, Annotated Code of Maryland.

CHAPTER 28. MECHANICAL SYSTEMS.

2801.1 Scope. The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards and is hereby omitted from this Code. For the applicable requirements concerning the mechanical systems, refer to the local mechanical code and the mechanical code adopted pursuant to the provision of Business Regulation Article, §9A-205, Annotated Code of Maryland.

CHAPTER 29. PLUMBING SYSTEMS

2901.1 Scope. The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards and is hereby omitted from this Code. For the applicable requirements concerning the plumbing systems, refer to the local plumbing code and the plumbing code adopted pursuant to

the provision of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

CHAPTER 30. ELEVATORS AND CONVEYING SYSTEMS

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 Public Safety Article, Title 12, Subtitle 8, Annotated Code of Maryland. In the event of a conflict between the IBC and the Annotated Code of Maryland, the provisions of the Annotated Code of Maryland prevail.

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CHAPTER 33. SAFEGUARDS DURING CONSTRUCTION

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Section 3306.10. Accessibility During Construction Operations. Add new subsection 3306.10 to read as follows:

Section 3306.10. Accessibility During Construction Operations. During construction operations the contractor shall maintain at all times a vehicular roadway that will permit the unimpeded movement of emergency vehicles from the improved street to within 200 feet of the most remote building under construction on the site. The vehicular access roadway surface shall be either crusher run, stone base, black top or other suitable compacted surface material approved by the Town’s code official or designee.

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11.3 Copies on file. The Town Clerk shall maintain one copy of the Town Building Code on file in the Town Office.

SECTION 3. All prior building code ordinances or parts of building code ordinances in conflict herewith are hereby repealed, except that in any case in which the Trappe Zoning ordinance and this Ordinance conflict, the Trappe Zoning Ordinance shall control.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council of Trappe hereby declare that they would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect twenty (20) days from and after the date of its final passage and adoption.

ENACTED this _____ day of _____, 2021.

COUNCIL OF TRAPPE:

Nicholas Newnam

Robert Diefenderfer, Jr.

Walter Chase

Tonya Pritchett

Norm Fegel

I hereby certify that the above Ordinance was adopted by a ye and nay vote of the Council this _____ day of _____, 2021.

Erin Braband, Town Administrator/Town Clerk