

ORDINANCE NO. 5-2021

INTRODUCED BY: Diefenderfer

**AN ORDINANCE OF THE TOWN OF TRAPPE ADOPTING THE 2021 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, AS MODIFIED BY THE MARYLAND BUILDING PERFORMANCE STANDARDS, AND AS FURTHER AMENDED BY THIS ORDINANCE, AS THE RESIDENTIAL 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 7-2016, the Town adopted the 2015 Edition of the International Residential Code for One- and Two-Family Dwellings; and

WHEREAS, the State of Maryland has adopted the Maryland Building Performance Standards (set forth in COMAR 05.02.07), which include the 2021 Edition of the International Residential Code for One- and Two-Family Dwellings; 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 Residential Code for One- and Two-Family Dwellings, 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 Residential Building Code, which sets forth regulations governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses in the Town of Trappe; and which provides for the issuance of permits and collection of fees; and to repeal all prior residential 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 Residential Code for One- and Two-Family Dwellings, a copy of which is attached hereto, as amended by the State of Maryland as the Maryland Building Performance Standards (set forth in COMAR 05.02.07) and as further amended by this Ordinance.

**SECTION 2.** Section 11, Article II, of the Trappe Town Code is hereby repealed in its entirety and adopted as follows:

**ARTICLE II**  
**One- and Two-Family Dwellings**

**Section 11.4. Adoption of standards by reference.**

The 2021 Edition of the International Residential Code for One- and Two-Family Dwellings, 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 Residential Code for One and Two Family Dwellings (sometimes referred to as the “Residential Code”). The Residential Code shall regulate the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (town houses) no more than three stories in height with separate means of egress in the Town of Trappe. All of the regulations, provisions, terms, and conditions, of the Residential 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 COMAR 05.02.07 and as further set forth in Section 11.5 herein.

**Section 11.5. Amendments.** The following sections of the 2021 Edition of the International Residential Code for One- and Two- Family Dwellings are modified, deleted, substituted, or added as follows:

**CHAPTER 1. SCOPE AND ADMINISTRATION**

**SECTION R101**  
**GENERAL**

**Section R101.1 Title.** These regulations shall be known as the “Town of Trappe Residential Building Code for One- and Two-Family Dwellings”. 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 R102**  
**APPLICABILITY**

. . . . .

**Section R102.5 Appendices.** All the provisions in the Appendices are adopted as part of the IRC except those in Appendices E, J and L.

. . . . .

**SECTION R112  
BOARD OF APPEALS**

**Section R112.1 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 R112.2. 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 R112.3. Qualifications.** Deleted.

. . . .

**SECTION R113  
VIOLATIONS**

**Section 113.** Delete this section in its entirety and substitute the following:

**Section R113.1 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 R113.2 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 R113.3 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 R113.4 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 R113.5 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.

. . . .

## **CHAPTER 3. BUILDING PLANNING**

### **SECTION R-301 DESIGN CRITERIA**

**Section R301.2 Climatic and geographic design criteria.** This subsection shall be amended as follows:

#### **Table R301.2(1) Climatic and Geographic Design Criteria**

Ground Snow Load	25PSF
Roof Snow Load	20PSF
Wind Speed (c)	90/100 MPH
Seismic Design	0
Weathering (a)	Severe
Front Line Depth (b)	24"
Termite	Moderate
Decay	Slight to Moderate
Winter Design Temp.	75 degrees F
Flood Hazards	The Trappe Flood Hazard Areas, which have been identified by the Federal Emergency Management Agency, as amended or revised by the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM), in addition to other applicable ordinances related to flood plain regulation and stormwater management

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The grade of masonry units shall be determined from this code. The grade of masonry units shall be determined from ASTM C 34, C55, C62, C73, C90, C129, C145, C216 or C652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1).
- c. Wind exposure category shall be determined on a site specific basis in accordance with Section R301.2.1.4.

....

## CHAPTER 12. MECHANICAL ADMINISTRATION

**Section M.1201.1 Scope.** The subject matter of chapters 12 through 24 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 mechanical code adopted pursuant to the provisions of Business Regulation Article, §9A-205, Annotated Code of Maryland.

....

## **CHAPTER 25. PLUMBING ADMINISTRATION**

**Section P.2501.1 Scope.** The subject matter of chapters 25 through 33 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 plumbing code adopted pursuant to the provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

....

## **CHAPTER 34. ELECTRICAL - GENERAL REQUIREMENTS**

**Section E3401.2 Scope.** The subject matter of chapters 34 through 43 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.

### **Section 11.6 Copies on file.**

The Clerk-Treasurer of the Town of Trappe shall maintain one copy of the Town Residential Code on file in the Town Office.

**SECTION 3.** All prior residential code ordinances or parts of residential 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 20<sup>nd</sup> day of June, 2021.

COUNCIL OF TRAPPE:

  
\_\_\_\_\_  
Nicholas Newnam

  
\_\_\_\_\_  
Robert Diefenderfer, Jr.

  
\_\_\_\_\_  
Walter Chase

  
\_\_\_\_\_  
Tonya Pritchett

  
\_\_\_\_\_  
Brian Schmidt

I hereby certify that the above Ordinance was adopted by a ye and nay vote of the Council this 20<sup>nd</sup> day of June, 2021.

  
\_\_\_\_\_  
Erin Braband, Town Administrator/Town Clerk

