

Havre de Grace amendments to the 2015 International Building Codes for commercial, residential construction and property maintenance:

- Maryland Building Performance Standards COMAR 05.02.07 *Effective January 1, 2015* (State adoption of the 2015 IBC, IRC, IEBC, IPMC, IECC)
§ .06 - B. A local jurisdiction shall implement and enforce the Standards and any local amendments *within 6 months* of the effective date of any amendments by the Department to this chapter.
- International Building Codes are updated on a 3-year cycle, and adopted, as mandated, by the Maryland Department of Housing and Community Development each new cycle. Counties and municipalities must also adopt these changes to avoid any conflict in construction requirements.
- Since Harford County performs the majority of City building inspections, per contract with Havre de Grace, the majority of the 2015 code amendments are those made by Harford County, adopted by Harford County Council Bill 15-009, *effective July 1, 2015*.

Property Maintenance Code (IPMC)

- Section 302.10 Storage of Junk: added brush and unused construction materials.
- Section 304.3: premises identification

Building Code (IBC)

- Section 101.2 was removed because the new 2015 IBC adopts the International Existing Building Code (IEBC) by reference under section 101.4.7.
- Section 105.5.1: clarification of voided permits and fee refunds
- Section 109.4: added clarification of penalty for work commenced without proper permits.
- Section 3109.1: (pages 14 to 20) copied exactly, the amendments made by Harford County regarding the design of barriers for pools and spas. Exhibit A is design drawings related to this section. (Pools are included with the various building permits in which Harford County performs all related inspections). In addition to the County amendment, we added section 3109.7 at the end which requires silt fencing for excavation and re-grading during pool installation.
- Section 3401.6 (all of Chapter 34 in the 2015 IBC) was removed because the International Existing Building Code (IEBC) is adopted by reference under Section 101.4.7.

Residential Code (IRC)

- Minor changes reflecting amendments by Harford County and the changes made between the 2012 and 2015 International Residential Code (IRC).

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ORDINANCE NO. _____

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER, FOR THE PURPOSE OF AMENDING HAVRE DE GRACE CITY CODE CHAPTER 31 BUILDING CONSTRUCTION ARTICLES I, II, III, IV AND V.

WHEREAS, the Mayor and City Council of Havre de Grace ("City") adopted Ordinance 944 on October 15, 2012 and codified certain portions of the 2012 versions of the International Property Maintenance Code, International Building Code, and the International Residential Code for one- and two-family dwellings, along with the general savings clause and violation provisions; and

WHEREAS, the Mayor and the City Council has determined that certain portions of the 2015 versions of the International Property Maintenance Code, International Building Code, and the International Residential Code for One and Two-family Dwellings should replace the current applicable City Codes, and that the City Code Violations Costs should be retained;

WHEREAS, the Mayor and City Council have determined that passage of this ordinance amending City Code Chapter 31 is the preferred method to accomplish these goals.

NOW THEREFORE, the Mayor and City Council ordain, establish and enact the following Ordinance as follows:

1. The Havre de Grace City Code Chapter 31 Building Construction Article 1 Property Maintenance Code is modified with language that is shown in bold and underlined to be deleted and the language that is shown in bold and in caps to be added as follows:

CHAPTER 31
BUILDING CONSTRUCTION

Article I
PROPERTY MAINTENANCE CODE

- A) Section 31-1. Adoption of International Property Maintenance Code 2012 2015.

The International Property Maintenance Code 2012 2015, as published by the International Code Council Inc., Chapters 1 through 8, copies of which are on file with the Department of Planning of the City of Havre de Grace, is hereby adopted by the Mayor and City Council of the City of Havre de Grace, Maryland for the purpose

of protecting the health, safety and welfare of the citizens of the City of Havre de Grace.

B) Section 31-2. Amendments.

The International Property Maintenance Code 2012 2015 shall be adopted with the following amendments:

- A. The name of the jurisdiction in the second line of Section 101.1, Title, on page 1 of the International Property Maintenance Code 2012 2015 shall be “the City of Havre de Grace, Maryland.”
- B. Section 102.3 Application of other codes: shall read: “Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code 2012 2015, the International Residential Code for One and Two Family Dwellings 2012 2015, The City of Havre de Grace Zoning Ordinance, and applicable Codes of Harford County, Maryland and the State of Maryland.”
- C. Section 103.1 General: shall read: “The Director of the Department of Planning or the Director’s designee to be known as the Code Official is hereby designated as the administrative official in charge of the implementation and enforcement of the International Property Maintenance Code 2012 2015.”
- D. Section 103.2 Appointment shall be deleted.
- E. Section 103.3 Deputies shall be deleted.
- F. Section 103.5 Fees: shall read: “The fees for activities and services performed by the Department in carrying out its responsibilities under the International Property Maintenance Code 2012 2015 shall be based upon the valuation of staff time required to complete plan and permit examinations, site inspections and enforcement activity and shall be established by the Mayor and City Council from time to time.”
- G. Section 104.6 Department records: shall read: “An official record shall be kept of all business and activities of the Department specified in the provisions of the International Property Maintenance Code 2012 2015, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity, confidentiality, and security of such records.”
- H. New Section 104.7 “Restriction of Employees” Shall be added as follows: “An official or employee connected with the Department of Planning shall not be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a

building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the Department.”

I. Section 106.3 Prosecution of violation: shall read:

- a. Any person who shall be adjudged to have (1) violated any of the provisions of this Ordinance; or (2) failed to comply herewith or permitted or maintained such a violation; or (3) violated or failed to comply with any order made hereunder; or (4) to have built in violation of any details, statements, specifications or plans submitted or approved hereunder; or (5) failed to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder, shall, severally for each violation and noncompliance respectively, be guilty of a municipal infraction, for which a fine not to exceed \$1,000.00 may be imposed for each such infraction, payable to the City of Havre de Grace, with costs imposed in the discretion of the court. Each day that an infraction continues after notice has been served shall be deemed a separate infraction. The imposition of a fine for any violation shall not excuse the violation nor shall the violation be permitted to continue. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.
- b. Any person who shall be convicted of willfully (1) violating any of the provisions of this Ordinance; or (2) failing to comply herewith or permitting or maintaining such a violation; or (3) violating or failing to comply with any order made hereunder; or (4) building in violation of any details, statements, specifications or plans submitted or approved hereunder; or (5) failing to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder, shall, severally for each violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 and imprisonment not exceeding ninety (90) days for each violation, with costs imposed in the discretion of the court. Each day that a violation continues after notice has been served shall be deemed a separate offense. The imposition of punishment for any violation shall not excuse the violation nor shall the violation be permitted to continue. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.
- c. Any order or notice issued or served as provided in this Ordinance shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation. In cases of extreme danger to persons or property immediate compliance shall be required. If the notice of violation is not complied with, the Code Official shall institute the

appropriate proceeding 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 structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

- d. In addition to the other provisions set out in this Ordinance, the City of Havre de Grace may institute injunctive, declaratory or any other appropriate action or proceedings at law or equity for the enforcement of this Ordinance or to correct violations of the International Property Maintenance Code 2012, and any court of competent jurisdiction has the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate forms of remedy or relief.
- e. All provisions of Article 23A, Section 3 of the Annotated Code of Maryland relating to municipal infractions are incorporated in this chapter. In the event of any inconsistency between this Section 106.3 and Article 23A, Section 3, the provisions in Article 23A, Section 3 shall prevail.
- J. Section 106.4 Violation penalties shall be deleted.
- K. Section 106.5. Abatement of violation: add a second sentence which shall read as follows: "Any costs associated with any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and may be recovered as a lien upon such real estate."
- L. Section 107.2 At the end of the section, the following exception shall be added: "Exception: Notice of violations requiring immediate attention will be conspicuously posted on the premises and allowing 5 (five) days to abate the violations. Such notice shall be used for overgrown grass and/or weeds, untagged or unregistered vehicles, trash and rubbish removal, snow removal, or other violations."
- M. Section 107.3 Add the following to item 1. "or conspicuously posted on the premises as outlined in the Exception under 107.2"
- N. Section 107.5 Penalties. Refer to Section 106.3 and 106.5 in this code.
- O. Sections 111.2 through 111.8 are deleted (see City of Havre de Grace Board of Appeals Ordinance).
- P. Section 112.1 Authority: shall read: "Whenever the Code Official finds any work regulated by this Code, or other building codes adopted by the local jurisdiction, being performed in a manner contrary to the provisions of these codes, or in a dangerous or unsafe manner, the Code Official is authorized to issue a stop work order.

- Q. Section 112.4 Failure to Comply: in the last line insert \$100 and \$1000 as the range of fine amounts.
- R. Section 201.4 At the end of the section, the following language shall be added: "or as is interpreted by the Director of Planning or Code Official."
- S. Section 202.0 General Definitions: shall have added to it these additional definitions as follows: 1. "Junk Yard: Any land or building licensed and used for abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metals, other scrap, discarded materials or junk for the purpose of abandonment, demolition, dismantling, storage, recycling or salvaging. Proper business licensing required." 2. "Open Storage Areas": Property areas used for storage of materials that are related to the occupation of the property owner and/or lessee." 3. "Salvage Yards": Property area upon which any person or business stores three or more wrecked vehicles outdoors for the purpose of dismantling or otherwise wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business. Any auto salvage business must be properly licensed. 4. "Surface Coat": All exterior siding and millwork shall be scraped to a sound base and sanded smooth. Scraped and sanded areas shall have joints and cracks filled and shall be primed with exterior primer paint. Following this preparation, all exterior siding and millwork shall be painted with two coats of exterior quality paint."
- T. New Section 301.3.1 "Vacant Structure Maintenance" shall be added to read as follows: "All land or improved premises within the City shall be maintained as though said property were being used or occupied. Once vacated or abandoned, the exterior of any structure and surrounding premises must be maintained to the minimum standards required by this code. Except for any structure damaged by fire, flood or natural disaster, the City shall be notified prior to any boarding of windows and doors to secure the structure. Any boarding shall be done in a professional manner and the materials used shall conform to the overall exterior appearance of the structure. Said structure, except for historic structures as defined by the City, shall be made habitable within three months, or the structure shall be considered an unsafe condition and subject to the provisions of this Chapter. The Code Official shall have the authority to allow a structure damaged by fire, flood or any natural disaster to remain boarded and secure for a period of one year at which such time the structure shall be made habitable or said structure shall be considered an unsafe condition and subject to the provisions of this Chapter."
- U. New Section 302.2.1 "Drainage General" shall be added as follows: "Storm water, sump pumps, sanitary system, and other water supplied appliances shall not discharge in a manner that is detrimental to neighboring properties or creates a public nuisance."

- V. Section 302.3 Sidewalks and Driveways: Add the following section at the end of the paragraph: "It shall be unlawful for any person, incorporated body, public institution or other corporation using or occupying in any manner, or for any purpose whatsoever, any house, store, shop, stable, or tenement of any kind, persons having charge of churches and public buildings of every description and of owners of unoccupied houses and unimproved lots, situated on any street in this City, to fail to remove and clear away, or cause to be removed and cleared away, the snow/ice from the foot pavements fronting the respective houses, stores, shops, stables, churches, buildings or lots so used, occupied or owned by them or under their charge within 24 hours after the end of any weather event resulting in snow or ice." (See City Code § 190-38)
- W. Section 302.4 Weeds: Add the language "ten (10)" after the words "in excess of" in the second line. Add the following after the third sentence: "Trees and shrubs located on private property shall not create a nuisance, shall not create a safety hazard to, and shall not impose on public safety or interfere with any structure on the subject premises or adjoining properties or public utilities. When any lot, lots, parcels or tracts of land abut on any public street, avenue, alley, lane, sidewalk or other public right-of-way, the owner, occupant, lessor, lessee, tenant and/or any person, firm or corporation in control of such lot, lots, parcels or tracts of land shall be required to maintain so much of the public right-of-way as lies between the curblines/surfaced edge of the right-of-way and property lines of such lots, parcels or tracts of land as is occupied by or used by such owner, occupant, lessor, lessee, tenant and/or any person, firm or corporation in control thereof. This shall include maintenance to the centerline of the unimproved alley by all owners of any abutting lots, parcels or tracts of land."
- X. Section 302.7 Accessory structures: shall read: "All accessory structures, including but not limited to detached garages, storage buildings, fences and walls, shall be maintained structurally sound and in good repair. Fences and walls shall be erected such that a finished side of the structure faces outward from the property on which it is constructed."
- Y. Section 302.8 Motor vehicles is amended by adding the following to the end of the section: "One unregistered but otherwise operative vehicle **AND/OR TRAILER**, not within **A an approved** building, is permitted to be stored on the premises provided it is stored beneath a vehicle cover specifically designed for such use; general use utility tarps are not approved covers."
- Z. New Section 302.10 "Storage of Junk, Appliances and Furniture" shall be added as follows: "It shall be unlawful for any owner, occupant, lessor, lessee, tenant and/or person, firm or corporation in control of any lot, lots, parcels or tracts of land within the City to permit any junk, **TRASH, REFUSE, DEBRIS, PILED BRUSH AND BRANCHES, UNUSED CONSTRUCTION MATERIALS,**

Vehicle parts, in, batteries, tires, fenders, rims, etc.

GARBAGE, OR RUBBISH; abandoned or inoperable bicycles, boats, boat trailers, mopeds OR MOTOR VEHICLES; OR ABANDONED appliances, equipment vehicles, trailers, or furniture to remain on any such lot, lots, parcels or tracts of land if such materials or items are not maintained, are the nesting place of vermin, or are otherwise dangerous or detrimental to the adjoining properties or the public health and safety and welfare of the citizens of the City OR ARE THE NESTING PLACE OF VERMIN.”

- AA. Section 304.1 General: shall read: “The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to create a public nuisance or be detrimental to adjoining properties, or pose a threat to the public health, safety or welfare.”
- BB. **SECTION 304.3 PREMISES IDENTIFICATION SHALL HAVE THE FOLLOWING ADDED TO THE END OF THE SECTION: “IN THE CASE OF STRUCTURES WITH ACCESSORY APARTMENTS, ALL APARTMENTS WITH SIDE OR REAR ENTRANCES, OR MULTIPLE FRONT ENTRANCES, MUST BE CLEARLY IDENTIFIED WITH THEIR APARTMENT NUMBER OR LETTER, IN ADDITION TO THE PREMISES ADDRESS.**
- CC. Section 304.14 The dates in the first line shall be “April 1” and “November 1,” respectively.
- DD. New Section 304.20 Storage Areas shall be added as follows: “All open salvage yards and open storage areas shall be continuously completely obscured from surrounding property by a screened fence approved by the Director not less than 8 feet and not more than 10 feet in height and/or approved landscaping.”
- EE. Section 307.1 General shall read: “Handrails and Guards shall comply with applicable subsections of the 2012 2015 International Residential Code Sections R311 and R312.”
- FF. Section 602.3 The dates in the fifth line shall be “September 15” and “May 31,” respectively.
- GG. Section 602.4 The dates in the third line shall be “September 15” and “May 31”, respectively.
- HH. Chapter 8: Replace the following stated Codes and substitute as follows:
- (1) National Electrical Code – Harford County Electrical Code
 - (2) International Fire Code – NFPA 101 & NFPA 1
 - (3) International Plumbing Code – Harford County Plumbing Code
 - (4) International Zoning Code – City of Havre de Grace Zoning Ordinance
 - (5) International Fuel Gas Code – Harford County Plumbing Code

C) Section 31-3. Saving Clause.

Nothing in this Ordinance or in the International Property Maintenance Code 2012 ~~2015~~ hereby adopted shall be construed to affect any existing suit or proceeding pending in any court, or any vested rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed, and any amendments thereto; nor shall any preexisting legal right or remedy of any character be lost, impaired or affected merely by the passage of this Ordinance.

2. The Havre de Grace City Code Chapter 31 Building Construction Article II Building Code is modified with language that is shown in bold and underlined to be deleted and the language that is shown in bold and in caps to be added.

Article II
BUILDING CODE

A) Section 31-4 Adoption of the International Building Code 2012 ~~2015~~.

The International Building Code 2012 ~~2015~~, Chapters 1 through 26, 28, 30 through 35 along with Appendix C, F, G, H & I as amended, as published by the International Code Council Inc., a copy of which is on file with the Department of Planning of the City of Havre de Grace, is hereby adopted by the Mayor and City Council of the City of Havre de Grace, Maryland, for the purpose of protecting the public health, safety and welfare of the citizens of the City of Havre de Grace.

B) Section 31-5 Amendments.

The International Building Code 2012 ~~2015~~ shall be adopted with the following amendments:

- A. The name of the jurisdiction in the second line of Section 101.1 on page 1 of the International Building Code 2012 ~~2015~~ shall be "The City of Havre de Grace."

B. Section 101.2 is amended by adding the following exception:

"#2 Existing buildings undergoing repair, alterations or additions and/or change of occupancy shall comply with the current International Existing

Building Code,” as set forth and amended by the State of Maryland and as appears in the Maryland Building Rehabilitation Code, COMAR 05.16 et.seq., “

The term “existing buildings” is defined in COMAR 05.16.01.04B (15).

- B. Section 101.4.1 Replace reference to the International Fuel Gas Code with the Harford County Plumbing Code.
- C. Section 101.4.3 first sentence shall read as follows: “The provisions of the Harford County, Maryland Plumbing Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.”
- D. Section 101.4.5 shall read as follows: “The provisions of the State of Maryland Fire Prevention Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.”
- E. Section 101.4.6 shall read as follows: “The provisions of the Maryland Energy Conservation Building Standards Act shall apply to all matters governing the design and construction of buildings for energy efficiency.”
- F. Section 102.6: Reference to the “International Fire Code” shall be changed to the “State of Maryland Fire Prevention Code” and NFPA 101 and NFPA 1, and reference to the International Property Maintenance Code shall be as amended by this Code.
- G. Section 103 shall be entitled "Division of Inspection Services"; and Section 103.1 shall read as follows: “Creation of Enforcement Agency. The Director of The Department of Planning or the Director’s designee is hereby designated as the Building Official or Code Official and shall be in charge of all matters related to building inspections.”
- H. Add a new Section 104.12 Restriction of Employees: “An official or employee connected with the Department of Planning shall not be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the Department.”

- I. Section 105.1 Required. Add to the end of the section the following: "A commercial Use & Occupancy permit will be required for any change in ownership and/or tenancy."
- J. Section 105.1.1 Annual Permit shall be deleted.
- K. Section 105.1.2 Annual Permit Records shall be deleted.
- L. Section 105.2 Work Exempt from Permit shall be deleted.
- M. Section 105.5 Expiration: shall read as follows "A permit shall be deemed to be expired and void if the work on the site authorized by said permit is not commenced within 180 days after its issuance, or if the work authorized on the site by such permit is commenced but is suspended or abandoned for a period of 180 consecutive days after the work is commenced. The Building Official may grant one (1) extension for a period of ninety (90) days to commence work on the site if requested in writing and showing justifiable cause prior to permit expiration.
- N. **ADD A NEW SECTION 105.5.1 VOID: "ANY PERMIT WHICH HAS BEEN APPLIED FOR AND NOT ISSUED WITHIN 180 DAYS OF APPLICATION, OR EXPIRED AFTER ISSUANCE, AND WHICH NO WORK HAS BEGUN SHALL BE DEEMED VOID. NO REFUNDS WILL BE ISSUED ON ANY PERMITS, UNLESS THE PERMIT HAS BEEN CANCELLED IN WRITING BY THE APPLICANT WITHIN 30 (THIRTY) DAYS OF DATE OF ORIGINAL APPLICATION, LESS A \$100.00 ADMINISTRATIVE FEE, OR PERMIT FEE, WHICHEVER IS LESS. IN NO CASE WILL WATER AND SEWER COST RECOVERY FEES BE REFUNDED OR TRANSFERRED."**
- O. Section 105.7 Placement of Permit shall read as follows: "The building permit or copy shall be kept on the site of the work, and displayed in plain view where appropriate, until the completion of the project and final inspections are approved."
- P. Section 106 Floor and Roof Design Loads shall be deleted in its entirety.
- Q. Section 107.1 General is amended by adding the following to the end of the section: "Where required by the Building Official, all braced wall lines, shall be identified on the construction documents and all pertinent information including, but not limited to, bracing methods, location and length of braced wall panels, foundation requirements of braced wall panels at top and bottom shall be provided."

- R. Section 109.2 shall read as follows: Building Permit Fees: "Fees for permits shall be based upon the valuation of staff time required to execute plan examinations, permit reviews and site inspections and shall be established by the Mayor and City Council from time to time."
- S. Section 109.4 Work commencing before permit issuance: shall read as follows: "Any person who demolishes any building or structure, or commences any work on a building, structure or property, or opens a new business before obtaining the necessary permits shall be subject to a fee equal to double the required permit fee, and may be guilty of a municipal infraction or a misdemeanor. If the permit is not applied for with the appropriate fees paid within 10 days of **DOCUMENTED** notification, the property owner may **SHALL** be subject to an additional fine equal to the required permit fees **FOR EACH 30-DAY PERIOD THE PERMIT IS NOT APPLIED FOR**, not to exceed \$1,000.00, **AND SHALL BE COLLECTED AS AD VALOREM TAXES.** "
- T. New Section 110.1.1 "Approval of Inspections or Permits" shall be added as follows: "Any inspection or permit approval provided by the City is not a warranty of construction or workmanship. New permit applications may be placed on hold if the applicant or property owner has other open permits that are not compliant with City Administrative procedures and policies, as determined by the Director."
- U. New Section 110.3.8.1 "Hazardous Materials Inspection" shall be added as follows: "As deemed necessary by the Building Official, approval from the Harford County Hazardous Materials Team, or its designee, may be required prior to a use and occupancy permit being issued."
- V. New Section 110.7 "Standards" shall be added as follows: "All buildings, structures and appurtenances thereto shall be constructed strictly in compliance with accepted engineering practices. All members and components of the structure shall be installed, fitted or fastened, moved or stored in such a manner that the full structural capabilities of the members are obtained. Improper alignment (level and square), fitting, fastening or methods of construction shall be considered a violation of this Code."
- W. Section 111.2 Use and Occupancy Certificate Issued shall read as follows: "The Building Official, **OR DESIGNEE**, shall sign and date the office copy of the Permit Application and Zoning Certificate for Use and Occupancy upon completion and approval of all required inspections for which the permit was applied for. A copy of the certificate with the Use and Occupancy approval shall be made available to the applicant."
- X. Section 113.1 Board of Appeals-General shall read as follows: "Any person affected by any decision or notice which has been issued by the City in connection with the enforcement of any provision of this Code, or of any rule or

regulation adopted pursuant hereto, or any person who desires to appeal a decision made pursuant hereto, or who requests a variance from the terms hereof, or who requests an interpretation of the terms hereof, may file an appropriate application with the Board of Appeals of the City of Havre de Grace in accordance with the Board of Appeals Ordinance contained in the Codified Ordinances of the Mayor and City Council.”

Y. Board of Appeals Sections 113.2 through 113.3 are deleted.

Z. Section 114.4 Violation penalties shall read as follows:

“a. Any person who shall be adjudged to have (1) violated any of the provisions of this Ordinance; or (2) failed to comply herewith or permitted or maintained such a violation; or (3) violated or failed to comply with any order made hereunder; or (4) to have built in violation of any details, statements, specifications or plans submitted or approved hereunder; or (5) failed to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder, shall severally for each violation and noncompliance respectively, be guilty of a municipal infraction, for which a fine not to exceed \$1,000.00 may be imposed for each such infraction, payable to the City of Havre de Grace, with costs imposed in the discretion of the court. Each day that an infraction continues after notice has been served shall be deemed a separate infraction. The imposition of a fine for any violation shall not excuse the violation nor shall the violation be permitted to continue. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.

b. Any person who shall be convicted of willfully (1) violating any of the provisions of this Ordinance; or (2) failing to comply herewith or permitting or maintaining such a violation; or (3) violating or failing to comply with any order made hereunder; or (4) building in violation of any details, statements, specifications or plans submitted or approved hereunder; or (5) failing to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder, shall severally for each violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine not exceeding \$1,000.00 and imprisonment not exceeding ninety (90) days for each violation, with costs imposed in the discretion of the court. Each day that a violation continues after notice has been served shall be deemed a separate offence. The imposition of punishment for any violation shall not excuse the violation nor shall the violation be permitted to continue. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.

c. Any order or notice issued or served as provided in this Ordinance shall be complied with by the owner, operator, occupant or other person responsible for

the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation. In cases of extreme danger to persons or property immediate compliance shall be required. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding 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 structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

d. In addition to the other provisions set out in this Ordinance, the City of Havre de Grace may institute injunctive, declaratory or any other appropriate action or proceedings at law or equity for the enforcement of the International Building Code 2012 or to correct violations of the International Building Code 2012, and any court of competent jurisdiction has the right to issue restraining orders, temporary or permanent injunctions or declaration of rights or other appropriate forms of remedy or relief.

e. All provisions of Article 23A, Section 3, of the Annotated Code of Maryland relating to municipal infractions are incorporated in this chapter. In the event of any inconsistency between this Section 114.4 and Article 23A, Section 3, the provisions in Article 23A, Section 3 shall prevail.”

- AA. Section 115.2 Issuance shall read as follows: At the end of the first sentence, add the following phrase “or posted conspicuously on the property.”
- BB. Section 115.3 Unlawful continuance, shall read as follows: “Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties set forth in this Code.”
- CC. Add a new section: Section 116.6 Abatement: “If a person who has been issued an order under this section fails, within the time limit specified in a notice of violation or order, to abate the unsafe condition or violation as directed, the Department of Planning may take whatever abatement action that may be necessary by use of City employees and equipment and/or by contract with private contractors. The cost and expense of abating the unsafe condition shall be certified by the Department of Planning. These charges shall constitute a lien upon the real property and shall be collectible in the same manner as real property taxes with the same priority, interest and penalties. Initiation of abatement action shall not preclude the issuance COMMENCEMENT of any other action or legal proceedings authorized or permitted under this Code, the laws of the State of Maryland and the common law.”
- EE. Section 406.3.4 is amended by deleting in item one (1) “1/2-inch (12.7 mm)” and inserting in lieu thereof “5/8-inch (15.9 mm)” in the third line.**

- DD. SECTION 1020.1 IS AMENDED BY ADDING THE FOLLOWING EXCEPTION: "6. CORRIDORS CONTAINED WITHIN A SINGLE TENANT SPACE."
- EE. Chapter 11 Accessibility is deleted in its entirety and is replaced with the Maryland Accessibility Code set forth in COMAR 05.02.02 et. seq.
- FF. Section 1503.4.3 Gutters: Add to the existing section: "Gutters and downspouts shall be provided on all roofed structures having a horizontal building plane area exceeding 240 square feet. They shall be sized to accommodate run off from the roof area, and in accordance with manufacturer's specifications. Storm water outfall from downspouts shall not be discharged in a manner that detrimentally impacts adjoining properties."
- GG. Add a new section: Section 1503.7: "Drip Edge: "Non-corrosive roof edging shall be provided at roof edges and shall cover the upper edges of the roof sheathing and fascia."
- HH. Figure 1608.2 is amended by adding the following note: "The ground snow load, pg, for Harford County, Maryland shall be 30 psf.
- II. Section 1612.3 Establishment of Flood Hazard Area: shall be deleted: (See the City of Havre de Grace Floodplain Ordinance.)
- JJ. Section 1809.5 Frost Protection is amended by deleting method 1 and inserting in lieu thereof: "1. Extending below the frost line established as 30" below final grade."
- KK. Table 2304.9.1 2304.10.1 Fastening Schedule: Number 19 6 add the following language: "Applicably sized hurricane top plate anchors are mandatory."
- LL. Section 3103.1.1 3103.1.2 Permit Required shall read: "Permits shall be required for temporary structures in accordance with applicable codes."
- MM. SECTION 3109.1 IS HEREBY DELETED AND THE FOLLOWING IS INSERTED IN LIEU THEREOF: "3109.1 GENERAL. THE PROVISIONS OF THIS SECTION SHALL APPLY TO THE DESIGN OF BARRIERS FOR POOLS AND SPAS. NO PROPERTY OWNER OR CONTRACTOR SHALL FILL A NEW SWIMMING POOL OR SPA WITH WATER UNTIL A PERMANENT OR TEMPORARY BARRIER HAS BEEN APPROVED BY THE BUILDING OFFICIAL OR BUILDING INSPECTOR. A TEMPORARY BARRIER MAY REMAIN IN PLACE FOR NO MORE THAN 30 DAYS UNLESS APPROVED BY THE BUILDING OFFICIAL. SEE ATTACHED EXHIBIT A FOR BARRIER DRAWING EXAMPLES"**

NN. SECTION 3109.4 IS AMENDED BY DELETING "3109.4.3" IN THE THIRD LINE AND REPLACING IT WITH "3109.4.15", AND BY DELETING THE EXCEPTION IN ITS ENTIRETY.

OO. SECTIONS 3109.4.1 THROUGH 3109.5 ARE HEREBY DELETED AND THE FOLLOWING IS INSERTED IN LIEU THEREOF:
"3109.4.1 BARRIER HEIGHT AND CLEARANCES. BARRIER HEIGHTS AND CLEARANCES SHALL BE IN ACCORDANCE WITH ALL OF THE FOLLOWING:

1. THE TOP OF THE BARRIER SHALL BE NOT LESS THAN 48 INCHES (1219 MM) ABOVE GRADE WHERE MEASURED ON THE SIDE OF THE BARRIER THAT FACES AWAY FROM THE POOL OR SPA. SUCH HEIGHT SHALL EXIST AROUND THE ENTIRE PERIMETER OF THE BARRIER AND FOR A DISTANCE OF 3 FEET (914 MM) MEASURED HORIZONTALLY FROM THE OUTSIDE OF THE REQUIRED BARRIER.

2. THE VERTICAL CLEARANCE BETWEEN GRADE AND THE BOTTOM OF THE BARRIER SHALL NOT EXCEED 2 INCHES (51 MM) FOR GRADE SURFACES THAT ARE NOT SOLID, SUCH AS GRASS OR GRAVEL, MEASURED ON THE SIDE OF THE BARRIER THAT FACES AWAY FROM THE POOL OR SPA.

3. THE VERTICAL CLEARANCE BETWEEN THE BOTTOM OF THE BARRIER AND A SOLID SURFACE BELOW THE BARRIER, SUCH AS CONCRETE, SHALL NOT EXCEED 4 INCHES (102 MM) MEASURED ON THE SIDE OF THE REQUIRED BARRIER THAT FACES AWAY FROM THE POOL OR SPA.

4. WHERE THE TOP OF THE POOL OR SPA STRUCTURE IS ABOVE GRADE, THE BARRIER SHALL BE INSTALLED ON GRADE OR SHALL BE MOUNTED ON TOP OF THE POOL OR SPA STRUCTURE. WHERE THE BARRIER IS MOUNTED ON THE TOP OF THE POOL OR SPA, THE VERTICAL CLEARANCE BETWEEN THE TOP OF THE POOL OR SPA AND THE BOTTOM OF THE BARRIER SHALL NOT EXCEED 4 INCHES (102 MM).

3109.4.2 OPENINGS. OPENINGS IN THE BARRIER SHALL NOT ALLOW PASSAGE OF A 4-INCH-DIAMETER (102 MM) SPHERE.

3109.4.3 SOLID BARRIER SURFACES. SOLID BARRIERS THAT DO NOT HAVE OPENINGS SHALL NOT CONTAIN INDENTATIONS OR PROTRUSIONS THAT FORM HANDHOLDS AND FOOTHOLDS, EXCEPT FOR NORMAL CONSTRUCTION TOLERANCES AND TOOLED MASONRY JOINTS.

3109.4.4 MESH FENCE AS A BARRIER. MESH FENCES, OTHER THAN CHAIN LINK FENCES IN ACCORDANCE WITH SUBSECTION 3109.4.7, SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS AND SHALL COMPLY WITH THE FOLLOWING:

1. THE BOTTOM OF THE MESH FENCE SHALL BE NOT MORE THAN 1 INCH (25 MM) ABOVE THE DECK OR INSTALLED SURFACE OR GRADE.
2. THE MAXIMUM VERTICAL CLEARANCE FROM THE BOTTOM OF THE MESH FENCE AND THE SOLID SURFACE SHALL NOT PERMIT THE FENCE TO BE LIFTED MORE THAN 4 INCHES (102 MM) FROM GRADE OR DECKING.
3. THE FENCE SHALL BE DESIGNED AND CONSTRUCTED SO THAT IT DOES NOT ALLOW PASSAGE OF A 4-INCH (102 MM) SPHERE UNDER ANY MESH PANEL. THE MAXIMUM VERTICAL CLEARANCE FROM THE BOTTOM OF THE MESH FENCE AND THE SOLID SURFACE SHALL NOT BE MORE THAN 4 INCHES (102 MM) FROM GRADE OR DECKING.
4. AN ATTACHMENT DEVICE SHALL ATTACH EACH BARRIER SECTION AT A HEIGHT NOT LOWER THAN 45 INCHES (1143 MM) ABOVE GRADE. COMMON ATTACHMENT DEVICES INCLUDE, BUT ARE NOT LIMITED TO, DEVICES THAT PROVIDE SECURITY EQUAL TO OR GREATER THAN THAT OF A HOOK-AND-EYE TYPE LATCH INCORPORATING A SPRING-ACTUATED RETAINING LEVER SUCH AS A SAFETY GATE HOOK.
5. WHERE A HINGED GATE IS USED WITH A MESH FENCE, THE GATE SHALL COMPLY WITH SUBSECTION 3109.4.11.
6. PATIO DECK SLEEVES SUCH AS VERTICAL POST RECEPTACLES THAT ARE PLACED INSIDE THE PATIO SURFACE SHALL BE OF A NONCONDUCTIVE MATERIAL.
7. MESH FENCES SHALL NOT BE INSTALLED ON TOP OF ONGROUND RESIDENTIAL POOLS.

3109.4.5 CLOSELY SPACED HORIZONTAL MEMBERS. WHERE THE BARRIER IS COMPOSED OF HORIZONTAL AND VERTICAL MEMBERS AND THE DISTANCE BETWEEN THE TOPS OF THE HORIZONTAL MEMBERS IS LESS THAN 45 INCHES (1143 MM), THE HORIZONTAL MEMBERS SHALL BE LOCATED ON THE POOL OR SPA SIDE OF THE FENCE. SPACING BETWEEN VERTICAL MEMBERS SHALL NOT

EXCEED 13/4 INCHES (44 MM) IN WIDTH. WHERE THERE ARE DECORATIVE CUTOUTS WITHIN VERTICAL MEMBERS, SPACING WITHIN THE CUTOUTS SHALL NOT EXCEED 13/4 INCHES (44 MM) IN WIDTH.

3109.4.6 WIDELY SPACED HORIZONTAL MEMBERS. WHERE THE BARRIER IS COMPOSED OF HORIZONTAL AND VERTICAL MEMBERS AND THE DISTANCE BETWEEN THE TOPS OF THE HORIZONTAL MEMBERS IS 45 INCHES (1143 MM) OR MORE, SPACING BETWEEN VERTICAL MEMBERS SHALL NOT EXCEED 4 INCHES (102 MM). WHERE THERE ARE DECORATIVE CUTOUTS WITHIN VERTICAL MEMBERS, THE INTERIOR WIDTH OF THE CUTOUTS SHALL NOT EXCEED 13/4 INCHES (44 MM).

3109.4.7 CHAIN LINK DIMENSIONS. THE MAXIMUM OPENING FORMED BY A CHAIN LINK FENCE SHALL BE NOT MORE THAN 1 3/4 INCHES (44 MM). WHERE THE FENCE IS PROVIDED WITH SLATS FASTENED AT THE TOP AND BOTTOM WHICH REDUCE THE OPENINGS, SUCH OPENINGS SHALL BE NOT MORE THAN 13/4 INCHES (44 MM).

3109.4.8 DIAGONAL MEMBERS. WHERE THE BARRIER IS COMPOSED OF DIAGONAL MEMBERS, THE MAXIMUM OPENING FORMED BY THE DIAGONAL MEMBERS SHALL BE NOT MORE THAN 13/4 INCHES (44 MM). THE ANGLE OF DIAGONAL MEMBERS SHALL BE NOT GREATER THAN 45 DEGREES (0.79 RAD) FROM VERTICAL.

3109.4.9 CLEAR ZONE. THERE SHALL BE A CLEAR ZONE OF NOT LESS THAN 36 INCHES (914 MM) BETWEEN THE EXTERIOR OF THE BARRIER AND ANY PERMANENT STRUCTURES OR EQUIPMENT SUCH AS PUMPS, FILTERS AND HEATERS THAT CAN BE USED TO CLIMB THE BARRIER.

3109.4.10 POOLSIDE BARRIER SETBACKS. THE POOL OR SPA SIDE OF THE REQUIRED BARRIER SHALL BE NOT LESS THAN 20 INCHES (508 MM) FROM THE WATER'S EDGE.

3109.4.11 GATES. ACCESS GATES SHALL COMPLY WITH THE REQUIREMENTS OF SUBSECTIONS 3109.4.1 THROUGH 3109.4.3 AND SHALL BE EQUIPPED TO ACCOMMODATE A LOCKING DEVICE. PEDESTRIAN ACCESS GATES SHALL OPEN OUTWARD AWAY FROM THE POOL OR SPA, SHALL BE SELF-CLOSING AND SHALL HAVE A SELF-LATCHING DEVICE.

3109.4.11.1 UTILITY OR SERVICE GATES. GATES NOT INTENDED FOR PEDESTRIAN USE, SUCH AS UTILITY OR SERVICE GATES, SHALL REMAIN LOCKED WHEN NOT IN USE.

3109.4.11.2 DOUBLE OR MULTIPLE GATES. DOUBLE GATES OR MULTIPLE GATES SHALL HAVE AT LEAST ONE LEAF SECURED IN PLACE, AND THE ADJACENT LEAF SHALL BE SECURED WITH A SELF-LATCHING DEVICE. THE GATE AND BARRIER SHALL NOT HAVE OPENINGS LARGER THAN 1/2 INCH (12.7 MM) WITHIN 18 INCHES (457 MM) OF THE LATCH RELEASE MECHANISM. THE SELF-LATCHING DEVICE SHALL COMPLY WITH THE REQUIREMENTS OF SUBSECTION 3109.4.11.3.

3109.4.11.3 LATCHES. WHERE THE RELEASE MECHANISM OF THE SELF-LATCHING DEVICE IS LOCATED LESS THAN 54 INCHES (1372 MM) FROM GRADE, THE RELEASE MECHANISM SHALL BE LOCATED ON THE POOL OR SPA SIDE OF THE GATE NOT LESS THAN 3 INCHES (76 MM) BELOW THE TOP OF THE GATE, AND THE GATE AND BARRIER SHALL NOT HAVE OPENINGS GREATER THAN 1/2 INCH (12.7 MM) WITHIN 18 INCHES (457 MM) OF THE RELEASE MECHANISM.

3109.4.12 STRUCTURE WALL AS A BARRIER. WHERE A WALL OF A DWELLING OR STRUCTURE SERVES AS PART OF THE BARRIER AND WHERE DOORS OR WINDOWS PROVIDE DIRECT ACCESS TO THE POOL OR SPA THROUGH THAT WALL, ONE OF THE FOLLOWING SHALL BE REQUIRED:

1. OPERABLE WINDOWS HAVING A SILL HEIGHT OF LESS THAN 48 INCHES (1219 MM) ABOVE THE INDOOR FINISHED FLOOR AND DOORS SHALL HAVE AN ALARM THAT PRODUCES AN AUDIBLE WARNING WHEN THE WINDOW, DOOR OR THEIR SCREENS ARE OPENED. THE ALARM SHALL BE LISTED AND LABELED AS A WATER HAZARD ENTRANCE ALARM IN ACCORDANCE WITH UL 2017. IN DWELLINGS OR STRUCTURES NOT REQUIRED TO BE ACCESSIBLE UNITS, TYPE A UNITS OR TYPE B UNITS, THE OPERABLE PARTS OF THE ALARM DEACTIVATION SWITCHES SHALL BE LOCATED 54 INCHES (1372 MM) OR MORE ABOVE THE FINISHED FLOOR. IN DWELLINGS OR STRUCTURES REQUIRED TO BE ACCESSIBLE UNITS, TYPE A UNITS OR TYPE B UNITS, THE OPERABLE PARTS OF THE ALARM DEACTIVATION SWITCHES SHALL BE LOCATED NOT GREATER THAN 54 INCHES (1372 MM) AND NOT LESS THAN 48 INCHES (1219 MM) ABOVE THE FINISHED FLOOR.

2. A SAFETY COVER THAT IS LISTED AND LABELED IN ACCORDANCE WITH ASTM F 1346 IS INSTALLED FOR THE POOLS AND SPAS.

3. AN APPROVED MEANS OF PROTECTION, SUCH AS SELF-CLOSING DOORS WITH SELF-LATCHING DEVICES, IS PROVIDED. SUCH MEANS OF PROTECTION SHALL PROVIDE A DEGREE OF PROTECTION THAT IS NOT LESS THAN THE PROTECTION AFFORDED BY ITEM 1 OR 2.

3109.4.13 ONGROUND RESIDENTIAL POOL STRUCTURE AS A BARRIER. AN ONGROUND RESIDENTIAL POOL WALL STRUCTURE OR A BARRIER MOUNTED ON TOP OF AN ONGROUND RESIDENTIAL POOL WALL STRUCTURE SHALL SERVE AS A BARRIER WHERE ALL OF THE FOLLOWING CONDITIONS ARE PRESENT:

1. WHERE ONLY THE POOL WALL SERVES AS THE BARRIER, THE BOTTOM OF THE WALL IS ON GRADE, THE TOP OF THE WALL IS NOT LESS THAN 48 INCHES (1219 MM) ABOVE GRADE FOR THE ENTIRE PERIMETER OF THE POOL, THE WALL COMPLIES WITH THE REQUIREMENTS OF SUBSECTION 3109.4 AND THE POOL MANUFACTURER ALLOWS THE WALL TO SERVE AS A BARRIER.

2. WHERE A BARRIER IS MOUNTED ON TOP OF THE POOL WALL, THE TOP OF THE BARRIER IS NOT LESS THAN 48 INCHES (1219 MM) ABOVE GRADE FOR THE ENTIRE PERIMETER OF THE POOL, AND THE WALL AND THE BARRIER ON TOP OF THE WALL COMPLY WITH THE REQUIREMENTS OF SUBSECTION 3109.4.

3. LADDERS OR STEPS USED AS MEANS OF ACCESS TO THE POOL ARE CAPABLE OF BEING SECURED, LOCKED OR REMOVED TO PREVENT ACCESS EXCEPT WHERE THE LADDER OR STEPS ARE SURROUNDED BY A BARRIER THAT MEETS THE REQUIREMENTS OF SECTION 3109.

4. OPENINGS CREATED BY THE SECURING, LOCKING OR REMOVAL OF LADDERS AND STEPS DO NOT ALLOW THE PASSAGE OF A 4-INCH (102 MM) DIAMETER SPHERE.

5. BARRIERS THAT ARE MOUNTED ON TOP OF ONGROUND RESIDENTIAL POOL WALLS ARE INSTALLED IN ACCORDANCE WITH THE POOL MANUFACTURER'S INSTRUCTIONS.

3109.4.14 NATURAL BARRIERS. IN THE CASE WHERE THE POOL OR SPA AREA ABUTS THE EDGE OF A LAKE OR OTHER NATURAL BODY OF WATER, PUBLIC ACCESS IS NOT PERMITTED OR ALLOWED ALONG THE SHORELINE, AND REQUIRED BARRIERS EXTEND TO

AND BEYOND THE WATER'S EDGE NOT LESS THAN 18 INCHES (457 MM), A BARRIER IS NOT REQUIRED BETWEEN THE NATURAL BODY OF WATER SHORELINE AND THE POOL OR SPA.

3109.4.15 NATURAL TOPOGRAPHY. NATURAL TOPOGRAPHY THAT PREVENTS DIRECT ACCESS TO THE POOL OR SPA AREA SHALL INCLUDE, BUT NOT BE LIMITED TO, MOUNTAINS AND NATURAL ROCK FORMATIONS. A NATURAL BARRIER APPROVED BY THE GOVERNING BODY SHALL BE ACCEPTABLE PROVIDED THAT THE DEGREE OF PROTECTION IS NOT LESS THAN THE PROTECTION AFFORDED BY THE REQUIREMENTS OF SUBSECTIONS 3109.4 THROUGH 3109.14.

3109.5 INDOOR SWIMMING POOLS. WALLS SURROUNDING INDOOR SWIMMING POOLS SHALL NOT BE REQUIRED TO COMPLY WITH SUBSECTION 3109.4.12.

PP. 3109.6 ENTRAPMENT AVOIDANCE. SUCTION OUTLETS SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH ANSI/APSP-7."

QQ. NEW SECTION 3109.7 "POOL INSTALLATION" SHALL BE ADDED AS FOLLOWS: ANY POOL INSTALLATION REQUIRING GRADING OR EXCAVATION AS PART OF THE INSTALLATION WILL BE REQUIRED TO ERECT SILT FENCING COMPLETELY AROUND THE AREA TO BE GRADED OR EXCAVATED. NO FILL OR EXCAVATED MATERIAL SHALL BE DISTRIBUTED OR PLACED IN A MANOR WHICH WOULD AFFECT STORM WATER RUNOFF TO NEIGHBORING PROPERTIES.

RR. Section 3201.3 Other Laws: Second sentence shall be added as follows: "No encroachment into the Public Right-of-Way for construction or installation of any structure may take place without prior approval by the Mayor and City Council."

SS. Section 3201.4 Drainage shall read: "Drainage water collected from a roof, awning, canopy or marquee, foundation drains, sump pump, fresh water ground springs resulting from new construction or grading, and condensation from mechanical equipment shall not flow over a public walking surface."

TT. Section 3202.3.3 Encroachments 15 feet or more above grade: shall be deleted.

UU. Add a new section: Section 3301.3 Housekeeping: "Rubbish and trash shall not be allowed to accumulate on construction sites **OR OTHER PREMISES** and shall be stored in approved secured containers and removed as soon as conditions warrant. Combustible rubbish shall be removed promptly and shall not be

disposed of by burning on the premises or within City Limits. **UNUSED OR DISCARDED CONSTRUCTION MATERIALS MUST BE REMOVED FROM THE CONSTRUCTION SITE IMMEDIATELY FOLLOWING PROJECT COMPLETION OR WHEN A PERMIT IS VOID.** Vegetation and weeds shall be properly maintained in accordance with the IPMC.”

VV. Section 3401.6 Alternative Compliance is amended by adding: “or the Maryland Building Rehabilitation Code (MBRC) set forth in COMAR 05.16.01.00 et seq. through 05.16.01.08.” between the words “Code” and “shall” in the second line.

WW. Section 3412.2 Applicability: The date in the first line shall be “October 7, 1957”.

VV. Appendices A, B, D, E, and J shall be deleted.

WW. Appendix G: Flood Resistant Construction: In case of conflicts, the order of compliance is Federal Emergency Management Agency Regulation, Maryland Department of the Environment Regulation, City of Havre de Grace Ordinances, and Appendix G last.

XX. Appendix H: Signs: shall be amended as follows:

Section H101.2: Signs Exempt from Permits: shall be deleted.

Section H104: Identification: shall be deleted.

Section H106.1: Illumination: reference to NFPA 70 in line three shall be replaced with Harford County, Maryland Electrical Code.

Section H106.2: Electrical Service: reference to NFPA 70 shall be replaced with Harford County, Maryland Electrical Code.

Section H115: Referenced Standards: Reference to National Electrical Code shall be replaced with Harford County, Maryland Electrical Code.

In case of conflicts between any of the above with the City of Havre de Grace Sign Ordinance, the City of Havre de Grace Sign Ordinance shall prevail.

C) Section 31-6. Saving Clause.

Nothing in this Ordinance or in the International Building Code 2012 hereby adopted shall be construed to affect any existing suit or proceeding pending in any court, or any vested rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed, and any amendments thereto; nor shall any preexisting legal right or remedy of any character be lost, impaired or affected merely by the passage of this Ordinance.

3. The Havre de Grace City Code Chapter 31 Building Construction Article III Residential Code is modified with language that is shown in bold and underlined to be deleted and the language that is shown in bold and in caps to be added.

Article III
RESIDENTIAL CODE

- A) Section 31-7 Adoption of the International Residential Code for One and Two Family Dwellings 2012 **2015**.

The International Residential Code for One and Two Family Dwellings 2012 **2015** as published by the International Code Council, Inc., Chapters 1 through 23, 42 and 44, Section P2904, and Appendices A through E, G, H, J, K, as amended through 2012, a copy of which is on file with the Department of Planning of the City of Havre de Grace, is hereby adopted by the Mayor and City Council of the City of Havre de Grace, Maryland, for the purpose of protecting the health, safety and welfare of the citizens of the City of Havre de Grace.

- B) Section 31-8. Amendments.

The International Residential Code for One and Two Family Dwellings 2012 **2015** shall be adopted with the following amendments:

- A. The name of the jurisdiction in the second line of R101.1 Title on page 1 of the International Residential Code for One and Two Family Dwellings 2012 **2015** shall be "the City of Havre de Grace".
- B. Add a new section: Section R101.4 Safeguards During Construction: "The provisions of Chapter 33 of the 2012 **2015** International Building Code, as amended, shall be applicable to all construction sites possessing a valid building permit."
- C. Section R102.7 Existing Structures: References to the International Fire Code shall be changed to the "State of Maryland Fire Prevention Code".

- D. Sections R103 through R114 are deleted and Sections 103 through 116 of the 2012 2015 International Building Code, as amended, shall apply.
- E. Section R202 Manufactured Home definition shall be amended as follows: in the 7th line delete "or without" and delete the last two sentences of the definition.
- F. Table R301.2 (1) shall read as follows:

Ground Snow Load:	30 lbs
Wind Speed:	90 mph
Topographic Effects:	No
SPECIAL WIND REGION:	NO
WIND-BORNE DEBRIS ZONE:	NO
Seismic Design Category:	<u>A</u> B
Weathering:	Severe
Frost Line Depth:	30 inches
Termite:	Moderate to Heavy
Winter Design Temp.:	13 Degrees F
Ice Barrier Underlayment:	No
Flood Hazards:	FIRM Date 01/07/2000
Air Freezing Index:	645
Mean Annual Temp.:	53.2 Degrees F

- G. Add Section R302.1.1 Balconies and Decks on Townhomes: "All portions of balconies and decks on townhomes constructed of combustibile materials shall not be located closer than 24 inches (609.6 mm) to any property line."
- G. TABLES R302.1(1) AND R302.1(2) SHALL HAVE THE FOLLOWING LINE ADDED TO THE BOTTOM OF EACH TABLE:

ALL PORTIONS OF ATTACHED DECKS AND OPEN ROOF COVERED DECKS. OPEN ROOF COVERED DECKS MAY HAVE A MAXIMUM OPAQUE WALL SURFACE AREA OF 50%	NOT ALLOWED	N/A	<2 FEET
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- H. Table 302.6 is amended by deleting "1/2-inch" and inserting in lieu thereof "5/8-inch" in the material section for separation from the residence and attics.
- H. Section R302.7 is amended by adding the following exception: "Exception. Enclosed accessible spaces under stairs when protected by an automatic sprinkler system installed in accordance with section 903.3.1.3 of the 2012 2015 International Building Code."

- I. Add a new section: Section R312.1.1.1 Areaway Guards: "A guardrail or other approved barrier shall be installed on areaway walls with a grade level elevation difference of greater than 48 inches (1219.2 mm). Guards shall be constructed in accordance with Section R312."
- K. Section R313.1.1 is amended by adding "or NFPA13D" to the end of the section.
- J. SECTION 326.1 GENERAL SHALL READ AS FOLLOWS: "THE PROVISIONS OF SECTION 3109 OF THE 2015 INTERNATIONAL BUILDING CODE AS ADOPTED BY THE CITY OF HAVRE DE GRACE SHALL APPLY TO SWIMMING POOLS AND SPAS."
- K. Section R405.1 is amended by deleting the exception at the end of the section, and adding the words "in accordance with the Harford County Plumbing Code" after the word "system" in the seventh line.
- L. Section R506.2.2 is amended by deleting the exception at the end of the section.
- M. Add Section R703.9.5 R703.9.3 Special Inspections: "Special inspections shall be required for all EIFS applications.
 Exceptions:
 1. Special inspections shall not be required for EIFS applications installed over a water-resistive barrier with a means of draining moisture to the exterior.
 2. Special inspections shall not be required for EIFS applications installed over masonry or concrete walls."
- N. Add Section R903.2.3 Drip Edge: "Provide drip edge at eaves and gables of shingle roofs. Overlap to be a minimum of 2 inches (51 mm). Eave drip edges shall extend 1/4-inches (6.4 mm) below sheathing and extend back on the roof a minimum of 2 inches (51 mm). Drip edge shall be mechanically fastened a maximum of 12 inches (305 mm) on center."
- N. Add Section R903.4.2 Gutters and Leaders: "Gutters and leaders shall be installed in accordance with the Harford County Plumbing Code. As for rain leaders, they may discharge up to a property line when directed into a storm water maintenance conveyance system approved by the City and designed and installed such that rain leader discharge will not detrimentally affect any adjoining property. No rain leader shall DISCHARGE CLOSER THAN 10' FROM ANY LOT LINE OR encroach upon a storm water management easement."
- O. Chapter 11 is deleted in its entirety and the 2012 2015 International Energy Conservation Code is inserted in lieu thereof.

C) Section 31-9. Saving Clause.

Nothing in this Ordinance or in the International Residential Code for One and Two Family Dwellings 2012 ~~2015~~ hereby adopted shall be construed to affect any existing suit or proceeding pending in any court, or any vested rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed, and any amendments thereto; nor shall any preexisting legal right or remedy of any character be lost, impaired or affected merely by the passage of this Ordinance.

4. The Havre de Grace City Code Chapter 31 Article IV Violation Cost is modified with language that is shown in bold and underlined to be deleted and the language that is shown in bold and in caps to be added.

Article IV
VIOLATION COST

A) Section 31-10. Costs Incurred By City.

Any and all fees, charges, services, and other costs incurred by the City to restrain, correct or abate a violation of this Ordinance, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises in violation of this Ordinance, including but not limited to attorney fees, surveying costs, engineering costs (the "Violation Costs"), shall be the responsibility of, and payable by the owner of the property on which the violation occurred, to the City of Havre de Grace (the "City") upon receipt of a written itemized invoice from the City for such costs. The invoice shall be sent by hand delivery or by regular mail, certified mail, or by posting the property. A late charge equal to 1.5% per month shall be added to any amount unpaid and outstanding thirty (30) days after billing until the outstanding amount is paid in full. Unless paid on time, the Violation Costs and interest shall be placed on the said property owner's City property tax bill. The said property owner shall pay all collection costs, including the City's actual attorney fees, should the City engage the services of any attorney to collect any unpaid such charges. All Violation Costs, interest, and collection costs thereon shall be chargeable against the property on which the violation occurred, and shall be collected and secured in the same manner as general ad valorem taxes and shall be subject to the same penalties and the same procedure, sale and lien priority in case of delinquency, as is provided for

general ad valorem taxes. An administrative fee of \$75.00 shall be added to the lien for processing of the lien procedure.

5. The Havre de Grace City Code Chapter 31 Article 5 Automatic Fire Sprinkler System is modified with language that is shown in bold and underlined to be deleted and the language that is shown in bold and in caps to be added.

Article V
AUTOMATIC FIRE SPRINKLER SYSTEM

- A) Section 31-11. Sprinkler system required.
- A. Every new residence, including single-family, multifamily, and duplex dwellings, modular homes, and mobile homes constructed within the City of Havre de Grace on an existing lot or proposed new subdivision, which has received preliminary plan approval for which a building permit has not been issued as of the effective date hereof, shall have an interior sprinkler system installed. The requirement for interior sprinkler systems shall not apply to the rebuilding, refurbishment, renovation, or alteration of a residence unless such existing structure is razed and replaced by a new residential structure.
 - B. For purposes of this chapter, placement or erection of modular homes, on an existing lot or proposed new subdivision is considered new construction and the provisions of this chapter shall apply thereto. The only exception is for modular homes that are currently part of a modular home seller's inventory. This would include the current inventory an individual, company or supplier of modular homes physically has on hand at their place of business or for which orders have been placed by customers prior to May 4, 2009. It must be proven that the modular home was a part of their inventory prior to May 4, 2009.
 - C. The requirement for the installation of interior sprinkler systems shall not apply to accessory or uninhabitable structures, including but not limited to detached carports, garages, greenhouses, and sheds.
 - D. Interior automatic fire sprinkler systems shall be installed and maintained in all new residential construction in accordance with the most recent applicable version of Standard NFPA 13D, as promulgated

by the National Fire Protection Association (NFPA), and as modified and adopted by the Maryland State Fire Marshal's Prevention Code as amended from time to time.

- E. Interior automatic fire sprinkler systems required pursuant to this chapter may be connected to the domestic water supply serving the residence, provided the domestic water supply is of adequate pressure, capacity, and sizing for the combined domestic and sprinkler system requirements, and proper backflow valves are installed.

BE IT FURTHER ENACTED AND ORDAINED THAT ALL PRIOR ORDINANCES AND RESOLUTIONS INCONSISTENT HERewith, INCLUDING BUT NOT LIMITED TO CITY CODE CHAPTER 140, ARE HEREBY REPEALED TO THE EXTENT OF THE INCONSISTENCY, BUT IN ALL OTHER RESPECTS SHALL REMAIN IN FULL FORCE AND EFFECT.

BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect 45 days following passage.

WITNESS:

THE MAYOR AND CITY COUNCIL OF
HAVRE DE GRACE, MARYLAND

Patrick D. Sypolt
Director of Administration

William T. Martin, Mayor

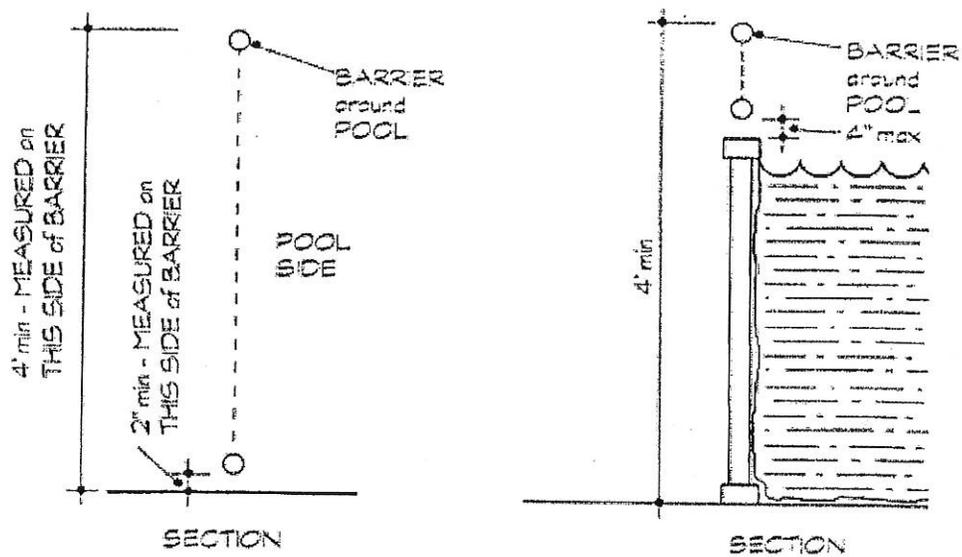
Introduced: October 5, 2015
Public Hearing: October 19, 2015
Passed: November 2, 2015

Legislative History

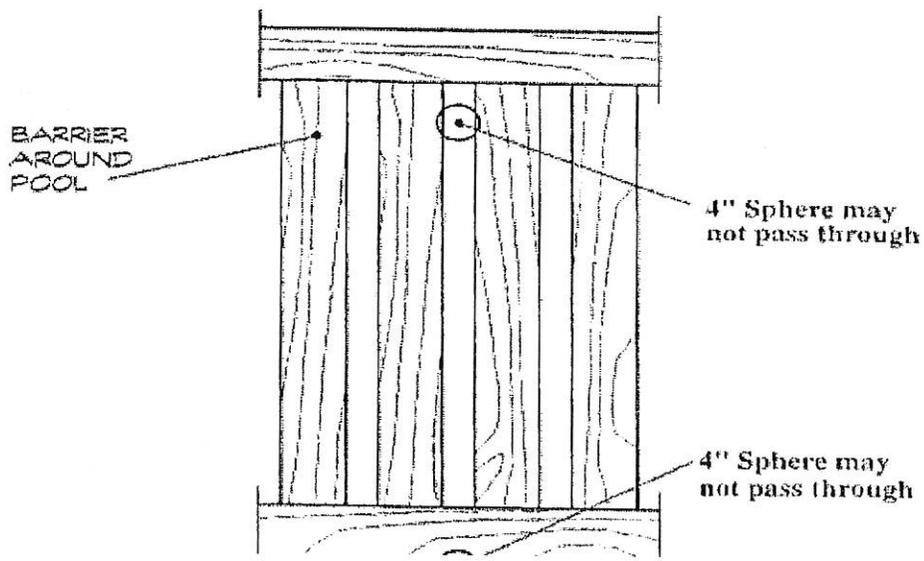
Ordinance No. 827, As Amended, enacted March 4, 2002
Ordinance No. 861, As Amended, enacted September 20, 2004
Ordinance No. 903, As Amended, enacted May 4, 2009
Ordinance No. 919, As Amended, enacted August 2, 2010
Ordinance No. 944, As Amended, enacted October 15, 2012

EXHIBIT A

SECTION 3109.4.1

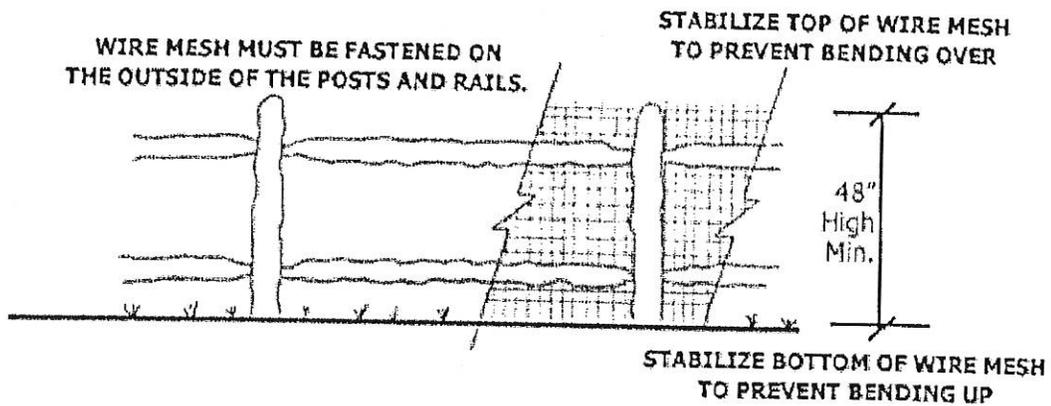


SECTION 3109.4.1 ITEM 3 - AND - SECTION 3109.4.2



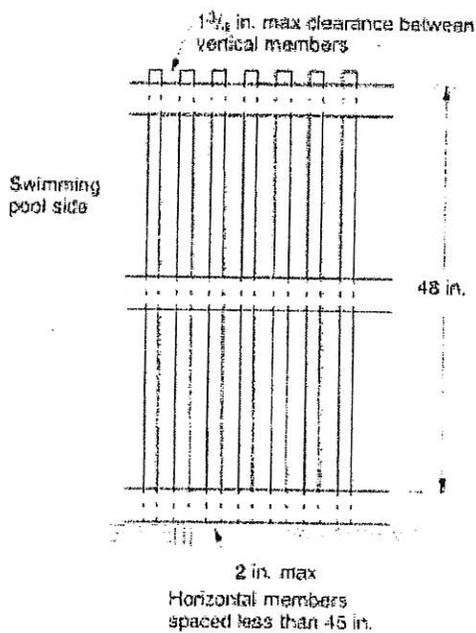
SECTION 3109.4.4

WIRE MESH FENCE TO BE A MINIMUM OF 16 ga WELDED FABRIC. NOMINAL 2" X 4" OPENINGS WITH 4" LEG IN VERTICAL POSITION.

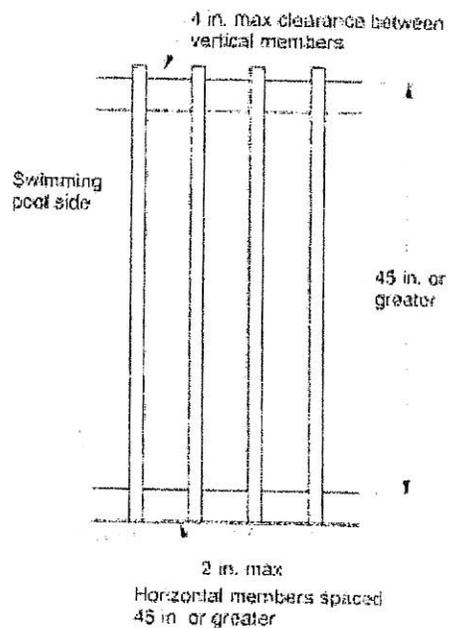


SPLIT RAIL FENCE DETAIL

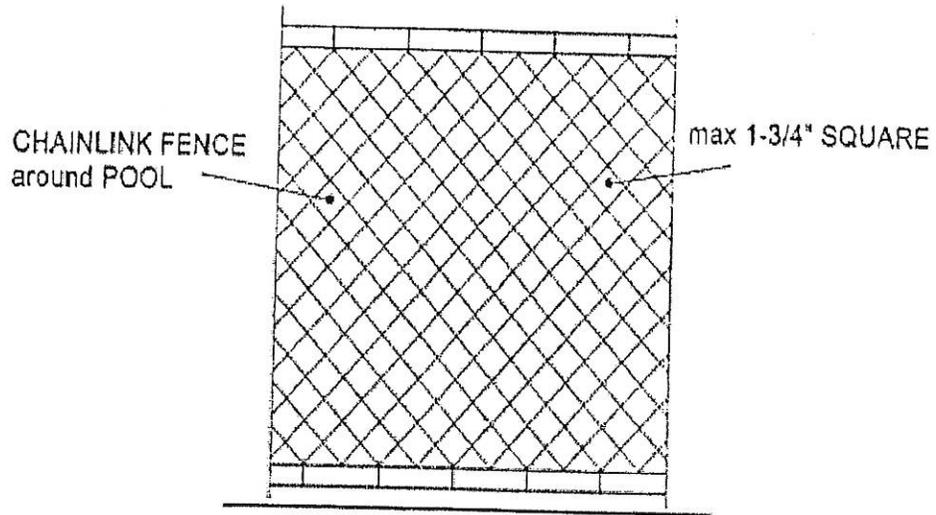
SECTION 3109.4.5



SECTION 3109.4.6



SECTION 3109.4.7



SECTION 3109.4.11

