

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1151
(As Amended)

Introduced by _____ Council Member Schneegas _____

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO REPEAL AND REPLACE HAVRE DE GRACE CITY CODE CHAPTER 31 BUILDING CONSTRUCTION

On: May 6, 2024

at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Ordinance having been published according to the Charter, a public hearing was held on May 20, 2024 at 7:03 p.m., and concluded on May 20, 2024 at 7:13 p.m.

EXPLANATION

Underlining indicates matter added to existing law.

[Bold Brackets] indicate matter deleted from existing law.

Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

WHEREAS, the Mayor and City Council of Havre de Grace (“City”) adopted Ordinance 1030 on March, 16, 2020 and codified the 2018 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 City has determined that the 2021 versions of the International Property Maintenance Code, International Building Code, International Residential Code for One and Two-family Dwellings, and International Energy Conservation Code should replace the current Codes, and that the Code Violations Costs should be retained.

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

Article I
PROPERTY MAINTENANCE CODE

A). Section 31-1. Adoption of International Property Maintenance Code 2021.

The International Property Maintenance Code 2021 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 2021 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 2021 shall be “The Mayor and City Council of Havre de Grace referenced herein as the City of Havre de Grace”.
- 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 2021, the International Residential Code 2021, 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 2021.”

- D. Section 103.2, Appointment, shall be deleted.
- E. Section 103.3, Deputies, shall be deleted.
- F. Section 104.1, Fees, shall read: “The fees for activities and services performed by the Department in carrying out its responsibilities under the International Property Maintenance Code 2021 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 105.6, 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 2021, 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 105.8, 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 107.1, General, shall read: “All appeals of orders, decisions or determinations made by the *Code Official* shall be heard by the Board of Appeals, per Chapter 25 of the City Code.”
- J. Section 108, Board of Appeals, is to be removed.
- K. Section 109.3, Prosecution of violation, shall read:
 - 1) 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) 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 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.

- 2) 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 and imprisonment not exceeding 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.
- 3) 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.
- 4) 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 2021, 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.
- 5) All provisions of Section 6-102 of the Local Government Article 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 Section 6-102 of the Local Government Article, the provisions in Section 6-102, shall prevail.

- L. Section 109.4, Violation penalties, shall be deleted.
- M. Section 109.5, 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. Costs shall also include City inspection fees and reasonable attorneys’ fees.”
- N. Section 111.4.2: 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 allow up to 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 which require immediate attention.”
- O. Section 113 General shall read: “The Code Official shall order the owner, or owner’s authorized agent, of any premises upon which is located any structure, which in the Code Official’s judgment is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure. If such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair, or to demolish and remove at the owner’s option. Boarding the building for future repair shall not extend beyond 180 days, unless approved by the Code Official.”
- P. New Section 113.1.1, Abatement of unsafe conditions, shall be added as follows: “Abatement failure by the owner of any premises upon which is located a structure posing an imminent danger to human life or the public welfare due to an unsafe condition, the Director or the Director’s designee shall cause the necessary work to be done to eliminate the condition, including, but not limited to, the demolition of the structure or structures. The Director or the Director’s designee shall cause to be published, for two weekly issues, in a county newspaper of record, notice setting forth the address of the building; a description of the real estate sufficient for its identification; a statement that the property is unsafe and constitutes an immediate and continuing hazard to the community; and a statement that the City intends to demolish same if the owner fails to do so. A person objecting to the proposed actions of the City may file an objection in an appropriate form in a court of competent jurisdiction. If the building is not demolished within 30 days of mailing notice to the owners of record, or within 30 days of the last day of publication of the notice in a county newspaper of record, whichever is later, the Director or the Director’s designee shall have the power to demolish the structure or structures.”

- Q. New Section 113.1.2, Creation of a tax lien, shall be added as follows: “There is created a tax lien on real property for monies expended, including reasonable attorney’s fees, by the City for the making safe of buildings or structures and/or abatement of other unsafe nuisances or conditions constituting a danger to the public health and safety. The amount of such lien shall be collected by the Director of Finance in the same manner as other City real estate taxes.”
- R. Section 110.1, 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.”
- S. Section 110.4, Failure to comply: At the end of the section remove, “established by the authority having jurisdiction” and add: “as determined by the Code Official not to exceed \$1,000.”
- T. 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.”
- U. Section 202, 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 baling 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.
 - 5) BICYCLES, BOAT TRAILERS, MOPEDS AND OTHER MOTOR VEHICLES. The same as the definitions provided under Title 11 of the

Transportation Article of the Annotated Code of Maryland, as amended, respectively.

- 6) **BOATS.** Every description of watercraft, including jet skis, wave-runners, or an ice boat that is used or capable of being used as a means of transportation on water or ice but does not include a seaplane, canoe, kayak, sculling boat, paddle board or similar recreational equipment.
 - 7) **INOPERABLE.** Unable to function in a manner or condition consistent with or similar to the design operation for which it was intended, regardless of modification.
 - 8) **NOXIOUS MATTERS.** Debris, garbage, junk, noxious odors, rubbish and trash; abandoned or inoperable bicycles, boats, boat trailers, mopeds or motor vehicles; abandoned appliances, furniture or parts thereof; and/or any other matter or condition as determined to be detrimental to the adjoining properties or the public health, safety, and welfare.
- V. New Section 301.3.1, Vacant structure maintenance, shall be added 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 in 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 in an unsafe condition and subject to the provisions of this chapter.”
- W. New Section 302.2.1, Drainage, general, shall be added as follows: “Stormwater, sump pumps, sanitary systems, and other water-supplied appliances shall not discharge in a manner that is detrimental to neighboring properties or creates a public nuisance.”
- X. 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](#).)

- Y. Section 302.4, Weeds: Add the language “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 are 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 center line of the unimproved alley by all owners of any abutting lots, parcels or tracts of land.”
- Z. 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.”
- AA. 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 building, is permitted to be stored on the premises for a period not to exceed six months. The vehicle must belong to the current occupant or owner of the property. The owner or occupant must obtain a permit from the Department of Planning for the storage of the unregistered vehicle. After six months, the vehicle must be registered or removed from the premises.”
- BB. New Section 302.10, Storage of junk, boats, 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, garbage, or rubbish; abandoned or inoperable bicycles, boats, boat trailers, mopeds, motor vehicle parts, i.e., batteries, tires, fenders, rims, etc., or abandoned appliances, equipment, or furniture to remain on any such lot, lots, parcels or tracts of land where the Department of Planning determines that such materials or items are dangerous, detrimental or cause a nuisance to the adjoining properties or the public health and safety and welfare of the City or are the nesting place for

vermin. In the case of a boat, it must have a current registration; be situated upon a boat trailer that also has a current registration and is in operational condition. No boat(s) shall be stored on private property that has a hull registration size of 30 feet or greater without first obtaining a permit from the City. All permits for storage of boats 30 feet or greater shall be made, in writing, to the City's Director of Planning with a copy sent to the Director of Administration and Council President. All permits shall be valid for seasonal storage purposes and are renewable upon approval of subsequent letters of request. All requests must contain proof of current registration and are subject to inspection of the boat and property to ensure the boat has not become a nuisance or danger. Any denied or expired requests for permitted seasonal storage require removal of the boat from the property within 60 days. A boat may be placed on blocks or cribbing for not more than one year. A property owner shall not have more than two registered and tagged boats and/or boat trailers parked or stored on a property, unless the property owner is operating as a licensed boat storage or boat operations business in accordance with all applicable zoning and other applicable laws or the property owner holds a valid Maryland State Commercial Fishing or Crabbing License. Boats that are stored inside an approved enclosed structure are exempt from this section of the code.”

- CC. New Section 302.1, Temporary Storage Containers, shall be added as follows: “All temporary storage containers must be permitted per City Code. Semi-truck trailers used to store goods and other similar containers may be deemed temporary storage per review by the Code Official.”
- DD. New Section 302.12, Control of animal waste, shall be added as follows: “No owner of a dog, or other pet, shall allow it to soil, defile, defecate upon or commit any other nuisance upon any public property or private property. The pet owner must take immediate steps to eliminate any such nuisance, including feces caused by the animal, in an appropriate and sanitary manner. The owner or occupant shall not allow accumulation of animal feces on any property in their control.”
- EE. 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.”
- FF. 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.”
- GG. Section 304.14: The dates in the first line shall be “April 1” and “November 1,” respectively.

- HH. 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 of Planning, not less than eight feet and not more than 10 feet in height and/or approved landscaping.”
- II. New Section 305.7, Mold, shall be added as follows: “Where mold is found due to water damage, improper ventilation, mechanical equipment or other causes, the Code Official may require an inspection be performed by a Licensed Inspector at the cost of the property owner to determine the cause of the mold and for abatement of the causes.”
- JJ. Section 307.1, General, shall read: “Handrails and guards shall comply with applicable subsections of the 2021 International Residential Code, Sections R311 and R312.”
- KK. Section 505.3 Supply: Add the following to the end of the paragraph: “Disconnected water supply, due to nonpayment of the utility service to a dwelling, shall be posted with a public notice as unfit after five days without service and subject to the provisions of Section 111 of the International Property Maintenance Code. Owners of residential rental units shall not request water supply disconnection as a substitute to legal eviction proceedings.”
- LL. Section 507. Storm drainage: Add the language “sump pumps” after the words “Drainage of” in the first line.
- MM. Section 602.3: The dates in the fifth line shall be “September 15” and “May 31,” respectively.
- NN. New Section 602.3.1, Heat substitute, shall be added as follows: “Approved portable heat supply, designed for interior use, shall be limited to a maximum of 10 days during any period of repair or replacement of the primary mechanical heat source. The Code Official may grant an extension for genuine extenuating circumstances.”
- OO. Section 602.4: The dates in the third line shall be “September 15” and “May 31,” respectively.
- PP. 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 and 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

- QQ. Section 603.1 Mechanical Equipment and Appliances, at the end of the section add, “includes air conditioners/cooling equipment from the months of June through September.”
- RR. Remove Appendix B “Board of Appeals”.
- SS. Vacant, Abandoned and/or Deteriorated (VAD) Properties – Non-Residential Uses in Residential Area
- 1) Purpose – Due to the unregulated development of portions of the city prior to the establishment of the City Zoning Code, non-residential uses and residential uses are interspersed throughout Havre de Grace—especially in the old town. Havre de Grace has recognized that based on several factors, VAD properties that are or were non-residential in use, which are adjacent to residential uses, can have an extraordinarily negative affect on the surrounding community that is deleterious to the health, safety and welfare of the public. It is in the best interest of the residents and businesses of Havre de Grace to designate VAD properties and be proactive in reducing negative effects those properties have on neighborhoods, including but not limited to, an unreasonable and substantial interference with the public’s use and enjoyment of public properties and protecting the health, safety and welfare of the City’s residents.
 - 2) When a property that was non-residential in character in or adjacent to a residential zoning district is designated a VAD property, or if it is determined by the Code Official to meet any of the definitions under 111.1.5, “Dangerous, structure or premises” in the 2021 International Property Maintenance Code (IPMC), the property will be deemed unsafe.
 - 3) The Code Official may also make a determination that a property is in VAD status citing the specific provision of the currently adopted version of the IPMC, Chapter 31 of the City Code, any amendments of those ordinances, or other section of the City Code where there is a violation and the code section is relied upon in making a VAD determination.
 - 4) The Code Official will send notice to the property owner, via Certified U.S. Mail, U.S. Mail and will physically post the property with the notice, stating the property is being considered for VAD status. The property owner shall respond within 60 days to the Code Official’s notice.
 - 5) The Code Official’s notice will list the violations and reasons why the subject property is being considered for VAD determination, including the specific citations to the City Code, the IPMC or other law. In addition, if after inspection the Code Official determines that the structure creates an imminently dangerous condition, it shall be so stated in the Notice, together with an explanation that property may be subject to immediate demolition without further notice and with a demand for reimbursement of demolition costs to the City.

- 6) The property owner's response to the Code Officer's notice should include the following information:
 - a. If the property is vacant, the date the property became vacant;
 - b. Future plans for the subject property, including timeline for renovation, redevelopment and reoccupation of the subject property;
 - c. If structures on the subject property will not be reoccupied, the property owner shall state the reasons in their response;
 - d. If the structures on the property are recommended for demolition, the property owner should provide a timeline for demolition in their response. All demolitions must be performed per the City's guidelines and shall include all paved and asphalted areas;
 - e. Interim plans to abate any violations discussed in the Code Official's notice; and
 - f. Interim plans to make the subject structure and/or property safe.
- 7) If after 60 days from the date of notice, there is no response from the property owner or his/her agent, the Code Official will deem the property abandoned, and if there is an additional determination by the Code Official that if the abandoned property is not only unsafe but in its current condition creates an imminent risk of death or serious bodily harm, then the City can remedy, alleviate and abate the issues in the manner mentioned in the notice.
- 8) In the event an owner files a response to the Notice, all action items identified under Subsections (6) (b), (d), (e), and (f) above must substantially begin within 90 days of the date the property owner's response to the Code Official. Upon the property owner's written request made prior to the expiration of the 90 days, the Code Official can provide two (2) 90-day extensions for the owner to substantially begin work. In the written extension request, the property owner shall provide:
 - a. Facts to support the need for the extension and;
 - b. An updated timeline describing when the owner will substantially begin and complete work.
- 9) In the event the work to be performed within the time limits set forth in Subsection has not begun, the Code Official will determine that such properties are VAD properties.
- 10) The Code Official shall send the responding owner a second notice, stating that the property has been formally declared a VAD property. The notice shall include the statement that the owner has thirty (30) days to file an appeal to the Board of Appeals pursuant to Chapter 25-Article VI of the City Code, and that a failure to appeal will result in the items set forth in subparagraphs (a) to (d) below being implemented. Such notice shall be sent by the Code Official by Certified Mail with return receipt, US first class mail, and by posting of the property. If no appeal is taken within the

designated time, or if the Board of Appeals confirms the Code Official's designation that the property is a VAD property, the Code Official shall take the following actions:

- a. All VAD properties and structures shall be posted with signage stating: "Unsafe to Occupy/No Trespassing" and further meet the requirements under 111.2 of the IPMC, Chapter 31 of City Code and other appropriate city laws.
- b. The Code Official reserves the right to disconnect all utilities based on Section 111.2.1 of the IPMC and other applicable City laws.
- c. The property owner is ordered to secure any abandoned or vacant property so that it is not deemed "dangerous". However, all fencing or other products should be residential in nature and meet the requirements of §205-9(I)(6), except as modified by the Department of Planning based on an examination of the surrounding neighborhood.
- d. If the property will not be reoccupied or redeveloped as indicated in the property owner's response discussed in Subsection 6 above, the property owner is ordered to remove asphalt and concrete parking areas and replace it with maintainable sod, grass, native plants and other items compatible with the surrounding residential character of the neighborhood at the owner's expense.

11) Within ten (10) days of the second notice under Subparagraph 10, the property owner shall provide the Code Official access to the subject property and all structures to perform a safety and property maintenance inspection of the property.

12) While the property remains in VAD status, the property owner is required to maintain the property, landscaping and other items on the property so that it does not become dangerous, dilapidated, or detrimental to the surrounding neighborhood in manner that creates a public nuisance.

13) As part of the VAD designation and enforcement process, the Code Official reserves the right to:

- a. Abate any part of the property that does not meet the requirements of City Code per the proper notification requirements provided herein or other provisions of the City Code; and/or
- b. If the property owner does not meet the requirements of the City Code, the Code Official can issue a citation per the City Charter. Violations of code will be considered a separate offense for each parcel and for each day the violation continues at \$100.00 per day until the maximum permitted under law is met.

14) The property owner will be responsible for reimbursing the City for all costs incurred related to abatement or property maintenance. All costs and fees

are considered an *ad valorem* tax added to the property for purposes of calculating the property tax due. A breakdown of the calculation of costs incurred by the City for abatement or demolition is available to the owner by written request.

TT. Section 113.3 Failure to Comply, add to the end of the section: If the Code Official, after inspection, finds that conditions on the property present imminent danger of death or serious bodily harm, he may issue an order of demolition for all or a portion of the structures on the property which shall be included in the notice provided under Subparagraph above. For all other cases, in which there is no determination that the structure poses an imminent threat of death or serious injury to person or property, then prior to the structure being demolished and removed, a hearing on the Order of Demolition will be held by the Board of Appeals per the requirements of Chapter 25 – Article IV. The Board of Appeals will examine whether all provisions of the code have been met under its “administrative review” powers and that demolition is warranted due to the abandoned, vacant or unsafe structures being a public nuisance given the situation presented. Failure to comply with an Order of Demolition or any recommended action issued by the Code Official shall be deemed a municipal infraction subject to a daily fine of \$100.00 per day for each day of non-compliance up to the maximum permitted by law.

C). Section 31-3. Saving Clause.

Nothing in this Ordinance or in the International Property Maintenance Code 2021 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.

Article II BUILDING CODE

A). Section 31-4 Adoption of the International Building Code 2021

The International Building Code 2021. 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 2021 shall be adopted with the following amendments:

**Ordinance No. 1151
(As Amended)**

- A. The name of the jurisdiction in the second line of Section 101.1 on page 1 of the International Building Code 2021 shall be “The Mayor and City Council of Havre de Grace referenced herein as the City of Havre de Grace”.
- 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. Add a new Section 101.4.8 Electrical. “The provisions of the Harford County, Maryland Electrical Code, Chapter 105 of the Harford County Code, shall apply to the installation, alterations, repairs and replacement of electrical systems.”
- 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 and property 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.” A use and occupancy permit for residential rental property (short-term or long-term) will be required prior to the start of a new tenancy after a change in ownership for any property issued a permit after the effective date of this Chapter.
- 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 105.2.2 is deleted and replaced with the following: “Repairs. Application or notice to the Building Official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements, or other work affecting public health or general safety.”
- N. Section 105.3 Application of Permit is amended by adding “or electronically” after the word “writing” in the second line.
- O. Add a new Section 105.3.3 Abatement of Uncompleted Structures. In the event that the responsible party fails to complete construction of a structure after 180 days of abandonment, or revocation of the building permit, and in the event that the responsible party fails to comply with the lawful order of the Director or the Director's designee to make safe by the completion of the construction or to demolish an unsafe and uncompleted structure, the Director or the Director's designee shall cause emergency work to be completed as required, to abate the unsafe conditions by appropriate means, including the demolition and removal of dangerous structures, using such public or private resources required and available.
- P. Add a new Section 105.3.4, Abatement of Unsafe Conditions. When, in the opinion of the Director or the Director's designee, there is an imminent danger to human life or the public welfare due to an unsafe condition, the Director or the Director's designee shall cause the necessary work to be done to eliminate the condition including, but not limited to, the demolition of the structure or structures. The Director or the Director's designee shall cause to be published, for three (3) consecutive days, in a County newspaper of record, notice setting forth the address of the building; a description of the real estate sufficient for its identification; a statement that the property is unsafe and constitutes an immediate and continuing hazard to the community; and a statement that the City intends to demolish same if the owner fails to do so. A person objecting to

the proposed actions of the City may file an objection in an appropriate form in a court of competent jurisdiction. If the building is not demolished within thirty (30) days of mailing notice to the owners of record, or within thirty (30) days of the last day of publication of the notice in a County newspaper of record, whichever is later, the Director or the Director's designee shall have the power to demolish the structure or structures.

- Q. Add a new Section 105.3.5, Creation of a Tax Lien. There is created a tax lien on real property for monies expended by the City for the making safe of buildings or structures and/or abatement of other unsafe nuisances or conditions constituting a danger to the public health and safety. The amount of such lien shall be collected by the Director of Finance in the same manner as other City real estate taxes.
- R. Section 105.5 Expiration: shall read as follows “A permit shall be deemed to be expired if the work on the site authorized by said permit is not commenced within 180 days after its issuance. 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.
- S. Add a new Section 105.5.1 Void: “Any permit which has been applied for and not issued within 180 days of application, 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.”
- T. Add a new Section 105.5.2 Incomplete: If the work authorized on the site by such permit has commenced, but is suspended or abandoned for a period of 180 consecutive days after the work is commenced, and the structure is left in an unsafe condition, see Sections 105.3.3 and 105.3.4 above. If all building and trades inspections have not received final approval, the City may attach the permit record to tax records as a lien on the property until all required inspections have been approved and the permit file is closed.
- U. Section 105.6 Suspension or revocation is amended by adding the following to the end of the section: “Any permit may be suspended or revoked for illegal occupancy, or construction activities outside the scope of application for a period of 90 days, provided the structure is not left in an unsafe condition. No work may proceed during the 90-day period until the reason for suspension or revocation is addressed by re-applying, or submitting revised building plans based on current building codes. See also all previous 105 Sections as applicable.”

- V. Add a new Section 105.6.1 Withholding Permits. The Building Official may withhold the issuance of any permit and/or place a hold on inspections if the applicant, the property owner, or any other individual or entity listed on the application has failed to remedy or correct any existing/alleged violation of the City Code for other properties within the City’s jurisdiction, which a final inspection approval has not been granted.
- W. 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.”
- X. 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."
- Y. Section 109.3 is amended by deleting the last two sentences of the section.
- Z. 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 as it applies under City Code, Chapter 70, Fees, in addition to the standard 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, and/or the contractor of record, 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. If all building and trades inspections have not received final approval, the City may attach the violation record to the property tax record and will not issue a tax clearance certificate until all required permits and inspections have been approved and the violation file is closed.”
- AA. New Section 110.1.1 “Approval of Inspections or Permits” shall be added as follows: “Any inspection or permit approval provided by the City, or by Harford County on the City’s behalf, is not a warranty of construction or workmanship. New permit applications may be placed on hold if the applicant, contractor, or property owner has open permits or incomplete inspections related to work on other properties within the City’s municipal jurisdiction owned or controlled by such applicant, contractor, or property owner that are not compliant with City Administrative procedures and policies, as determined by the Director.”
- BB. 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.”

- CC. 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.”
- DD. Section 111.3 is amended by adding the following at the end of the section: “Any person, firm or corporation engaged in the process of selling property in which a temporary Certificate of Occupancy is issued shall at the time of settlement present to the buyer a copy of the temporary Certificate of Occupancy which must include a list of deficiencies that remain to be corrected or conditions that must be met prior to the issuance of the final Certificate.
- EE. Section 112.1 shall be amended by replacing the “Department of Building Safety” with the “Department of Public Works”, deleting the words “this code” and adding the words “the County Code or other City codes” following the phrase, “regulated by”. Prior to the end of the sentence add “or by the Director of Public Works or their designee”.
- FF. Section 112.2 shall be amended by adding the words “The Director of Public Works or their designee, or” to the beginning of the section.
- GG. Section 112.3 shall be amended by adding the words “The Director of Public Works or their designee, or” after the words “building official” throughout the section.
- HH. 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.”
- II. Board of Appeals Sections 113.2 through 113.3 are deleted.
- JJ. 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.

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- 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 _2021 or to correct violations of the International Building Code 2021, 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.”
- KK. 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.”
- LL. Section 115.3 shall be amended by adding the words “or the Director of Public Works or their designee” following the phrase “the building official” throughout the section.
- MM. Section 115.4 Failure to comply, 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 and fines set forth in this Code.”
- NN. 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 or Department of Public Works 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 or Department of Public Works. 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 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.”
- OO. Section 308.5.1 is amended by adding the following exception: “Exception: A childcare facility may be classified as I-4 when the facility is classified as a day care occupancy under the State Fire Prevention Code.”
- PP. Section 406.2.7 is amended by deleting “Section 1107” and replacing it with “The Maryland Accessibility Code, Comar 09.12.53”.

- QQ. Section 411.5 is amended by deleting item 3 and replacing with the following: “3. All exits and exit access doors from each puzzle room shall be open and readily available upon activation by the automatic fire alarm system, automatic sprinkler system, a manual control at a constantly attended location and shall have a readily accessible control located inside each puzzle room.”
- RR. Section 502.1 is amended by adding “undergoing renovations that require the issuance of a building permit” following “New and existing buildings” in the first line.
- SS. Add a new Section 511, Electrical Energy Storage Systems: “511.1 Electrical Energy Storage Systems. Electrical energy storage systems shall be regulated by the provisions contained in the International Fire Code.”
- TT. Section 903.2.1.2 is amended by substituting “300” for “100” in item 2 between the words “of” and “or”.
- UU. Section 907.2.1.1 is amended by deleting “1000” in the section heading between the words “of” and “or”, and also in the second line between the words “of” and “or”, and replacing both with “300”.
- VV. Section 1004.8 is amended by adding the words “nail salons” between the words “centers” and “trading” in the third line.
- WW. Section 1020.1 is amended by adding the following exception: “6. Corridors contained within a single tenant space.”
- XX. Chapter 11 Accessibility is deleted in its entirety and is replaced with the Maryland Accessibility Code set forth in COMAR 09.12.53 et. seq.
- YY. Section 1502.4 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."
- ZZ. Add a new section: Section 1503.6: "Drip Edge: "Non-corrosive roof edging shall be provided at roof edges and shall cover the upper edges of the roof sheathing and fascia."
- AAA. Figure 1608.2 is amended by adding the following note: “The ground snow load, pg, for Harford County, Maryland shall be 30 psf.
- BBB. Section 1612.3 Establishment of Flood Hazard Area: shall be deleted: (See the City of Havre de Grace Floodplain Ordinance.)

- CCC. 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.”
- DDD. Add a new subsection 3001.1.1: Maryland State Elevator Code. The provisions of this code are in addition to the requirements in the Maryland State Elevator Code. If a conflict between this code and the state code exists, the requirements in the state code shall apply.
- EEE. Section 3103.1.2 Permit Required shall read: “Permits shall be required for temporary structures in accordance with applicable codes.”
- FFF. New Section 3109.2 “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 manner which would affect storm water runoff to neighboring properties.
- GGG. 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.”
- HHH. 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.”
- III. Section 3202.3.3 Encroachments 15 feet or more above grade: shall be deleted.
- JJJ. 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.”
- KKK. Add a new section: Section 3301.4 Site Conditions: “Whenever the Code Official, or Director of Public Works, finds any work regulated by City Code is being performed in a manner contrary to its provisions, or for improper or unlawful site conditions, or work performed in a dangerous or unsafe manner, the Code Official or Director of Public Works is authorized to issue a Stop Work Order and issue fines as appropriate for the condition of concern.”

LLL. Add a new section: Section 3302.5 Vehicle Access: “Development of 5 (five) or more residential lots, or commercial development sites, are required to have unobstructed vehicle access through the site at all times until construction is completed and site is stabilized.

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

NNN. 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.

C). Section 31-6. Saving Clause.

Nothing in this Ordinance or in the International Building Code 2021 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.

**Article III
RESIDENTIAL CODE**

A). Section 31-7 Adoption of the 2021 International Residential Code for One and Two Family Dwellings.

The International Residential Code for One and Two Family Dwellings 2021 as published by the International Code Council, Inc., Chapters 1 through 23, 42 and 44, Section P2904, and Appendices AA through AE, AG, AH, AJ, AK as amended through 2021, 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 2021 shall be adopted with the following amendments:

A. The name of the jurisdiction in the second line of R101.1 Title, on page 1-1 of the International Residential Code for One and Two Family Dwellings 2021 shall be “The Mayor and City Council of Havre de Grace referred to herein as the City of Havre de Grace”.

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- B. Add a new section: Section R101.4 Safeguards During Construction: “The provisions of Chapter 33 of the 2021 International Building Code, as amended, shall be applicable to all construction. A valid building permit is required.”
- 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 2021 International Building Code, as amended, shall apply.
- E. Section R202 Building definition is amended by deleting the last sentence.
- F. Section R202 Fire Separation Distance definition shall be amended as follows: add new item 4. To an exclusive use easement line.
- G. 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.

H. Table R301.2 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:	A-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 04/19/2016
Air Freezing Index:	645
Mean Annual Temp.:	53.2 Degrees F

- I. Add Section R302.1.1 Balconies and Decks on Townhomes: “All portions of balconies and decks on townhomes constructed of combustible materials shall not be located closer than 24 inches (609.6 mm) to any property line.”
- J. 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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- K. 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.”
 - L. New subsection 327.2 is added as follows: “326.3 Grading. Inground swimming pools require silt fencing to be installed around work area. Final grading cannot impact storm water runoff onto neighboring properties. Excavated material to be removed from property.”
 - M. Section R405.1 is amended by deleting the exception at the end of the section.
 - N. Section R506.2.2 is amended by deleting the exception at the end of the section.
 - O. Add Section 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.”
 - P. Add Section R903.4.2 Gutters and Leaders: “Gutters and leaders shall be installed in accordance with the Harford County Plumbing Code.
 - Q. Chapter 11 is deleted in its entirety and the 2021 International Energy Conservation Code as adopted in Article IV 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 2021 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.

Article IV
ENERGY CONSERVATION CODE

- A) Section 31-10 Adoption of the International Energy Conservation Code 2021

The International Energy Conservation Code, 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 31-11 Amendments

The International Energy Conservation Code 2021 shall be adopted with the following amendments.

- A. The name of the jurisdiction in the second line of Section C101.1 shall be “The Mayor and City Council of Havre de Grace referred to herein as the City of Havre de Grace”.
- B. Sections C103 through C110 are deleted and replaced by appropriate sections within Article II of this code.
- C. Section C202 is amended by adding the following definitions:
 - 1. HOTEL. Means an establishment that offers sleeping accommodations for compensation with the exception of a bed and breakfast establishment as defined under the City Code.
 - 2. MASTER CONTROL DEVICE. Means a control that is activated when a person enters the room through the primary room access method; or an occupancy sensor control that is activated by a person’s presence in the room.
- D. New Section C405.2.1.5 Hotel Guest Rooms; “Each hotel guest room shall be equipped with a master control device that automatically turns off the power to all of the lighting fixtures in the guest room no more than 30 minutes after the room has been vacated.
- E. Section R101.1 is amended by inserting “The City of Havre de Grace” in the second line for the Name of Jurisdiction.
- F. Section R102.1.1 is amended by adding the following at the end of the section: “Compliance with the silver rating of the ICC 700 NGBS as codified in the Annotated Code of Maryland Public Safety Article §12-509(A).”
- G. Sections R103 through R110 of the 2021 International Energy Conservation Code are deleted and replaced by appropriate sections within Article II of this Code.
- H. Section R401.2.5 is amended by adding the following after item number 3: “4. For buildings complying with Section R402.1.3.1, the structure shall also comply with the additional energy features of Section N1108.3.”

- I. New Section R402.1.3.1 Maryland Alternative R-Value: “Assemblies with an R-value of insulation materials equal to or greater than that specified in Table R402.1.3.1 shall be an alternative to the U-factor in Table R402.1.2 when combined with Section R408.3. The provision of Section R408.2.1 shall be applied to the base model house to establish the reference base design establishing energy efficiency.

TABLE (R402.1.3.1)

MD ALTERNATIVE INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT^a

Climate Zone	Fenestration U-Factor ^{b, i}	Skylight ^b U-Factor	Glazed Fenestration SHGC ^{b, c}	Ceiling R-Value	Wood Frame Wall R-Value ^d	Mass Wall R-Value ^b	Floor R-Value	Basement ^{e, f} Wall R-Value	Slab ^d R-Value & Depth	Crawl Space ^{c, g} Wall R-Value
4 except Marine	0.30	0.55	0.40	49	20 or 15+3 ^h	8/13	19	10ci or 13	10ci, 4ft	11ci or 13
5	0.30 ⁱ	0.55	0.40	49	20 or 15+3 ^h	13/17	30	15ci or 19 or 13 + 5ci	10ci, 4ft	15ci or 19 Or 13 + 5ci

For SI: 1 foot = 304.8 mm.

NR = Not Required.

ci = continuous insulation.

a. R-values are minimums. U-factors and SHGC are maximums. Where insulation is installed in a cavity that is less than the label or design thickness of the insulation, the installed R-value of the insulation shall be not less than the R-value specified in the table.

b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration. Exception: In Climate Zones 0 through 3, skylights shall be permitted to be excluded from glazed fenestration SHGC requirements provided that the SHGC for such skylights does not exceed 0.30.

c. "5ci or 13" means R-5 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. "10ci or 13" means R-10 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. "15ci or 19 or 13 + 5ci" means R-15 continuous insulation (ci) on the interior or exterior surface of the wall; or R-19 cavity insulation on the interior side of the wall; or R-13 cavity insulation on the interior of the wall in addition to R-5 continuous insulation on the interior or exterior surface of the wall.

d. R-5 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation R-value for slabs, as indicated in the table. The slab-edge insulation for heated slabs shall not be required to extend below the slab.

e. There are no SHGC requirements in the Marine Zone.

f. Basement wall insulation is not required in Warm Humid locations as defined by Figure R301.1 and Table R301.1.

g. The first value is cavity insulation; the second value is continuous insulation. Therefore, as an example, "13 & 5" means R-13 cavity insulation plus R-5 continuous insulation.

h. Mass walls shall be in accordance with Section R402.2.5. The second R-value applies where more than half of the insulation is on the interior of the mass wall.

i. A maximum U-factor of 0.32 shall apply in Climate Zones 3 through 8 to vertical fenestration products installed in buildings located either:

1. Above 4,000 feet in elevation, or
2. In windborne debris regions where protection of openings is required by Section R301.2.1.2 of the International Residential Code.

- J. Section R402.2.1 is amended by adding “or Section R402.1.3.1” between “R402.1.3” and “requires” in the second and seventh line.
- K. Section R402.2.2 is amended by adding “or Section R402.1.3.1” between “R402.1.3” and “requires” in the second and eleventh line.
- L. New Section R408.3 Maryland Alternative Additional Energy Efficiency Package Options: “The provisions of this section shall be applied as part of the prescriptive compliance path of Section R402.1.3.1. Additional energy efficiencies from Table R408.3 must be selected to meet or exceed a minimum percentage increase of 6%.

**Ordinance No. 1151
(As Amended)**

	Energy Feature	Percentage Increase for Climate Zone 4
1	≥ 2.5% reduction in total UA ³	1%
2	≥ 5% reduction in total UA ³	2%
3	> 7.5% reduction in total UA ³	2%
4	0.22 U-factor windows ³	3%
5	High performance cooling system (Greater than or equal to 18 SEER and 14 EER air conditioner) ²	3%
6	High performance cooling system (Greater than or equal to 16 SEER and 12 EER air conditioner) ²	3%
7	High performance gas furnace (Greater than or equal to 96 AFUE natural gas furnace) ²	5%
8	High performance gas furnace (Greater than or equal to 92 AFUE natural gas furnace) ²	4%
9	High performance heat pump system (Greater than or equal to 10 HSPF/18 SEER air source heat pump.) ²	6%
10	High performance heat pump system (Greater than or equal to 9 HSPF/16 SEER air source heat pump.) ²	5%
11	Ground source heat pump (Greater than or equal to 3.5 COP ground source heat pump.) ²	6%
12	Fossil fuel service water heating system (Greater than or equal to 82 EF fossil fuel service water-heating system.)	3%
13	High performance heat pump water heating system option (Greater than or equal to 2.9 UEF electric service water-heating system.)	8%
14	High performance heat pump water heating system. (Greater than or equal to 3.2 UEF electric service water-heating system.)	8%
15	Solar hot water heating system (Greater than or equal to 0.4 solar fraction solar water-heating system.)	6%
16	More efficient HVAC distribution system. (100 percent of ductless thermal distribution system or hydronic thermal distribution system located completely inside the building thermal envelope.)	10%
17	100% of ducts in conditioned space. (100 percent of duct thermal distribution system located in conditioned space as defined by Section R403.3.2.)	12%
18	Reduced total duct leakage. (When ducts are located outside conditioned space, the total leakage of the ducts, measured in accordance with R403.3.5, shall be in accordance with one of the following: a. Where air handler is installed at the time of testing, 2.0 cubic feet per minute per 100 square feet of conditioned floor area. b. Where air handler is not installed at the time of testing, 1.75 cubic feet per minute per 100 square feet of conditioned floor area.)	1%
19	2 ACH50 air leakage rate with ERV or HRV installed. (Less than or equal to 2.0 ACH50, with either an Energy Recovery Ventilator (ERV) or Heat Recovery Ventilator (HRV) installed.) ³	10%
20	2 ACH50 air leakage rate with balanced ventilation. (Less than or equal to 2.0 ACH50, with balanced ventilation as defined in Section 202 of the 2021 International Mechanical Code.) ⁴	4%
21	1.5 ACH50 air leakage rate with ERV or HRV installed. (Less than or equal to 1.5 ACH50, with either an ERV or HRV installed.) ⁴	12%
22	1 ACH50 air leakage rate with ERV or HRV installed. (Less than equal to 1.0 ACH50, with either an ERV or HRV installed.) ⁴	14%
23	Energy Efficient Appliances (Minimum 3 appliances not to exceed 1 form each type with follow efficiencies. Refrigerator - Energy Star Program Requirements, Product Specification for Consumer Refrigeration Products, Version 5.1 (08/05/2021), Dishwasher - Energy Star Program Requirements for Residential Dishwashers, Version 6.0 (01/29/2016), Clothes Dryer - Energy Star Program Requirements, Product Specification for Clothes Dryers, Version 1.1 (05/05/2017) and Clothes Washer - Energy Star Program Requirements, Product Specification for Clothes Washers, Version 8.1 (02/05/2018)	7%
24	Renewable Energy Measure. ⁴	11%

- Energy efficiency percentage increases as established by PNNL.
- For multiple cooling systems, all systems shall meet or exceed the minimum efficiency requirements in this section and shall be sized to serve 100 percent of the cooling design load. For multiple heating systems, all systems shall meet or exceed the minimum efficiency requirements in this section and shall be sized to serve 100 percent of the heating design load. Increases to minimum efficiency requirements are limited to one selection.
- Minimum HRV and ERV requirements, measured at the lowest tested net supply airflow, shall be greater than or equal to 75 percent Sensible Recovery Efficiency (SRE), less than or equal to 1.1 cubic feet per minute per watt (0.03 m³/min/watt) and shall not use recirculation as a defrost strategy. In addition, the ERV shall be greater than or equal to 50 percent Latent Recovery/ Moisture Transfer (LRMT).
- Renewable energy resources shall be permanently installed that have the capacity to produce a minimum of 1.0 watt of on-site renewable energy per square foot of conditioned floor area. The installed capacity shall be in addition to any onsite renewable energy required by Section R404.4. To qualify for this option, one of the following forms of documentation shall be provided to the code official:
 - Substantiation that the RECs associated with the on-site renewable energy are owned by, or retired on behalf of, the homeowner.
 - A contract that conveys to the homeowner the RECs associated with the on-site renewable energy, or conveys to the homeowner an equivalent quantity of RECs associated with other renewable energy.
- Reduction in total UA from lines 1, 2 or 3 and higher performance windows from line 4 are limited to a single selection.

C). Section 31-12. Saving Clause.

Nothing in this Ordinance or in the International Energy Conservation Code 2021 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.

**Article V
VIOLATION COST**

A) Section 31-12. 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 shall be added to the lien for processing of the lien procedure.

BE IT FURTHER ENACTED AND ORDAINED THAT ALL PRIOR ORDINANCES AND RESOLUTIONS INCONSISTENT HERewith, ARE HEREBY REPEALED TO THE EXTENT OF THE INCONSISTENCY, BUT IN ALL OTHER RESPECTS SHALL REMAIN IN FULL FORCE AND EFFECT.

ADOPTED by the City Council of Havre de Grace, Maryland this 20th day of May, 2024.

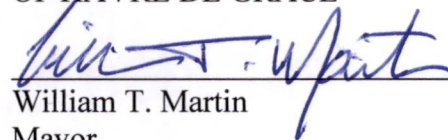
SIGNED by the Mayor and attested by the Director of Administration this 21st day of May, 2024.

[Signatures to follow on the next page.]

ATTEST:



Christopher Ricci
Director of Administration

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE


William T. Martin
Mayor

Introduced/First Reading: 5/6/2024
Public Hearing: 5/20/2024
Second Reading/Adopted: 5/20/2024

Effective Date: 5/21/2024

Legislative History

Ordinance No. 975, As Amended, enacted December 7, 2015
Ordinance No. 1009, As Amended, enacted August 20, 2018
Ordinance No. 1030, As Amended, enacted March 16, 2020
Ordinance No. 1125, As Amended, enacted November 6, 2023
Ordinance No. 1136, As Amended, enacted January 16, 2024