

ORDINANCE NO. 22-03

Introduced By: Bryon Callahan, Commissioner

AN ORDINANCE OF THE TOWN OF QUEENSTOWN ADOPTING THE 2021 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, AS AMENDED BY THIS ORDINANCE, AS THE EXISTING BUILDING CODE OF THE TOWN OF QUEENSTOWN, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH

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

WHEREAS, by Ordinance No. 16-07, the Commissioners of Queenstown previously adopted portions of the 2015 Edition of the International Existing Building Code, which is codified in Chapter 8, Article IV of the Queenstown Town Code; and

WHEREAS, the State of Maryland has adopted the Maryland Building Rehabilitation Code (set forth in COMAR 05.16.01), which includes the 2021 Edition of the International Existing Building Code; and

WHEREAS, the Commissioners of Queenstown deem it desirable and in the public interest to adopt the 2021 Edition of the International Existing Building Code, a copy of which is attached hereto, and as amended by this Ordinance, as the Town of Queenstown Existing Building Code, for regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings; providing for the issuance of permits therefor.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COMMISSIONERS OF QUEENSTOWN AS FOLLOWS:

SECTION 1. The Commissioners of Queenstown hereby adopt the 2021 Edition of the International Existing Building Code, a copy of which is attached hereto, as amended by the State of Maryland as the Maryland Building Rehabilitation Code (set forth in COMAR 05.16.01) and as further amended by this Ordinance.

SECTION 2. Chapter 8, Article IV, of the Queenstown Town Code is hereby repealed in its entirety and adopted as follows:

ARTICLE IV. EXISTING BUILDING CODE

Section 8.12 Adoption of standards by reference.

The 2021 Edition of the International Existing Building Code, as published by the International Code Council, as amended by the Maryland Building Rehabilitation Code, is hereby adopted as the Town of Queenstown Existing Building Code (sometimes referred to as the “Existing Building Code”). The Existing Building Code shall regulate and govern the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings; providing for the issuance of permits therefor. All of the regulations, provisions, terms, and conditions, of the 2021 Edition of the International Existing Building Code are hereby adopted and made a part hereof as if fully set forth in this Article, with the amendments, deletions, and insertions as set forth in COMAR 05.16.01, as well as the amendments, deletions and insertions set forth in Section 8.13 herein.

Section 8.13 Amendments.

The following sections of the 2021 International Existing Building Code are hereby modified, deleted, substituted, added, or revised as follows:

**SECTION 101
GENERAL**

Section 101.1 Title. These regulations shall be known as the “Town of Queenstown Existing Building Code”, (sometimes hereinafter referred to as the “Existing Building Code” or “this code.”). Where the name of the jurisdiction is to be indicated in any section of this Code, it shall be considered the “Town of Queenstown”.

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**SECTION 103
DEPARTMENT OF BUILDING SAFETY**

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Section 103.1 Deleted.

Section 103.2 Appointment. The code official shall be the Town Clerk-Treasurer, or any person or entity designated or appointed by the Commissioners of Queenstown to serve as code official. The code official shall have full enforcement authority of this Code.

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**SECTION 104
DUTIES OF THE CODE OFFICIAL**

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

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SECTION 112 BOARD OF APPEALS

Section 112.1 General. Delete Section 112 in its entirety and replace with the following.

Section 112.1 General. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Queenstown Board of Appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice, or order was served. All provisions governing the Board of Appeals with respect to members, provisions for alternates, quorum, procedure, chairman, term of office, etc. shall be applicable to appeals from this code. Review of the decision of the Board of Appeals shall also be in accordance with the Queenstown Zoning Ordinance and the Maryland Rules of Procedure applicable to review of administrative agency decisions.

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112.3 Qualifications. Deleted.

SECTION 113 VIOLATIONS

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Section 113.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 113.2 shall be deemed to have committed a civil municipal infraction as determined by the Town, and the violation shall be deemed a strict liability offense. 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. Any action taken by the authority having jurisdiction over such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

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**SECTION 114
STOP WORK ORDER**

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Section 114.3 Unlawful continuance. 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 deemed to have committed a municipal infraction. The penalty for the first violation shall be One Hundred Dollars (\$100.00), and Two Hundred Dollars (\$200.00) for the second violation. Each day that a violation continues shall be considered a separate offense.

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Section 8.14 Repealer.

All prior ordinances in conflict herewith are hereby repealed, except that in any case in which the Queenstown Zoning Ordinance and this Ordinance conflict, the Queenstown Zoning Ordinance shall control.

Section 8.15 Copies on file.

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

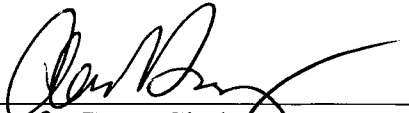
Section 8.16 Severability.

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


SECTION 3. This ordinance and any rules, regulations, provisions, requirements, orders and matters established and adopted pursuant hereto hereby shall take effect and be in full force and effect twenty (20) days from and after the date of its final passage and adoption.

ENACTED this 27 day of July, 2022.

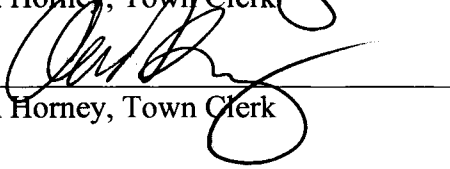
WITNESS:



Aaron Horney, Town Clerk

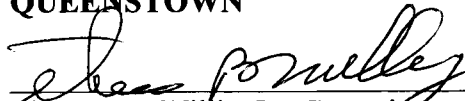


Aaron Horney, Town Clerk



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**THE TOWN COMMISSIONERS OF
QUEENSTOWN**



Thomas B. Willis, Jr., Commissioner



Alton Hardee, Commissioner



Bryon Callahan, Commissioner