

## ORDINANCE NO. 724

AN ORDINANCE TO AMEND THE TOWN OF DENTON BUILDING CODE, RESIDENTIAL CODE AND MECHANICAL CODE PROVISIONS CONTAINED IN CHAPTER 38 OF THE DENTON TOWN CODE WITH RESPECT TO BUILDING CONSTRUCTION.

WHEREAS, MD CODE ANN Local Government Article Section 6-101, *et seq.* confers upon municipalities the power to make reasonable regulations concerning buildings, including the adaption of a building code; and

WHEREAS, The Town of Denton has enacted such building regulations which are Chapter 38 of the Denton Town Code; and

WHEREAS, the Town of Denton wishes to modify the provisions regarding building construction in the Town of Denton; and

WHEREAS, the Denton Town Council has determined that it is desirable and in the public interest to amend the Town Code with respect to building construction to reflect the adoption of the 2021 Editions of the International Building Code, International Residential Code For One and Two Family Dwellings, International Mechanical Code, International Existing Building Code, International Energy Conservation Code attached hereto, as amended by this Ordinance, as the Town of Denton Building, Residential, Mechanical, Existing Building and Energy Codes, which establishes the minimum regulations governing the conditions and maintenance of all property, buildings and structures; and provides the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; and to enact as amended herein, except as amended hereby, all provisions of Chapter 38 will remain in effect.

NOW THEREFORE, the Denton Town Council hereby ordains as follows:

**Section 1:** The Denton Town Council hereby adopts the ~~2018~~ **2021** Editions of the International Building Code, International Residential Code For One and Two Family Dwellings, International Mechanical Code, International Existing Building Code and International Energy Conservation Code, copies of which are attached hereto, as amended by this Ordinance, which shall be incorporated into the Denton Town Code, Chapter 38, Article I, Administration and Enforcement, Article II, Building Code, Article III, Residential Code for One and Two-Family Dwellings, Article IV, Mechanical Code, Article VI, Existing Building Code, Article VII, Energy Code as follows:

## CHAPTER 38

### ARTICLE I

#### ADMINISTRATION AND ENFORCEMENT

##### **§ 38-1. Provisions applicable to the Building, Residential, Gas, Mechanical, Plumbing, Electrical, Existing Building, Energy Conservation Codes and Accessibility**

The following sections of the Building, Residential, *Gas*, Mechanical, *Plumbing, Electrical*, Existing Building, ~~and~~ Energy Conservation *and Accessibility* codes are hereby amended, described, and shown as follows:

##### **§ 38-2. General Amendments**

- (A) Substitute “Town of Denton” for the phrase “Name of Jurisdiction” whenever it appears in the codes.
- (B) Substitute “Town of Denton Director of Planning or his designee” for phrases “chief appointing authority of the jurisdiction” and “chief authority” whenever they appear in the codes.
- (C) Substitute “Denton Planning and Codes” for term “Department of Building Safety” whenever it appears in the codes.
- (D) Substitute the National Standard Plumbing Code as adopted by the State of Maryland Building Performance Standards (COMAR ~~05.02.07~~ **09.20.01**) for all references to plumbing code.
- (E) Substitute the International Mechanical Code with local amendment and as amended and adopted by the State of Maryland Building Performance Standards (COMAR ~~05.02.07~~ **09.20.01**) for all references to mechanical code.
- (F) Substitute local amendment to the Town of Denton Fire Prevention Code, Chapter 58 of the Denton Town Code, and the provisions of the Maryland Fire Prevention Code (COMAR 29.06.01), including NFPA 101 Life Safety Code, as adopted by the State of Maryland for all references to fire code. (COMAR 05.02.07)
- (G) Substitute the Maryland Accessibility Code as adopted by the State of Maryland (COMAR ~~05.02.07~~ **9.12.53**) for all references to accessibility code.
- (H) Discrepancies and Inconsistencies. In the event of inconsistencies or discrepancies between the provisions of these articles and any Town Code, the more stringent shall govern. The building official or his designee shall

have the authority to make determination of or act on matters where there is a discrepancy or conflict with this and any other section of the Town Code.

### **§ 38-2.1 Use and occupancy permit.**

The following requirements are in addition to and in accordance with the applicable sections of the building codes governing the issuance of a certificate of use and occupancy:

- A. A certificate of use and occupancy is required for all changes of use, occupancy, ~~or ownership~~, and for structures undergoing alterations. Structures undergoing alterations shall be governed by Section 101.5 of the International Existing Building Code in applicable part. An occupancy permit is required if there is a change in use, ~~occupancy, or ownership~~ even if there is no alteration or construction. A use and occupancy permit is required if there is a change in ownership only if the Building Official, or his designee, determines that certain existing conditions pose an inimical threat to the public health, safety, or welfare.
- B. All applicable fees shall be paid at the time of the permit application. The fees are nonrefundable and nontransferable. The fee schedule shall be established by the Mayor and Town Council.
- C. The use and occupancy permit shall be issued only after the Denton Public Works, the Department of Planning, the Fire Department and Health Department, where applicable, have inspected the site and verified that the structures and the site meet the Town of Denton standards and specifications, and are in accordance with the approved building permit application, and any applicable laws and regulations.
- D. The Building Official, or his designee, may suspend or revoke any use and occupancy permit or certificate for any violations of the Town Code, for unsafe conditions, violations of issued permits, failure to obtain final inspections and approvals, and for misrepresentation of facts.
- E. In addition to other remedies provided to the Town by law, a person who violates this section shall be guilty of a municipal infraction and is subject to a fine as established by resolution of the Mayor and Town Council. All fines shall be paid in full prior to any further inspections being made and prior to any permit issuance.

### **§ 38-2.2 Dangerous structural condition.**

A building, structure, or chimney, or part of a building, structure, or chimney, in a dilapidated or unsafe condition and which, in the opinion of the Building Official, or his designee, may possibly cause injury to persons or property, is a nuisance and shall be razed or abated by the owner within three days after notice to do so has been given to the owner by the Building

Official or his designee. The owner is required to apply for a building permit as per § 38-5. If the owner, within 72 hours after receipt of the notice, has not razed the building, structure, or chimney or otherwise abated the nuisance, the owner is guilty of a municipal infraction and is subject to a fine as established by resolution of the Mayor and Town Council, and the nuisance shall be abated by the Town at the expense of the owner. The Building Official, or his designee, may authorize, in the interest of safety, the disconnection of water, gas, and electrical services to the building or structure.

**§ 38-2.3 Building permit application; plans and specifications; fees.**

The following requirements are in addition to and in accordance with the applicable sections of the building codes governing the applications and fees:

- A. Both the owner and the contractor engaged to perform the work are equally responsible for obtaining the required building permit.
- B. No building permit shall be issued prior to the issuance of a grading permit, where applicable, or payment of all applicable impact or water and sewer allocation fees as established by resolution of the Mayor and Town Council.
- C. All building permit applications shall also include scaled drawings showing the proposed location of the building, structure, or addition on the lot and front yard, side yard, and rear yard dimensions to the property line.
- D. All construction drawings and specifications submitted with a permit application which indicates completion by an architect or engineer shall be certified on each drawing and specification with the architect's or engineer's Maryland seal, signature, and date.
- E. All structural evaluations including drawings shall be certified by a registered Maryland structural engineer or architect in good standing.
- F. All new and revised construction drawings and submittals requiring review shall pay a fee per schedule established by the Mayor and Town Council.

**§ 38-2.4 Building contractor license.**

- A. No person shall perform work as a building contractor, general contractor, or home improvement contractor in the Town of Denton without first applying for and receiving a license in the State of Maryland and/or Maryland Home Improvement Commission (MHIC). Where required by the state, any person performing residential work shall also apply to and receive a registration to the State Attorney General Home Builder Registration (HBR). All work performed in the Critical Area in the State of Maryland shall apply for and receive a license from the Maryland Home Improvement Commission (MHIC).

- B. The Building Official, or his designee, may suspend, revoke, or withhold permit applications or any issued permit for any irregularities in installation, for unsafe or unworkmanlike installations, misrepresentation of facts, failure to obtain permits, failure to obtain inspections, ignoring or defacing stop-work orders, illegal occupancy, failure to maintain a valid Maryland State license or for any violations of the Building Code or applicable Town Code. No person shall use the name or license of another contractor directly or indirectly to obtain a permit, send in notices, make returns, or perform any work under another person's license.
- C. A person who violates this section is guilty of a municipal infraction and is subject to a fine as established by resolution of the Mayor and Town Council.

**§ 38-2.5 Display of address.**

- A. The owners of any improved property shall post on or about the property numbers or letters designating the address assigned to the property and maintain such posting during and after any improvements.
- B. The numbers or letters shall be at least four inches high, displayed on contrasting background, and posted in order to be unobstructed and clearly legible from the street named in the address of the property.
- C. For multifamily structures of six units or more, the address shall be affixed to the structure in numbers or letters at least six inches high and shall be clearly legible from the street or public way, and the designation of each dwelling unit shall be affixed to the exterior door of the unit with numbers or letters at least four inches high.
- D. For a commercial property, the address shall be displayed in numbers or letters at least six inches high, on contrasting background, and posted in order to be unobstructed and clearly legible from the street named in the address of the property.
- E. Owners of existing improved property shall have 30 days from the notification date with the requirements of this section.
- F. A person who violates this section is guilty of a municipal infraction and is subject to a fine per the schedule as established by resolution of the Mayor and Town Council.

**§ 38-2.6 Approval and commencement of work.**

- A. There shall be no construction work or activity prior to the issuance of an approved building permit application unless specifically authorized by the Building Official or his designee.

- B. Upon approval of a building permit, the applicant shall be provided with verbal or written notification to the address specified on the application that the permit has been approved and is available for issuance.
- C. The Building Official, or his designee, may require the owner to provide a monetary guarantee in the form of a certified check, letter of credit or performance bond for specific permits to guarantee completion of the work.
- D. No construction activity or machinery shall start prior to 7:00 a.m. during the weekdays, 8:00 a.m. on Saturday, or continue after 6:00 p.m. Monday through Saturday. There shall be no exterior construction activities on Sundays.
- E. A person who violates this section is guilty of a municipal infraction and is subject to a fine per the schedule established by resolution of the Mayor and Town Council.

**§ 38-2.7 Enforcement.**

- A. Notwithstanding the provisions of Section 104 of the IBC and Section R104 or elsewhere in the Town Code, enforcement of the Construction Code is the duty of the Building Official or his designee.
- B. A person who commences any building, structure, or construction without prior receipt of required building permit or inspection is guilty of a municipal infraction and is subject to a fine per the schedule as established by resolution of the Mayor and Town Council.
- C. Structures erected or alterations completed without a permit as required shall be removed by the person performing the work within 24 hours when ordered to do so by the Building Official or his designee.

**§ 38-2.8 Notifications and citations; violations and penalties.**

The following requirements are in addition to and in accordance with the applicable sections of the building codes governing violations and issuance of notifications:

- A. Unlawful acts. It shall be a municipal infraction for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause the same to be done, in conflict with or in violation of any of the provisions of this code.
- B. Notice of violation. The Building Official or his designee is authorized to serve a notice of violation, notice to remedy, or other order on the person responsible or the property owner for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or a structure in violation of the provisions of this code, or in

violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

- C. Prosecution of violation. If the notice is not complied with in the time prescribed by such notice, the Building Official is authorized to issue a civil municipal citation and to institute the appropriate proceedings by law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The Town Attorney is authorized to prosecute a violation of any provision of this code.
- D. Proof of delivery of citation or notice. The Building Official, or his designee, shall deliver the notice or citation to the building owner and others responsible for the violation or infraction. If the Building Official, or his designee, is unable to locate personally the owner or others responsible for the violation or infraction, the Building Official, or his designee, may post the citation or notice in a conspicuous location on the property of the owner, visible from a public right-of-way, and mail a copy of same to the owner or persons responsible for the violation, which shall be sufficient as proof of delivery and service.
- E. Violation penalties. Violations of this code shall be a municipal infraction subject to a fine in accordance with the Department of Planning and Codes Penalty Schedule. Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to said fine, the Town may request during the adjudication of the infraction that the defendant abate the violation, or in the alternative, to permit the Town to abate the violation at the defendant's expense. Enforcement of this section shall be in accordance with Article 23A, § 3(b) of the Maryland Annotated Code, as amended from time to time. **[Amended 7-2-2015 by Ord. No. 673]**
- F. Unpaid expenses as a lien against real estate. Whenever, pursuant to this code, a Building Official or his designee directs a property owner to take an action to abate a violation of this code and the property owner fails to do so in the time frame set forth in the notice or pursuant to an order of the court, the Building Official, or his designee, may cause such action to be performed, and the costs thereof shall be a lien against the real estate and shall be collectible in the same manner in which real estate taxes are collected, or the Town Council may collect it by such other action at law as they deem appropriate.

**§ 38-2.9 Board of Appeals. Section 113 of the International Building Code shall be replaced in its entirety by the following provisions:**

- (A) **113.1 General.** For the purposes of this code, the Board of Appeals shall be the Board of Appeals established in the Town of Denton Zoning Ordinance § 128-163. All provisions governing the Board of Appeals with respect to the 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 Denton Zoning ordinance.
- (B) **113.2 Application for appeal.** The application for appeal shall be filed, in writing, on the form obtained from the Building Official within 20 days after the notice of violation was served.
- (C) **113.3 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or rules legally adopted have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this code.
- (D) **113.4 Administration.** The Building Official, or his designee, shall take immediate action in accordance with the decision of the Board.

**§ 38-2.10 Fees.**

The following requirements are in addition to and in accordance with the applicable sections of the building codes governing the applications and fees:

**A.113.5 Payment of fees.** An application for appeal shall not be valid until all fees prescribed by law have been paid.

**B.113.5(a) Fee schedule.** A fee for each application of appeal shall be paid according to the fee schedule as established by resolution of the Mayor and Town Council.

**§ 38-3. Copies on file.** The Town Clerk-Treasurer of the Town of Denton shall maintain one copy of the Town Building Code on file in the Town office.

**ARTICLE II**

**BUILDING CODE**

**§ 38-5. Adoption of standards by reference.** The ~~2018~~ **2021** Edition of the International Building code, *including the following Appendices: Appendix A, Appendix C, Appendix D, Appendix G, I, J, L and O* as published by the International Code Council, Inc., including any applicable amendments adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 09.12.51) are hereby adopted as the “Building Code of the Town of Denton”, (sometimes hereinafter referred to as the “International Building Code” or “IBC”) for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code (with the exception of the appendices which



are excluded) are hereby adopted, and made a part hereof, as if fully set forth in this Ordinance, with the additions, insertions, selections and changes set forth in this Article.

**§ 38-5.1 Local Amendments to the Building Code.** The International Building Code, 2018 *2021* Edition as adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 09.12.51) is hereby amended as follows:

A. **Section 101.1 Title.** These regulations shall be known as the “Building Code of the Town of Denton”.

B. **Section 101.2.1 Appendices.** The provisions in the appendices shall not apply unless specifically adopted. The following appendices are hereby adopted in its entirety:

(1) Appendix A, Employee Qualifications

(2) Appendix C, Group U- Agricultural Buildings

(3) Appendix D, Fire Districts

(4) Appendix G, Flood-Resistant Construction

(5) Appendix I, Patio Covers

(6) Appendix J, Grading

(7) Appendix L, Earthquake Recording Instrumentation

(8) Appendix O, Performance-Based Application

C. **Section 101.4 Referenced Codes.** Section 101.4 is hereby amended to read as follows:

(1) **Section 101.4.2. Mechanical.** The 2018 *2021* Edition of the International Property Mechanical Code as published by the International Code Council, Inc., with the local amendments referenced in this chapter, Section 38-9 of the Denton Town Code, is adopted as the Town of Denton Mechanical Code, and as adopted by the State of Maryland Building Performance Standards (COMAR ~~02.05.07~~ *09.12.51*) shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(2) **Section 101.4.3 Plumbing.** The provisions of the National Standard Plumbing Code as adopted by the State of Maryland Building

Performance Standards (COMAR ~~02.05.07~~ **09.12.51**) shall apply to the installation of plumbing systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

- (3) **Section 101.4.4 Property Maintenance.** The ~~2018~~ **2021** Edition of the International Property Maintenance Code as published by the International Code Council, Inc., with local amendments, is adopted as the Town of Denton Property Maintenance Code for commercial, noncommercial and residential occupancies of existing premises and structures.
- (4) **Section 101.4.5 Fire Prevention.** Local amendment to the Town of Denton Fire Prevention Code, Chapter 58 of the Denton Town Code, and the provisions of the Maryland Fire Prevention Code (COMAR ~~02.05.07~~ **09.12.51**), including NFPA101 Life Safety Code, as adopted by the State of Maryland is adopted as the Denton Fire Prevention Code.
- (5) **Section 101.4.6 Energy.** The ~~2018~~ **2021** Edition of the International Energy Conservation Code as published by the International Code Council, Inc., with local amendments, is adopted as the Town of Denton Energy Code for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the building envelope, mechanical, lighting and power systems for commercial, noncommercial and residential premises in the Town of Denton.
- (6) **Section 101.4.7 Existing Buildings.** The ~~2018~~ **2021** Edition of the International Existing Building Code as published by the International Code Council, Inc., with local amendments, is adopted as the Town of Denton Rehabilitation Code for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of existing commercial, noncommercial and residential premises in the Town of Denton.
- (7) **Section 101.4.8 Accessibility.** The Maryland Accessibility Code as adopted by the State of Maryland (COMAR 09.12.51) is adopted as the Town of Denton Accessibility Code.

**E. Delete Chapters 27, 29 and 30.**

- F. Key boxes.** Where access to a structure is restricted due to secure openings or where immediate access is necessary for lifesaving or fire-fighting purposes, the code official is authorized to require a Knox-Box to be installed in an appropriate location. The Knox-Box will be of an approved type and shall

contain keys to gain necessary access as required by the code official. In the event that a lock is changed or rekeyed, the owner/operator shall immediately notify the fire code official and supply the replacement key.

**G. Fire Apparatus Access Roads.** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building constructed or moved within the Town limits and shall comply with requirements set forth in this section to ensure access by emergency services as required by the code official.

- (1) All access roads shall extend to within 150 feet of all portions of the facility and exterior walls of the first story of the building as measured by an approved route.
- (2) Access roads shall have an unobstructed width of not less than 20 feet and an unobscured vertical clearance of 13 feet 6 inches.
- (3) Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities.
- (4) Dead end access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.
- (5) The grade of the access road shall be set within the limits as determined by the fire code official.
- (6) If access roads cannot be installed because of topography, waterways, nonnegotiable grades or other similar conditions, an approved alternate means of fire protection must be provided.

## **SECTION 903**

### **AUTOMATIC SPRINKLER SYSTEMS**

**Section 903 of the International Building Code is hereby amended as follows:**

**903.2.4 Group F-1 and F-2.** An automatic sprinkler system shall be provided throughout all buildings containing a group F-1 and F-2 occupancy.

**903.2.7 Group M.** An automatic sprinkler system shall be provided throughout ~~all~~ buildings containing a group M occupancy.

*Existing building renovations or additions would be exempt from installing sprinklers if the following apply:*

- *The fire area does not exceed 5000 square feet.*
- *The fire area has an occupant load of 100 or less*
- *Maximum exit travel distance is 75' or less*

- *Minimum of 2 entrance/exits*

**903.2.9 Group S-1.** An automatic sprinkler system shall be provided throughout all buildings containing a group S-1 occupancy.

**903.6 Group B.** An automatic sprinkler system shall be provided throughout all buildings containing a group B occupancy.

*New, existing building renovations or additions would be exempt from installing sprinklers if the following apply:*

- *The fire area does not exceed 5000 square feet.*
- *The fire area has an occupant load of 100 or less*
- *Maximum exit travel distance is 75' or less*
- *Minimum of 2 entrance/exits*

§ 38-6 (Reserved)

### ARTICLE III

#### Residential Building Code One and Two-Family Dwellings

**§ 38-7 Adoption of standards by reference.** The ~~2018~~ **2021** Edition of the International Residential Code of One and Two-Family Dwellings, as published by the International Code Council, Inc., are hereby adopted as the Town of Denton Residential Code for One- and Two-Family Dwellings ( sometimes hereinafter referred to as the “Residential Building Code”), which shall regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one and two-family dwellings and townhouses not more than three stories in height in the Town of Denton, and which shall provide for the issuance of permits and collection of fees. The Town hereby adopts Appendices C, G, H, K, and O XXXX to the ~~2018~~ **2021** International Residential Code, but does not adopt any other appendices. All of the regulation, provisions, terms and conditions of the 2021 International Code (with the exception of the appendices excluded) are hereby adopted and made a part hereof as if fully set out in this Ordinance, with the amendments, insertions and deletions set forth below.

**§ 38-7.1 Local Amendments.** The following sections of the International Residential Code, 2018 Edition as adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 09.12.51) are hereby amended as follows:

- (A) **Section R101.1 Title.** These regulations shall be known as the “Town of Denton Residential Code for One and Two-Family Dwellings”.
- (B) **Residential Fire Sprinkler Systems.** Interior fire sprinkler systems shall be based on the provisions of § 38-8 Interior automatic sprinklers in new one- and two-family residential construction.

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

Table R301.2(1) is amended as follows:

| <b>CLIMATIC and GEOGRAPHIC DESIGN CRITERIA Table R301.2(2)</b> |   |
|--|---|
| <b>Ground Snow Load (GSL)</b>                                  | 30 pounds per square foot (psf)   |
| <b>Wind Design<br/>(Basic wind speed/ 3- Sec Gusts)</b>        | 100 mph basic wind speed / 120 mph 3-second gusts   |
| <b>Wind Design<br/>(Topographic Effect)</b>                    | NO  |
| <b>Weathering<br/>(Subject to Damage from)</b>                 | Severe  |
| <b>Frostline Depth</b>   | 24-inches measured from finish grade line to bottom of footing or footer  |
| <b>Termite<br/>(Subject to Damage from)</b>                    | Moderate to Heavy   |
| <b>Winter Design Temperature</b>                               | <del>70</del> 20 degrees F  |
| <b>Ice Barrier Underlayment Required</b>                       | Yes   |
| <b>Flood Hazards</b>   | FIRM for the Town of Denton dated <del>May 4, 1992</del> <b>January 16, 2015</b> , as amended or revised by FIRM and FEMA |
| <b>Air Freezing Index</b>                                      | Less than 1,500   |
| <b>Mean Annual Temperature</b>                                 | 55 degrees F  |

**§ 38-7.2 Chapters omitted.** The following chapters are hereby omitted from this Ordinance and replaced with the codes referenced in § 38-2 for the applicable section.

Chapter 25 Plumbing Administration

Chapter 26 General Plumbing Requirements

Chapter 27 Plumbing Fixtures

Chapter 34 General Requirements

Chapter 35 Electrical Definitions

Chapter 36 Services

Chapter 37 Branch Circuit and Feeder Requirements

## Chapter 38 Wiring Methods

### § 38-8 Interior automatic fire sprinkler systems in new one- and two-family residential construction.

A. In addition to the provisions of the International Residential Building Code, all new one- and two-family dwellings shall be equipped with an interior automatic sprinkler system.

B. The requirement for interior automatic fire sprinkler systems shall apply to all new one- and two-family dwellings (including modular homes) for any existing lot for which a building permit has not been issued and to any new subdivision which has not received final plat approval as of the effective date hereof.

C. The requirements herein shall not apply to the following:

(1) To the rebuilding, refurbishment, renovation, or alteration of a residence in existence as of the effective date of this section unless such existing structure is razed and replaced by a new principal structure or is renovated to such extent that the renovations exceed 50% of the assessed value *of the dwelling* at the time of permit application.

(2) To accessory or uninhabitable structures (e.g., detached carports, detached garages with no habitable space, greenhouses, and sheds).

~~(3) If the applicant for the building permit establishes that the Town approved the public water improvement plans for the property on or before April 3, 2007. This Subsection C (3) shall be effective from April 3, 2007, until April 8, 2008, and shall be of no further effect after April 8, 2008.~~

(3) To cottages or recreational structures that do not exceed 780 square feet, which are limited to seasonal uses and not intended for permanent occupancy.

D. Automatic fire sprinkler systems required under this section may be connected to the municipal water supply serving the residence, provided the water supply is of adequate pressure, capacity, and sizing for the combined domestic and sprinkler system requirements, and property back flow valves are installed.

E. Interior automatic fire sprinkler systems shall be installed and maintained in all new one- and two-family dwellings in accordance with the most recent version of Standard 13D, "Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes," as promulgated by the National Fire Protection Association (NFPA), and as modified and adopted by the Maryland State Fire Prevention Code, Maryland Code Annotated, Public Safety Article, Title 9, as amended from time to time.

## ARTICLE IV

### MECHANICAL CODE

**§ 38-9 Adoption of standards by reference.** The ~~2018~~ **2021** Edition of the International Mechanical Code and Appendix A, titled “Chimney Connector Pass-Throughs”, as published by the International Codes Council, Inc., with local amendments referenced in this chapter, Section 38-9 of the Denton Town Code, is adopted as the Town of Denton Mechanical Code, and as adopted by the State of Maryland Building Performance Standards (COMAR ~~05.02.07~~ **09.12.51**) shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

**§ 38-10 Amendments.** The following sections of the Mechanical Code are hereby amended as follows:

#### CHAPTER 1

##### SCOPE AND ADMINISTRATION

**101.1 Title.** These regulations shall be known as the "Town of Denton Mechanical Code."

**108.4 Violation Penalties.** It shall be considered a municipal infraction for any owner or property to violate the Mechanical Code. Any person who shall fail to comply with any of the requirements of the Mechanical Code or shall erect, install, alter or repair the mechanical work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of this code shall be found to have committed a municipal infraction, subject to a fine in accordance with the Department of Planning and Codes Penalty Schedule. Each day that a violation continues after due notice has been served shall be deemed a separate offense in addition to said fine, the Town may request during the adjudication of the infraction that the defendant abate the violation or, in the alternative, to permit the Town to abate the violation at the defendant's expense. Enforcement of this section shall be in accordance with Article 23A, § 3(b), of the Maryland Annotated Code, as amended from time to time.

**108.5 Stop-work orders.** Upon notice from the Code Official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 liable for a fine of not less than \$500.

**SECTION 109  
MEANS OF APPEAL**

The provisions of Section 109 of the Mechanical Code relating to appeals are deleted in their entirety, and the following provisions shall control:

**109.1 Application for appeal.** 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 Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

**109.2 Board of Appeals.** For the purposes of this code, the Board of Appeals shall be the Board of Appeals established in Chapter **128**, Zoning, of the Town of Denton Code. 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 Chapter **128**, Zoning.

**109.6.2 Administration.** The Building Official, or his designee, shall take immediate action in accordance with the decision of the Board.

§ 38-11 (Reserved)

§ 38-12 (Reserved)

**ARTICLE V**

**STRUCTURES OF HISTORICAL SIGNIFICANCE**

**§ 38-13 Definitions.**

For the purposes of this article, the following terms will have the following meanings:

**ALTERATION**

Any change to or modification, through public or private action, of any structure of historic significance, including, but not limited to, exterior changes to, or modifications of, a structure or any of its architectural details or visual characteristics, including paint color and surface texture, grading, surface paving, new structures, and the placement or removal of any objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plants, and landscape accessories affecting the historic qualities of the property.



## **DEMOLITION**

Any act or process that destroys, in whole or in part, a property.

## **EXTERIOR FEATURES**

Includes the architectural style, general design, and general arrangement of the exterior surfaces of any improvement, including, but not limited to, the color, kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures to such improvement.

## **HISTORICAL SIGNIFICANCE**

Includes any building or structure of particular historic or aesthetic significance, or which is identified with historic personages or with important events in local, state, or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style or method of construction, or a notable work of construction, or a notable work of a master designer or architect. Any building or structure over 50 years old is presumed to be of historical significance.

## **IMPROVEMENT**

Any building, restoration, renovation, repair, structure, landscape feature, structural work of art, fence, gate, wall, or other object constituting a physical betterment of real property, or any part of such betterment.

### **§ 38-14 Protection of structures having historical significance.**

The Town Building Inspector shall not issue any building permit for the alteration of the exterior features of, or any demolition permit for, any structure located within the *Denton Historic District or is listed in* ~~limits which may have historical significance until the Inspector is satisfied that the structure proposed for alteration or demolition is not eligible for the National Historic Trust Registry, or other public historical registry.~~ The Town's Building Inspector is entitled to refrain from issuing a building permit for the alteration or demolition for 60 days from the date of application to determine the structure's eligibility on such public historical registry.

## **ARTICLE VI**

### **EXISTING BUILDING CODE**

**§ 38-15 Adoption of standards by reference.** The ~~2018~~ **2021** Edition of the International Existing Building Code, as published by the International Code Council, Inc., is hereby adopted in its entirety as the “Existing Building Code of the Town of Denton”, “sometimes hereinafter referred to as the “Existing Building Code” or “IEBC”).

**ARTICLE VII**  
**ENERGY CODE**

**§ 38-16 Adoption of standards by reference.** The ~~2018~~ **2021** Edition of the International Energy Conservation Code, as published by the International Code Council, Inc., is hereby adopted in its entirety as the “Energy Conservation Code of the Town of Denton”, (sometimes hereinafter referred to as the “Energy Code” or “IECC”) for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the building envelope, mechanical, lighting and power systems in the Town of Denton.

**Section 2:** 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 the Ordinance. The Denton Town Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that one or more sections, subsection, sentences, clauses and phrases be declared unconstitutional.

**Section 3:** This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect seven (7) days from and after the date of its final passage and adoption.

ENACTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

THE DENTON TOWN COUNCIL

\_\_\_\_\_  
Abigail McNinch, Mayor

\_\_\_\_\_  
Lester L. Branson, Councilperson

\_\_\_\_\_  
Walter Keith Johnson, Councilperson

\_\_\_\_\_  
Dallas Lister, Councilperson

\_\_\_\_\_  
Doncella Wilson, Councilperson

ATTEST:

\_\_\_\_\_  
Karen L. Monteith

Approved for legal sufficiency this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Christopher F. Drummond

Date Introduced \_\_\_\_\_

Date Amendments Passed \_\_\_\_\_

Date Passed \_\_\_\_\_

Effective Date \_\_\_\_\_

Text that is stricken reflects language omitted from the Town Code

Text in **bold** and *italicized* reflects additions to the Town Code