

ORDINANCE NO. ORD-2024-

AN ORDINANCE TO AMEND THE 2018 *INTERNATIONAL EXISTING BUILDING CODE* (ORD-2019-26) AS PROMULGATED BY THE INTERNATIONAL CODE COUNCIL, WITH LOCAL AMENDMENTS FOR WASHINGTON COUNTY, MARYLAND

RECITALS

The Board of County Commissioners of Washington County, Maryland, adopted by Ordinance No. ORD-2019-26, the 2018 *International Existing Building Code*, with local amendments for Washington County, Maryland, on December 3, 2019, effective March 1, 2020.

It has been recommended that the Board of County Commissioners of Washington County, Maryland (the "Board") adopt an amendment to the 2018 *International Existing Building Code*, which provides and establishes procedural safeguards as it relates to existing buildings deemed unsafe or imminently dangerous.

A public hearing was held on June 4, 2024, following due notice and advertisement of the text of the proposed amendments to the 2018 *International Existing Building Code*, as promulgated by the International Code Council, with local amendments for Washington County (ORD-2019-26).

Public comment was received, reviewed, and considered concerning the adoption of the amendments of the 2018 *International Existing Building Code*, as promulgated by the International Code Council, with local amendments for Washington County (ORD-2019-26).

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the 2018 *International Existing Building Code* (ORD-2019-26), as promulgated by the International Code Council, with local amendments for Washington County, the contents of which are incorporated herein by reference, is amended with the following insertions, amendments and additions:

| | | | |
|-----------------|---------|-----------------|---------|
| Section 115.1.1 | added | Section 115.9 | added |
| Section 115.1.2 | added | Section 115.10 | added |
| Section 115.3 | amended | Section 115.11 | added |
| Section 115.6 | added | Section 116.2 | amended |
| Section 115.7 | added | Section 116.5.1 | added |
| Section 115.8 | added | | |

~~~~~

**CHAPTER 1 – ADMINISTRATION, is amended as follows:**

**SECTION 115, UNSAFE BUILDING AND EQUIPMENT, is amended as follows:**

**Section 115.1.1 Jurisdiction is added to read as follows:**

115.1.1 For the purpose of Section 115, municipality is defined as a municipality within Washington County and which the County has agreed, in writing, to enforce the building code on said municipality’s behalf.

**Section 115.1.2 Issuance of Complaint is added to read as follows:**

115.1.2 Whenever a complaint is filed with the code official by any county or municipality employee or the public at large, charging that any existing structure is unsafe, or whenever it appears to the code official (on his own motion) that any existing structure is unsafe, the code official or their designee shall conduct a preliminary investigation with respect to the condition of the existing structure as outlined in Section 115.1.

**Section 115.3 Notice of Complaint is amended to read as follows:**

**115.3** In the event the existing structure is found to be unsafe, the code official shall serve a written notice of complaint upon the owner and all parties in interest in the existing structure. The complaint shall disclose the basis for such charges and shall include the time and place for a hearing, which shall be held before the Building Code Board of Appeals, also known as the Board of Appeals. The hearing shall not be conducted less than ten (10) days nor more than thirty (30) days after the date of service of the complaint. The owner and parties in interest shall be given the right to file an answer to the complaint at any time not later than three (3) days prior to the hearing, and to appear in person or otherwise and give testimony at the hearing at the time and place set forth in the complaint.

Any complaint issued by the code official under this local amendment shall:

- (1) Include a description of the real property that is the subject of the complaint sufficient to identify the property;
- (2) Include a statement of conditions that are believed to make the existing structure unsafe;
- (3) Include a notice of the required corrective action, pursuant to Section 115.5, such as repairs or improvements needed to abate the unsafe condition or the demolition of the unsafe structure within a stipulated time.
- (4) Include a notice that a hearing will be held before the Board of Appeals;
- (5) Inform the owner of the right to answer the complaint at any time not later than three (3) days prior to the hearing;
- (6) Inform the owner of the right to give testimony at the hearing and the right to be represented at the hearing by any other party, including an attorney;
- (7) Include a statement stating that if the conditions with respect to the existing structure are not remediated so as to make the existing structure safe, the Board of Appeals shall render a decision, which may order remedial action including~~require~~ the repair, alteration or improvement, or the demolition or removal of the existing structure.

**Section 115.6 Conduct of Hearing is added to read as follows:**

115.6 Any hearing held pursuant to the provisions of Section 115 shall be conducted using the following procedure:

- (1) All hearings shall be conducted in an open session before the Board of Appeals at the time and place set forth in the complaint. The code official shall provide a summary of the conditions that are believed to make the existing structure unsafe. The owner, any party in interest, or a representative of the owner or any party in interest, which may be an attorney, shall be permitted to respond.
- (2) Any hearing shall be recorded and copies thereof made available to the owner or any party in interest at no charge upon request.
- (3) Hearings shall not be subject to the rules of evidence, but the Board of Appeals may mandate that only relevant information be presented.
- (4) The Board of Appeals shall make a final determination of the action required of the owner, if any, that is necessary in order to make the existing structure safe. The Board of Appeals may decide upon any such matter at the hearing or may take the matter under consideration to be decided upon at a later date. The Board of Appeals shall serve upon the owner a written order stating the final determination of the Board of Appeals as to the appropriate remedy, pursuant to Section 115.7, with respect to the existing structure, and the findings of fact in support of such determination.

**Section 115.7 Remedies Where Existing Structures are Unsafe is added to read as follows:**

115.7 (1a) If the repair, alteration or improvement of the existing structure can be made at a reasonable cost in relation to the value of the existing structure, the owner shall be required within the time specified in such order, to repair, alter or improve such existing structure to render it safe or, if the owner is unwilling or unable to make such repairs, alterations, or improvements, the owner must cause to vacate, close, and board up the existing structure.

(2b) If the repair, alteration or improvement of the existing structure cannot be made at a reasonable cost in relation to the value of the existing structure, the owner

then shall be required, within the time specified in the order, to remove or demolish such existing structure.

**Section 115.8 Issuance of Orders is added to read as follows:**

115.8 Any order issued by the Building Code Board of Appeals pursuant to Section 115 shall:

- (1) Include a final determination as to whether the existing structure is unsafe, including, where an existing structure is found to be unsafe, a recitation of the findings of fact that support such a determination;
- (2) Fix a time period during which the owner must take the remedial action necessary to correct the conditions that cause the existing structure to be unsafe, or the time period during which the owner must demolish or remove the existing structure;
- (3) Include a statement informing the owner of the right to appeal the determination of the Board of Appeals by filing a petition in the Circuit Court for Washington County, Maryland for an injunction restraining the code official from carrying out the provisions of the order; and
- (4) Notify the owner that, in the event the action required by the order is not taken within the prescribed period of time set forth therein, the County or, if the property is located within a municipality's jurisdiction as described in Section 115.1.1, the -relevant a-municipality that the county enforces the building code on behalf of, will may undertake such remedial action, and, in the event that the county or municipality does so, any costs of the county or municipality, including legal costs, that are not offset by the sale of salvage or valuable materials, shall become a lien against the real property upon which the existing structure was situated that shall be collectible in the same manner as county or municipality's taxes, including foreclosure and the sale of the property at a tax sale.

**Section 115.9 Rights of Persons Affected by Orders is added to read as follows:**

115.9 Any person affected by an order issued by the Board of Appeals under Section 115 may, within 30 days after the posting or service of the order, petition the Circuit Court for Washington County, Maryland for an injunction restraining the code official from carrying out the provisions of the order. The remedies set forth in this section shall be exclusive remedies and no person affected by an order of the Board of Appeals shall be entitled to recover any damages for such action taken pursuant to any order or because of compliance by the code official, or any other employee or contractor of the county or local jurisdiction, with any order of the Board of Appeals.

**Section 115.10 Authority of County or Local Jurisdiction is added to read as follows:**

115.10 (1) If the owner fails to timely comply with an order of the Board of Appeals to ~~complete remedial action, up to and including~~ removal or demolition~~s~~ of the existing structure, the code official, ~~or an official will~~ may cause the existing structure to be ~~deemed safe by ordering necessary remedial action, up to and including~~ removal~~ed~~ or demolition ~~of the existing structure subject to the order~~s~~hed~~.

(2) ~~If the existing structure subject to the order is located within the jurisdiction of a municipality, as defined in Section 115.1.1, an official of the municipality, in conjunction with the County code official, will cause the necessary remedial action to be completed, up to and including removal or demolition.~~

(3) In the event that the county or local jurisdiction employs a third-party contractor to ~~demolish or remove~~ perform the remedial action, up to and including removal or demolition, on the existing structure~~d~~dwelling, the ~~C~~county or ~~local jurisdiction~~municipality shall competitively bid the work in conformity with the ~~C~~county or local jurisdiction's procurement and purchasing policy.

(4) ~~In the event that the County or municipality exercises its authority under this Section, any costs of the County or municipality, including legal costs, that are not offset by the sale of salvage or valuable materials, shall become a lien against the real property upon which the existing structure was situated that shall be collectible in the~~

same manner as County or municipality's taxes, including foreclosure and the sale of the property at a tax sale.

**Section 115.11 Unlawful to Remove or Deface Notice; Trespassing is added to read as follows:**

115.11 It shall be unlawful for any person to remove or deface any complaint, order, or notice placed upon any existing structure pursuant to the provisions of this local amendment and subject to penalties under Section 113.4 of this code.

**SECTION 116, EMERGENCY MEASURES, is amended as follows:**

**Section 116.2 Temporary Safeguards is amended to read as follows:**

116.2 Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action, up to and including demolition or removal of the structure, to be taken as the code official deems necessary to meet such emergency. If the building subject to Section 116 is located within a municipality, as defined in Section 115.1.1, then the official for said municipality, in conjunction with the county's code official, shall order the necessary work as provided in this Section.

**Section 116.5.1 Jurisdiction of Emergency Repairs is added to read as follows:**

116.5.1 If the location of the emergency work performed is a municipality ~~within the jurisdiction of Washington County and which the county is obligated to enforce this code on that municipality's behalf~~ as defined in Section 115.1.1, the County said municipality shall be the jurisdiction that incurs such cost, ~~as well as, and~~ the burden and right to recover said costs, pursuant to Section 116.5, except as otherwise agreed to by the municipality and the County.

Adopted and effective this 4<sup>th</sup> day of June, 2024.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY,

MARYLAND

---

Dawn L. Marcus, Clerk

---

John F. Barr, President

Approved as to form and  
legal sufficiency:

---

Rosalinda Pascual  
Assistant County Attorney

Mail to:  
Office of the County Attorney  
100 W. Washington Street, Ste 1101  
Hagerstown, MD 21740