

COUNCIL OF THE TOWN OF LA PLATA
Ordinance No. 06-17

Introduced By: Mayor Gene Ambrogio

Date Introduced: July 18, 2006

Amendments Adopted:

Date Adopted: August 8, 2006

Date Effective: August 24, 2006

1 **An Ordinance** concerning

2
3 **INTERNATIONAL EXISTING BUILDING CODE 2003**

4
5 **FOR** the purpose of adopting the International Existing Building Code 2003, with certain
6 modifications, as the code for the repair, alteration, change of occupancy, addition, and
7 relocation of existing buildings in the Town of La Plata; providing for the administration and
8 enforcement of that code; specifying penalties for violations; providing that the provisions of this
9 Ordinance are severable; and all matters generally related thereto.

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12
13 **BY** adding
14 Chapter 75 – Building Construction
15 Article VIII, Existing Building Code
16 Sections 75-15 and 75-16
17 Code of the Town of La Plata
18 (1998 Edition and Supplements)

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20 **SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA,**
21 That new Sections 75-15 and 75-16 be and they are hereby added to the Code of the Town of La
22 Plata (1998 Edition and Supplements) to be under the new Article VIII, “Existing Building Code”, to
23 read as follows:

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25 **CHAPTER 75 – BUILDING CONSTRUCTION**
26 **ARTICLE VIII. EXISTING BUILDING CODE**

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28 **75-15. ADOPTION OF STANDARDS; COPIES ON FILE.**

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30 **SUBJECT TO THE PROVISIONS OF §75-14, THERE IS HEREBY ADOPTED BY THE**

31 TOWN OF LA PLATA FOR THE PURPOSE OF REGULATING AND CONTROLLING THE
32 REPAIR, ALTERATION, CHANGE OF OCCUPANCY, ADDITION, AND RELOCATION OF
33 EXISTING BUILDINGS IN THE TOWN OF LA PLATA THE INTERNATIONAL EXISTING
34 BUILDING CODE 2003, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL. NOT
35 LESS THAN ONE (1) COPY OF THE INTERNATIONAL EXISTING BUILDING CODE 2003
36 SHALL BE KEPT ON FILE IN THE OFFICE OF THE TOWN CLERK.

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38 **75-16 MODIFICATIONS.**

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40 THE INTERNATIONAL EXISTING BUILDING CODE 2003, AS ADOPTED BY §75-15, IS
41 MODIFIED AS SET FORTH BELOW:

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43 A. IN THE SECOND LINE OF SECTION 101.1 ON PAGE 1, IN THE SPACE
44 LABELED “[NAME OF JURISDICTION]” INSERT “TOWN OF LA PLATA”.

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46 B. SECTION 102.4 ON PAGE 1 IS REVISED TO READ AS FOLLOWS:

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48 **102.4 REFERENCED CODES AND STANDARDS:** THE CODES AND STANDARDS
49 REFERENCED IN THIS CODE AND THOSE LISTED IN CHAPTER 14 SHALL BE
50 CONSIDERED PART OF THE REQUIREMENTS OF THIS CODE TO THE PRESCRIBED
51 EXTENT OF EACH SUCH REFERENCE, EXCEPT TO THE EXTENT THAT ANY OF
52 SUCH STANDARDS HAVE BEEN EXPRESSLY MODIFIED IN THE CODE OF THE
53 TOWN OF LA PLATA. WHERE DIFFERENCES OCCUR BETWEEN THE PROVISIONS
54 OF THIS CODE AND THE REFERENCED CODES AND STANDARDS, THE
55 PROVISIONS OF THIS CODE SHALL APPLY.

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57 C. NEW SECTION 102.6 IS ADDED ON PAGE 2 TO READ AS FOLLOWS:

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59 **102.6 CONFLICTING PROVISIONS.** EXCEPT AS OTHERWISE PROVIDED IN
60 SECTION 102.4, IN ANY SITUATION WHERE A PROVISION OF THIS CODE
61 CONFLICTS WITH THE PROVISION OF ANY OTHER LAW, ORDINANCE, CODE OR
62 REGULATION, THE PROVISION WHICH ESTABLISHES THE HIGHER STANDARD
63 FOR THE PROMOTION AND PROTECTION OF THE PUBLIC HEALTH, SAFETY AND
64 WELFARE SHALL PREVAIL, REGARDLESS WHICH MAY HAVE BEEN ENACTED
65 FIRST.

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67 D. SECTION 104.8 ON PAGE 2 IS DELETED IN ITS ENTIRETY.

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69 E. IN THE THIRD LINE OF SECTION 105.3 ON PAGE 4, DELETE “DEPARTMENT
70 OF BUILDING SAFETY” AND SUBSTITUTE “TOWN”.

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72 F. IN THE NINTH LINE OF SECTIONS 105.3.1 ON PAGE 4, DELETE “ISSUE” AND

73 SUBSTITUTE “AUTHORIZE THE ISSUANCE OF”.

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75 G. IN THE SECOND LINE OF SECTION 106.3.1 ON PAGE 5, DELETE “CODE
76 OFFICIAL” AND SUBSTITUTE “TOWN”.

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78 H. IN THE FIRST LINE OF SECTION 106.3.3 ON PAGE 5, DELETE “CODE
79 OFFICIAL” AND SUBSTITUTE “TOWN”.

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81 I. IN THE FIRST LINE OF THE SECTION 107.1 ON PAGE 6, DELETE “CODE
82 OFFICIAL” AND SUBSTITUTE “TOWN”.

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84 J. IN THE FIFTH LINE OF SECTION 108.4 ON PAGE 6, DELETE “CODE OFFICIAL”
85 AND SUBSTITUTE “TOWN”.

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87 K. SECTION 108.6 ON PAGE 6 IS REVISED TO READ AS FOLLOWS:

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89 **108.6 REFUND:** THE CODE OFFICIAL SHALL AUTHORIZE THE REFUNDING OF THE
90 FULL AMOUNT OF ANY FEE THAT WAS ERRONEOUSLY PAID OR COLLECTED.
91 THE CODE OFFICIAL SHALL NOT AUTHORIZE THE REFUNDING OF ANY FEE PAID,
92 EXCEPT UPON WRITTEN APPLICATION FILED BY THE ORIGINAL PERMITTEE NOT
93 LATER THAN 180 DAYS AFTER THE DATE OF THE FEE PAYMENT.

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95 L. IN THE FIRST LINE OF SECTION 109.2 ON PAGE 7 DELETE “ISSUING” AND
96 SUBSTITUTE “AUTHORIZE THE ISSUANCE OF”.

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98 M. IN THE THIRD AND FOURTH LINES OF SECTION 110.2 DELETE
99 “DEPARTMENT OF BUILDING SAFETY” AND SUBSTITUTE “TOWN”; AND IN THE
100 FOURTH LINE OF THAT SECTION, DELETE “ISSUE” AND SUBSTITUTE “AUTHORIZE
101 THE ISSUANCE OF”.

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103 N. SECTION 112.1 ON PAGE 8 IS REVISED TO READ AS FOLLOWS:

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105 **109.1 APPEAL:** ANY PERSON AGGRIEVED BY AN ORDER, DECISION OR
106 DETERMINATION MADE BY THE CODE OFFICIAL RELATING TO THE
107 APPLICATION AND INTERPRETATION OF THIS CODE MAY TAKE AN APPEAL TO
108 THE BOARD OF APPEALS BY FILING A NOTICE OF APPEAL WITH THE BOARD
109 WITHIN TEN DAYS FROM THE ORDER, DECISION OR DETERMINATION FROM
110 WHICH THE APPEAL IS TAKEN.

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112 O. SECTIONS 111.2 THROUGH 112.3, INCLUSIVE, ON PAGE 8 ARE DELETED
113 IN THEIR ENTIRETIES, AND NEW SECTION 111.2 IS SUBSTITUTED, TO READ AS
114 FOLLOWS:

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109.2 BOARD OF APPEALS: THE BOARD OF APPEALS REFERRED TO IN SECTION 101.1 IS THE SAME BOARD OF APPEALS PROVIDED FOR IN CHAPTER 9 OF THE CODE OF THE TOWN OF LA PLATA. ALL APPEALS FILED PURSUANT TO SECTION 109.1 SHALL BE GOVERNED BY THE PROVISIONS OF SUCH CHAPTER 9 AND BY ANY RULES OF PROCEDURE ADOPTED BY THE BOARD OF APPEALS PURSUANT TO CHAPTER 9.

P. SECTION 113.3 ON PAGE 8 IS DELETED IN ITS ENTIRETY AND NEW SECTION 113.3 IS SUBSTITUTED IN LIEU THEREOF, TO READ AS FOLLOWS:

108.3 PROSECUTION OF VIOLATION: IN ADDITION TO THE PENALTIES PROVIDED FOR IN SECTION 113.4, IN CASE OF FAILURE TO COMPLY WITH A NOTICE OF VIOLATION WITHIN THE TIME SPECIFIED IN THE NOTICE, OR IN CASE OF ANY OTHER UNLAWFUL ACTS UNDER THIS CODE, THE CODE OFFICIAL, WITH THE APPROVAL OF THE CHIEF EXECUTIVE OFFICER OF THE TOWN, MAY INSTITUTE IN THE NAME OF THE TOWN AN APPROPRIATE CIVIL ACTION OR PROCEEDING AGAINST THE PERSON RESPONSIBLE FOR THE VIOLATION FOR THE PURPOSE OF ORDERING THAT PERSON:

- 1. TO RESTRAIN, CORRECT OR REMOVE THE VIOLATION OR REFRAIN FROM FURTHER EXECUTION OF WORK;
- 2. TO RESTRAIN OR CORRECT THE ERECTION, INSTALLATION, MAINTENANCE, REPAIR OR ALTERATION OF SUCH STRUCTURE;
- 3. TO REQUIRE THE REMOVAL OF WORK IN VIOLATION; OR
- 4. TO PREVENT, OR TO REQUIRE THE TERMINATION OR REMOVAL OF, THE OCCUPANCY OF THE STRUCTURE THAT IS NOT IN COMPLIANCE WITH THE PROVISIONS OF THIS CODE OR ANY ORDER OR DIRECTION MADE PURSUANT THERETO.

Q. SECTION 113.4 ON PAGE 8 IS DELETED AND NEW SECTION 113.4 IS SUBSTITUTED IN LIEU THEREOF, TO READ AS FOLLOWS:

113.4 VIOLATIONS AND PENALTIES.

- 1. KNOWING AND INTENTIONAL VIOLATIONS OF THIS CODE OR OF ANY ORDER OR DIRECTIVE OF THE CODE OFFICIAL, OR OF A PERMIT OR CERTIFICATE ISSUED UNDER THIS CODE, ARE DECLARED TO BE MISDEMEANORS. ANY PERSON WHO KNOWINGLY AND WILLFULLY COMMITS

157 ANY OF THESE ACTS SHALL, UPON CONVICTION, BE SUBJECT TO A PENALTY
158 AS SET FORTH IN CHAPTER 1, ARTICLE III, AND PARTICULARLY §1-21, OF THE
159 CODE OF THE TOWN OF LA PLATA 1998. EACH DAY THAT ONE OF THESE ACTS
160 CONTINUES IS A SEPARATE OFFENSE.

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162 2. EXCEPT AS PROVIDED IN PARAGRAPH 1 ABOVE, VIOLATIONS OF THIS
163 CODE, OR OF AN ORDER OR DIRECTIVE OF THE CODE OFFICIAL, OR OF A
164 PERMIT OR CERTIFICATE ISSUED UNDER THIS CODE, ARE DECLARED TO BE
165 MUNICIPAL INFRACTIONS, AND SHALL BE SUBJECT TO THE PENALTIES AND
166 PROCEDURES AS PROVIDED IN CHAPTER 1, ARTICLE III, AND PARTICULARLY
167 §1-22, OF THE CODE OF THE TOWN OF LA PLATA 1998. EACH DAY THAT ONE
168 OF THESE ACTS CONTINUES IS A SEPARATE OFFENSE.

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170 R. SECTION 114.3 ON PAGE 9 IS REVISED TO READ AS FOLLOWS:

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172 ANY PERSON WHO SHALL CONTINUE ANY WORK AFTER HAVING BEEN
173 SERVED WITH A STOP WORK ORDER, EXCEPT SUCH WORK AS THAT PERSON
174 IS DIRECTED TO PERFORM TO REMOVE A VIOLATION OR UNSAFE CONDITION,
175 SHALL BE SUBJECT TO THE PENALTIES PRESCRIBED BY SECTION 113.4.1.

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177 **SECTION 2. AND BE IT FURTHER ENACTED,** That if any provision of this Ordinance, or the
178 application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not
179 affect the other provisions or any other application of this Ordinance which can be given effect without the
180 invalid provisions or application, and to this end, all the provisions of this Ordinance are hereby declared to
181 be severable.

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183 **SECTION 3. AND BE IT FURTHER ENACTED,** That this Ordinance shall become effective at
184 the expiration of fifteen (15) calendar days after its approval by the Council.

SEAL: **COUNCIL OF THE TOWN OF LA PLATA**

Gene Ambrogio, Mayor

R. Wayne Winkler, Councilman

C. Keith Back, Councilman

ATTEST:

Paretta D. Mudd, Councilwoman

Judith T. Frazier, Town Clerk

Vic E. Newman, Councilman

Date: _____

<p style="text-align: center;">EXPLANATION:</p> <p>CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. ((Double Parenthesis)) indicate matter deleted from existing law. <u>Underlining</u> indicates amendments to bill. Strike-Out indicates matter stricken from bill by amendment or deleted from the law by amendment.</p>
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