

**A RESOLUTION/ORDINANCE TO REVOKE, AMEND, MODIFY AND RE-ENACT
CHAPTER FOUR OF THE *CODE OF ORDINANCES OF THE TOWN OF
KEEDYSVILLE* PERTAINING TO MINIMUM STANDARDS GOVERNING
CONSTRUCTION AND MAINTENANCE OF BUILDINGS/STRUCTURES**

RECITAL

The Town of Keedysville currently has in place various Building Codes as specified in Chapter Four of the *Code of Ordinances of the Town of Keedysville*. The Mayor and Council have by Ordinance (Chapter 4A) and Agreement (MOU) delegated the building permit review, issuance, inspections and Building Code enforcement to Washington County through its Division of Construction. In order to create consistency in connection with same, the Mayor and Council have determined that it is necessary to amend Chapter Four to adopt the Codes which are currently utilized by Washington County (and as may subsequently be amended) and which will be administered by the County within the Corporate limits of the Town of Keedysville pursuant to Chapter 4A.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED as follows:

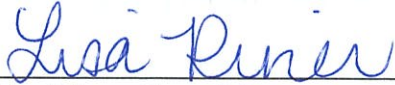
1. The **RECITAL** is made a part hereof and incorporated herein by reference. 2.
2. CHAPTER FOUR of the *Code of Ordinances of the Town of Keedysville* be and is hereby **REVOKED** in its entirety.
3. CHAPTER FOUR of the *Code of Ordinances of the Town of Keedysville* be and is hereby **modified, amended, re-enacted and adopted** as set forth in Exhibit 'A' entitled **CHAPTEER FOUR – MINIMUM STANDARDS GOVERNING CONSTRUCTION AND MAINTENANCE OF BUILDINGS/STRUCTURES** which is attached hereto and incorporated herein by reference.
4. This Ordinance is being introduced and passed as an Emergency Ordinance and shall become effective on its day of passage.

Liber 13 Folio 0513

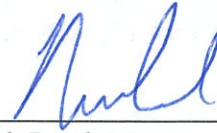
Acts, Ordinances, Resolutions- Town
Clerk of the Circuit Clerk
Washington County

ATTEST:

MAYOR AND COUNCIL OF
KEEDYSVILLE



Lisa Riner, Town Manager



Kenneth Lord, Mayor

Date of Introduction: October 6, 2021

Date of Passage: October 6, 2021

Effective Date: October 6, 2021

Please send originals to:

Lisa Riner, Town Administrator
Town of Keedysville
19 S. Main Street
P.O. Box 359
Keedysville, MD 21756

CHAPTER FOUR (4)

**AN ORDINANCE PERTAINING TO MINIMUM STANDARDS GOVERNING
CONSTRUCTION AND MAINTENANCE OF BUILDINGS/STRUCTURES**

SECTION 1: PURPOSE

The Mayor and Council have determined it to be in the best interest of the residents and citizenry of the community and in the interest of protecting public health and safety to continue and further establish minimum standards governing construction, alteration, addition, repair, removal, occupancy, livability, maintenance and all other matters pertaining to buildings and structures.

SECTION 2: AUTHORITY

The *Charter of the Town of Keedysville* and the *Local Government Article* of the *Annotated Code of Maryland* authorizes the Town of Keedysville as a municipal corporation to establish certain minimum codes as set forth herein and to authorize, request and designate Washington County to enforce and administer such codes if it so desires.

SECTION 3: CODES

The following Codes, the text of which are incorporated herein by reference, as they currently exist and/or as they may subsequently be amended, modified and/or replaced (by the Mayor and Council and/or the Board of County Commissioners of Washington County) are hereby adopted, enacted and considered to be in force within the corporate limits of the Town of Keedysville:

1. 2018 *Maryland Building Performance Standards* as adopted by the State of Maryland (COMAR 05.02.07) with modifications and subject to Local Amendments for Washington County, Maryland pursuant to County Ordinance No. *ORD-2019-25* which includes the *International Building Code, 2018 (IBC)*, the *International Residential Code, 2018 Edition (IRC)* and the *International Energy Conservation Code, 2018 Edition (IECC)*.
2. 2018 *International Existing Building Code*, as promulgated by the International Code Council and adopted by Washington County with Local Amendments pursuant to County Ordinance No. *ORD-2019-26*.
3. 2018 *International Plumbing Code, 2018 Edition*, promulgated by the International Code Council and adopted by Washington County with Local Amendments pursuant to County Ordinance No. *ORD-2019-27*.

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4. 2018 *International Mechanical Code, 2018 Edition*, promulgated by the International Code Council and adopted by Washington County with Local Amendments pursuant to County Ordinance No. *ORD-2019-28*.
5. 2018 *International Fuel Gas Code, 2018 Edition*, promulgated by the International Code Council and adopted by Washington County with Local Amendments pursuant to County Ordinance No. *ORD-2019-29*.
6. 2017 *National Electrical Code, 2017 Edition*, promulgated by the International Code Council and adopted by Washington County with Local Amendments pursuant to County Ordinance No. *ORD-2019-30*.
7. 2006 *ICC Electrical Code – Administrative Provisions, First Printing*, adopted by Washington County with Local Amendments pursuant to County Ordinance No. *ORD-07-08* and subsequently amended by County Ordinance No. *ORD-2019-31*.

SECTION 4: APPLICABILITY

All portions of any of the above Ordinances and/or Codes shall be construed and be applicable within the geographic confines of the Town of Keedysville, Maryland. Where appropriate and in the sense of understanding where proper words/terms the Mayor and Council of Keedysville, the Town of Keedysville and/or Town is hereby inserted and made applicable when and where necessary.

SECTION 5: ENFORCEMENT

This Ordinance may be enforced by the Board of County Commissioners of Washington County (Washington County) in accordance with Chapter 4A of this *Code of Ordinances* and/or by the Town of Keedysville.

Any person or agency designated throughout this Ordinance or the related Codes as the building official(s), inspector, building inspector, code official, and/or code enforcement official or other equivalent position shall be any person or persons designated, from time to time, by the Board of County Commissioners or Washington County, Maryland and/or the Mayor and Council of the Town of Keedysville.

SECTION 6: CONFLICT

If this Ordinance as adopted conflicts in any way with any federal, state, county or municipal act, ordinance or regulation applicable to any matters contained herein, then and in said event the regulation, ordinance, statute or act which contains the more stringent regulations shall take precedence and control.

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SECTION 7: SEVERABILITY

If any portion of this Ordinance shall be deemed invalid by a court of competent jurisdiction, all remaining portions of this Ordinance shall remain in full force and effect.

Date of Introduction: October 6, 2021

Date of Passage: October 6, 2021

Effective Date: October 6, 2021

Legislative History – Repeals and replaces Chapter Four as adopted and contained in the *Town of Keedysville Code of Ordinances* which was enacted and became effective on July 7, 2003.

EXHIBIT 'A'

CHAPTER 4(A)

**RESOLUTION AND ORDINANCE TO AUTHORIZE AND ENTER INTO A
MEMORANDUM OF UNDERSTANDING FOR BUILDING CODE
ENFORCEMENT, PERMITTING, AND INSPECTION SERVICES BETWEEN THE
TOWN OF KEEDYSVILLE AND THE BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY, MARYLAND**

RECITALS

A. The County has jurisdiction over building code enforcement, building permits, and inspections in various parts of Washington County, Maryland, including some municipalities by mutual agreement.

B. The Town of Keedysville has jurisdiction over building code enforcement, building permits, and inspections within its municipal boundaries, but desires that the County provide such services for and on its behalf.

C. The Parties desire to enter into Memorandum of Understanding (MOU) and agree upon procedures that will describe how the County will coordinate and provide building code enforcement, building permits, and inspection services that pertain to property inside the Town's municipal boundaries.

D. The proposed *Memorandum of Understanding for Building Code Enforcement, Permitting, and Inspection Services ("MOU")* by and between the Town of Keedysville, a Maryland municipal corporation ("Town"), and the Board of County Commissioners of Washington County, Maryland, a body corporate and politic and a political subdivision of the State of Maryland ("County"), for Building Code Enforcement for the receiving and processing of all types of residential and commercial building permits, and performing inspection services for building code compliance by the County for and on behalf of the Town is attached hereto as Exhibit 'A' and incorporated herein by reference.

E. The Mayor and Council deem it to be in the best interests of the citizenry of the Town of Keedysville to enter into the aforementioned MOU.

F. Pursuant to the powers vested in all municipalities and specifically the Town of Keedysville by the *Maryland Constitution*, the *Annotated Code of Maryland* and the *Charter of the Town of Keedysville*, the Mayor and Council have the authority by Ordinance to enter into the aforementioned MOU and to delegate and contract the duties and

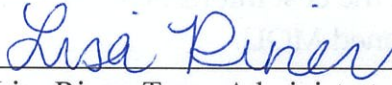
responsibilities described therein to the County for the protection of the health, safety and welfare of the citizens of the Town.

RESOLUTION AND ORDINANCE

NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED
as follows:

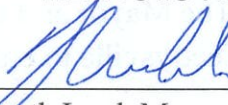
1. The **RECITALS** are incorporated herein by reference as if fully set forth.
2. The proposed *Memorandum of Understanding for Building Code Enforcement, Permitting, and Inspection Services ("MOU")* attached hereto as Exhibit 'A' is approved, authorized and ratified.
3. The Town of Keedysville in accordance with the terms and conditions set forth in Exhibit 'A' hereby authorizes Washington County through its Division of Construction and its duly authorized personnel to provide building code enforcement, building permits, and inspection services that pertain to property inside the Town's municipal boundaries and to administer the Town's Building Codes adopted and set forth in Chapter 4 of the *Code of Ordinances of the Town of Keedysville*, or as subsequently amended, in cooperation with the Town's personnel.
4. The Mayor, the Town Manager and the Town Attorney are hereby authorized to sign the proposed *Memorandum of Understanding for Building Code Enforcement, Permitting, and Inspection Services ("MOU")* (Exhibit 'A') on behalf of the Town of Keedysville as specified therein.
5. This Ordinance is being introduced and passed as an Emergency Ordinance and shall become effective immediately upon passage.

ATTEST:



Lisa Riner, Town Administrator

**MAYOR AND COUNCIL OF
KEEDYSVILLE**



Kenneth Lord, Mayor

Liber 13 Folio 0520

Acts, Ordinances, Resolutions- Town
Clerk of the Circuit Clerk
Washington County

Date of Introduction: October 6, 2021

Date of Passage: October 6, 2021

Effective Date: October 6, 2021

Please return originals to:

OCT 26 2021

Lisa Riner, Town Administrator

Town of Keedysville

19 S. Main Street, P.O. Box 359

Keedysville, MD 21756

**MEMORANDUM OF UNDERSTANDING FOR BUILDING CODE
ENFORCEMENT, PERMITTING, AND INSPECTION SERVICES
BETWEEN THE
TOWN OF KEEDYSVILLE
AND THE
BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY,
MARYLAND**

This Memorandum of Understanding for Building Code Enforcement, Permitting, and Inspection Services ("MOU") is made this 24th day of October, 2021 ("Effective Date"), by and between the Town of Keedysville, a Maryland municipal corporation ("Town"), and the Board of County Commissioners of Washington County, Maryland, a body corporate and politic and a political subdivision of the State of Maryland ("County"), for Building Code Enforcement for the receiving and processing of all types of residential and commercial building permits, and performing inspection services for building code compliance by the County for and on behalf of the Town. The Town and the County may sometimes be referred to in this MOU individually as a Party and collectively as the Parties.

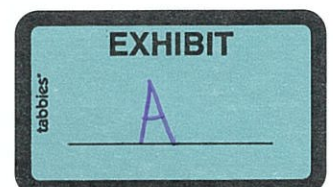
RECITALS

A. The County has jurisdiction over building code enforcement, building permits, and inspections in various parts of Washington County, Maryland, including some municipalities by mutual agreement.

B. The Town has jurisdiction over building code enforcement, building permits, and inspections within its municipal boundaries, but desires that the County provide such services for and on its behalf.

C. The Parties desire to enter into this MOU and agree upon procedures that will describe how the County will coordinate and provide building code enforcement, building permits, and inspection services that pertain to property inside the Town's municipal boundaries.

NOW, THEREFORE, in consideration of the foregoing Recitals, each of which is incorporated in and made a substantial part of this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, and intending to be legally bound, the Parties hereby covenant and agree as follows:



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Washington County

1. Procedure. The Parties agree that the County, the Town, and an applicant seeking a building permit within the Town's municipal boundaries will take the following steps in the order set forth:

- a. The applicant will apply for and receive planning and zoning approval from the Town on an application form provided by the Town to the applicant;
- b. The County will accept the building permit application(s) directly from the applicant only after the applicant has received planning and zoning approval from the Town;
- c. The County will accept all fees associated with the building permit application(s), including excise tax fees, directly from the applicant;
- d. The County will review the applicant's building permit application(s) for compliance with all applicable building codes;
- e. The County will issue the building permit(s) directly to the applicant;
- f. The County will provide the Town with a copy of the building permit(s) and any other requested documents relating thereto;
- g. The County will perform all required inspections necessary for the issuance of the Use and Occupancy Certificate;
- h. The County will issue the Use and Occupancy Certificate directly to the property owner only after all required inspections have been conducted and passed;
- i. On a semi-annual basis, the County will remit to the Town the Town's portion (25%) of all collected permitting fees. On a monthly basis, the County will remit to the Town the Town's portion, if any, of excise tax fees determined and collected in accordance with the applicable Building Excise Tax Ordinance.
- j. All inspection services shall be scheduled with the County.

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- j. The County will receive all building code-related compliance complaints and process such complaints for compliance.

2. Termination, Modification, and Amendment. The Parties agree that, with thirty (30) days' notice, this MOU may be terminated by either Party, but the MOU may not be modified or amended except by a writing signed by the Parties.


3. Governing Law. This MOU will be governed by and interpreted in accordance with the laws of the State of Maryland.

IN WITNESS WHEREOF, the Parties have caused this MOU to be duly executed and delivered.

ATTEST:


Lisa Riner, Town Administrator

MAYOR and COUNCIL
TOWN OF KEEDYSVILLE, MARYLAND

BY:  (SEAL)
Ken Lord, Mayor


ATTEST:


Krista L. Hart, Clerk

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY,
MARYLAND

BY:  (SEAL)
Jeffrey A. Cline, President

Approved as to legal sufficiency
for execution by the Town:


Edward L. Kuczynski, Town Attorney

Approved as to legal sufficiency
for execution by the County:


Kirk C. Downey, County Attorney