

Chapter 22

BUILDING CONSTRUCTION

ARTICLE I

Standards

[A resolution adopted by the Mayor and Council of the Town of Millington 12-05-1984 provided that the Queen Anne's section of the town will follow the county ICC International Building Code, the ICC International Residential Code, ICC International Property Maintenance Code, and the International Mechanical Code. Said resolution further provided that the town follows the county policy with respect to putting in wells and sediment control. In addition, the resolution provided that the Zoning Administrator will inform the property owners in the Queen Anne's section of the town that there must be a building permit before Planning and Zoning Commission approval is issued.]

[A resolution adopted by the Mayor and Council of the Town of Millington 02-14-2017 adopted the International Property Maintenance Code as Chapter 65 of the Town's Code in effect for those properties located in Kent and Queen Anne's Counties.]

ARTICLE II

Livability Code

[Ordinance No. 8-89, adopted 08-02-1989, adopted the Kent County Livability Code. A cooperative agreement with Queen Anne's County, signed 11-01-1989, provided that the Queen Anne's County Livability Code will be applicable within the Town of Millington and enforced.]

GENERAL REFERENCES

Floodplains - See Chapter 34.

Sediment Control - See Chapter 53.

Stormwater Management - See Chapter 60.

International Property Maintenance Code – See Chapter 65.

Subdivision of Land - See Chapter 66.

Short Term Rentals – See Chapter 78.

Zoning - See Chapter 80.

ARTICLE III OCCUPANCY PERMITS

[Ordinance No. 2006-02, adopted 06-21/2006, adopted an Occupancy Permit Requirement for Rental Housing]

22-III-1 Applicability.

The requirements of this article shall apply to:

Owners of real estate following the occurrence of an activity for which the issuance of a building permit under this chapter is required.

Lessors of residential real estate in accordance with the schedule set forth in 22-III-5 hereof.

22-III-2 Inspection of Rental Units.

Unless the Mayor and Council shall designate a different grouping of rental units for inspection purposes, the following shall constitute the inspection schedule for rental housing.

Biannual inspection. All rental housing units within the Town of Millington shall be inspected on a biennial basis for compliance with Building, and Property Maintenance Code standards.

Inspection process. Every residential housing unit owner, whether such unit is an apartment or a single-family residence, shall make application to the Town of Millington for inspection on or before the 31st day of December of the year in which inspection is required.

22-III-3 Permit required.

It shall be unlawful to occupy or to permit the use or occupancy of any building or premises or portion thereof as described in 22-III-1 until the building or premises have been inspected and an occupancy permit issued stating that the proposed use of the building or premises conforms to the requirements of the Town Building Code and Town Property Maintenance Code.

22-III-4 Inspection Fee.

The applicant for an occupancy permit shall pay a fee for such inspection in that amount established from time to time by resolution of the Mayor and Council of Millington.

22-III-5 Violations and Penalties.

Any person who shall occupy property without an occupancy permit where the same is required by this chapter shall be guilty of a municipal infraction. Each day that occupancy without a required permit occurs shall constitute a separate offense.

Any rental property owner who shall fail to make application to the Town of Millington for the biannual inspection required by this chapter shall be deemed guilty of a municipal infraction.

Once inspection shall have been made by the Town Code Enforcement Inspector, such property owner shall have 30 days to correct all violations found by the Inspector that are not subject to the emergency provisions of Section 109 of the ICC International Building Code, the ICC International Residential Code, ICC International Property Maintenance Code, and the ICC International Mechanical Code or its successor code. Each day more than 30 days after the inspection the Town Code Enforcement Inspector shall have made that no emergency violations continue shall constitute a separate offense. Emergency violations shall be governed by Section 109 of the ICC International Building Code, the ICC International Residential Code, ICC International Property Maintenance Code, and the ICC International Mechanical Code or its successor code.

ARTICLE IV

COMMERCIAL PROPERTY PERMITS

22-IV-1 Applicability.

A Commercial property is any business, non-profit organization, church, government agency and other such institution which cannot be classified as residential building, including residential building containing five (5) or more household units.

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22-IV-2 Inspection of Commercial Units.

Inspections are required annually on Commercial property.

Inspections are made to ascertain compliance with the Property Maintenance Code, the Zoning Ordinance, and the Millington Building Code.

Other inspections may be required depending upon the type of business being conducted on the property, such as:

- Business License – Town, County, and State

- Master Sign Plan
- Plumbing
- Electrical
- Mechanical and HVAC
- FOG (Fats, Oil, and Grease)
- State Fire Marshall

Annual inspections for property maintenance will be scheduled through the Town office.

22-IV-3 Permit Required.

An approved business license is required annually with an approved commercial inspection certificate for all commercial buildings and structures in the Town of Millington. The Town may issue a temporary commercial inspection certificate when the building is deemed safe for its intended use, is found to be in substantial compliance with the Property Maintenance Code and upon payment of the inspection fee. A business can open for operation or maintain operation while working with the Town to make any necessary repairs or corrections noted on the inspection form. All repairs or corrections, unless deemed a health hazard, must be completed prior to subsequent inspections and issuance of annual business license.

22-IV-4 Nature of Inspections.

1. Structural
 - a. Structural components
 - b. Exterior/Interior surfaces
 - c. Means of egress
 - d. Stairways
 - e. Foundations
 - f. Fire/Safety equipment
 - g. Windows/Doors
 - h. Roof/roof structures
2. Building/Land Use
 - a. Legal use and occupancy
 - b. Off-street parking
 - c. Landscaping
 - d. Signage
 - e. Safety requirements

- f. Screening/fencing
- g. Security of vacant buildings
- h. Eradication of nuisance and blight conditions
- i. Plumbing systems
- j. Electrical systems
- k. Heating, ventilation systems

NOTE: Electrical, plumbing, and mechanical deficiencies discovered are referred to the proper agencies as needed. Separate electrical, plumbing, and mechanical inspections may be required for annual licensing of certain business.

22-IV-5 Inspection Fee.

The applicant for a commercial property permit shall pay a fee for such inspection in that amount established from time to time by resolution of the Millington Town Council.

22-IV-6 Violations and Penalties.

Any person who shall occupy property without an occupancy permit where the same is required by this chapter shall be guilty of a municipal infraction. Each day that occupancy without a required permit occurs shall constitute a separate offense.

Any commercial property owner who shall fail to make application to the Town of Millington for the biennial inspection required by this chapter shall be deemed guilty of a municipal infraction.

Once inspection shall have been made by the Town Code Enforcement Inspector or its designated vendor, such property owner shall have 30 days to correct all violations found by the Inspector that are not subject to the emergency provisions of Section 109 of the ICC International Building Code, the ICC International Residential Code, the ICC International Property Maintenance Code, and the ICC International Mechanical Code or its successors code. Each day more than 30 days after the inspection of the Town Code Enforcement Inspector or its designated vendor shall have made that no emergency violations continue shall constitute a separate offense. Emergency violations shall be governed by Section 109 of the ICC International Building Code, the ICC International Residential Code, the ICC International Property Maintenance Code, and the ICC International Mechanical Code or its successor code.