MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

September 17, 2002

RESPONSIBLE STAFF:

W. Wesley Burnette

AGENDA ITEM:
(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
X	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	10/17/02
Advertised	10/23/02
Hearing Date	11/04/02
Record Held Open	
Policy Discussion	

TITLE:

An Ordinance to Repeal and Re-enact with Amendments, Chapter 5 of the City Code Entitled, "Buildings," and Adopt by Reference, with Certain Modifications, the International Building, International Residential, International Mechanical, International Energy, and International Fuel Gas Code 2000.

SUPPORTING BACKGROUND:

This Ordinance was introduced October 17, 2002.

Enclosed herewith are proposed amendments to the new International Building Codes which have been developed by the Building Officials and Code Administrators International (BOCA), the International Conference of Building Officials (ICBO), and the Southern Building Code Congress International (SBCCI) in an effort to utilize one Building Code nationwide. The 2000 International Codes have been adopted by the State of Maryland.

The majority of the amendments are administrative in nature and resemble those amendments currently in place for the 1996 BOCA building code. Other similar amendments include provisions such as roof top screening and load requirements for various components of construction.

Significant changes include:

A provision requiring that **all** single-family houses constructed under this new code be constructed with an automatic residential sprinkler system. These systems are currently required in multi-family and townhouses only.

A provision to address mold in residential dwellings in new construction. This provision will prohibit the use of materials that exhibit visual signs of mold growth, and require that any materials that exhibit mold growth during construction be removed and replaced prior to occupancy approval by the City of Gaithersburg.

DESIRED OUTCOME:

Conduct public hearing and hold record open for 10 days.

GAZETTE NEWSPAPERS

9030 Comprint Court, Gaithersburg, MD 20877. 301-670-2544

This is to certify that the annexed advertisement of:

The Notice of Public Hearing For November 4, 2002 was published in the Gaithersburg Gazette Newspapers, a weekly newspaper published in Montgomery County, Maryland. The ad appeared once a week for (1) week(s) before the 24th day of October, 2002.

Gaithersburg Publishing Company

Bonnie Geiger

Copy of ad attached

BONNIE GEIGER
NOTARY PUBLIC
FREDERICK CO., MD

BONNIE GEIGER
Notary Public, State of Maryland
County of Frederick
My Commission Expires September 7, 2005

NOTICE OF PUBLIC HEARING

The Mayor and City Council of the City of Gaithersburg will hold a public hearing on:

MONDAY
NOVEMBER 4, 2002
AT 7:30 P.M.

or as soon thereafter as it can be heard in the Council Chambers at City Hall, 31 South Summit Avenue, Gaithersburg, Maryland on:

An ordinance to Repeal and Re-enact with Amendments, Chapter 5 of the Gaithersburg City Code Entitled, "Buildings," Articles I, II, and III, Sections 5-1 Through 5-11, and Adopt by Reference, With Certain Modifications, the International Building Code (2000), Including the 2001 Supplement to the International Codes, as Article I Thereof, the International Residential Code (2000) as Article II, the International Mechanical Code (2000) as Article III, the International Energy code (2000) as Article IV, and the International Fuel Gas Code (2000) as Article V. the Supplement to the International Codes (2001) is also Adopted (for Correction of Errata, Only, in the Above Listed International Codes)

Further information may be obtained from the City Manager's Office at City Hall, 31 South Summit Avenue between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

David B. Humpton
City Manager
1t 10/23/02 (G)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL TO REPEAL AND RE-ENACT WITH AMENDMENTS CHAPTER 5 OF THE GAITHERSBURG CITY CODE ENTITLED, "BUILDINGS", ARTICLES I, II, AND III, SECTIONS 5-1 THROUGH 5-11, AND ADOPT BY REFERENCE, WITH CERTAIN MODIFICATIONS, THE INTERNATIONAL BUILDING CODE (2000), INCLUDING THE 2001 SUPPLEMENT TO THE INTERNATIONAL CODES, AS ARTICLE I THEROF, THE INTERNATIONAL RESIDENTIAL CODE (2000) AS ARTICLE II, THE INTERNATIONAL MECHANICAL CODE (2000) AS ARTICLE III, THE INTERNATIONAL ENERGY CODE (2000) AS ARTICLE IV, AND THE INTERNATIONAL FUEL GAS CODE (2000) AS RTICLE V. THE SUPPLEMENT TO THE INTERNATIONAL CODES (2001) IS ALSO ADOPTED (FOR CORRECTION OF ERRATA, ONLY, IN THE ABOVE LISTED INTERNATIONAL CODES.)

BE IT ORDAINED by the Mayor and City Council of Gaithersburg, in public meeting assembled, that Chapter 5 of the City Code entitled "Buildings", is hereby repealed and re-enacted with amendments to read as follows:

CHAPTER 5

BUILDINGS

Article I. The International Building Code (2000)

Sec. 5-1. Building Code --- Adoption of The International Building Code (2000), including the (2001) Supplement to the International Codes (to be used as clarification of errata, only, in the ICC 2000 series codes.)

The International Building Code (2000), including the (2001) Supplement to the International Codes, unless specified otherwise in this article, as published by The International Code Council, Inc., is hereby adopted as the building code of the City, except as modified by Section 5-3.

Section 5-2. Scope --- This ordinance shall apply to the construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and/or maintenance of all buildings and structures, and their service equipment, within the City of Gaithersburg, except detached one- and two-family dwellings and multiple attached single family dwellings (townhouses) not more than 3 stories in height with separate means of egress, and their accessory structures. It supercedes Ordinance No. 0-5-99, dated January 19, 1999, and all previous regulations adopting the BOCA and the International Code Council (ICC) standards. Its purpose is to adopt the 2000 editions of the International Building Code, the International Mechanical Code, the International Energy Conservation Code, and the International Fuel Gas Code, with modifications necessary to achieve uniformity and consistency with certain Maryland, Montgomery County, and City of Gaithersburg laws and ordinances, as well as certain Planning and Code Department policies and procedures. Where this ordinance differs from any other City of Gaithersburg ordinances, it does not preempt or negate any more restrictive provisions adopted by those ordinances.

Section 5-3. ***Same*** **--- Modifications to the International Building Code (2000), including the (2001) Supplement to the International Codes.**
The International Building Code (2000), (including the (2001) Supplement to the International Codes for correction of errata, only), is modified as follows:

(1) *General.* Whenever the words "name of jurisdiction" appear in this code, insert the words "the City of Gaithersburg".

(2) *General.* Whenever the words "building official" appear in this code, they shall be deemed to mean the city manager or his designee.

(3) *General.* Whenever the words "department" or "department of building safety" appear in this code, they shall be deemed to mean the City of Gaithersburg, Department of Planning and Code Administration, Permits and Inspection division.

(4) *General.* Delete all references to "the ICC Electrical Code" in this (IBC) or any other International Code adopted by this ordinance, and replace with "the City of Gaithersburg Code, Chapter 7, and Electric Code".

(5) *Subsection 101.2.* To the exception add the following:
"townhouses may include a loft, and must also comply with Chapter 12 (Interior Environment) and Chapter 16, subsection 1612.3 (city floodplain regulations) of this code (the International Building Code, hereafter referred to as the IBC) as amended."

(6) *Subsection 101.2.2.* Add new subsection 101.2.2 to read as follows:
"All construction projects financed, in part or in full, by the City of Gaithersburg, shall conform to all pertinent provisions of this code. This includes obtaining all permits and inspections that would be required of any private sector work. No fees will be charged for City sponsored construction."

(7) *Subsection 101.3.1.* Add new subsection 101.3.1 to read as follows:
"Purpose: The purpose of issuing permits, reviewing and approving plans, and conducting inspections is to protect and promote public safety, health, and welfare. These activities are purely governmental in nature, are conducted solely for the public benefit, and are not to be construed as providing any warranty by the City as to design or construction to anyone. Nothing in this ordinance should be construed as creating any legal duty to the owner, operator, or user of any premises."

(8) *Sub-sections 101.4.1, 101.4.4, 101.4.5, and 101.4.6.* Delete.

(9) *Subsection 102.1.* At the end of subsection 102.1, add the following:
"Exception: Alternative features which are accepted or approved in writing by the Building Official shall be considered as conforming with all codes, provided that the overall level of health, safety, and welfare is not diminished."

(10) *Subsection 102.6.* Delete the phrase:
"the International Property Maintenance Code or the International Fire Code", and replace it with "or any other applicable provision of the City of Gaithersburg Code."

(11) *Sections 103.* Delete.

(12) *Subsection 105.2.* Delete the following provisions of the subsection:
2, 4, 6, 7 (cabinets and countertops that don't interfere with egress), 9, 12, and 13 (stated items that don't interfere with egress). Also delete in their entirety the portions of this subsection regarding gas and plumbing.

(13) *Subsection 108.2.* Edit as follows:
"Delete the words "gas" and "plumbing systems"; delete the phrase "the applicable governing authority" and replace it with "the Mayor and City Council."

(14) *Subsection 108.3.* Delete.

(15) *Subsection 109.3.* Add the following:
"and all other inspections listed in the City of Gaithersburg inspection guide and/or required by department policy."

(16) *Subsection 109.3.10.* Add the following:
"The final inspection must be requested and approved before a building (or portion thereof) is used or occupied in any way, including moving in any furniture, shelving, stock, equipment, files, and similar items."

(17) *Subsection 110.1.* After the phrase "No building or structure", add the phrase: "or portion thereof".

(18) *Subsection 110.2.* Delete the phrase "shall not be made except as specified in Chapter 34" and replace it with the following phrase: "shall require application for a new Certificate of Occupancy."

(19) *Subsection 110.3.* Delete the phrase "the department of building safety", and replace with "the City of Gaithersburg"; place a period after the phrase "certificate of occupancy", and delete the rest of the subsection.

(20) *Section 112.* Delete and replace with the following:

"*Section 112.* Board of Appeals. Any decision or order of the City Manager or his designee under this chapter may be appealed within 30 days of the date of such decision or order to the City Board of Appeals. Any decision of the City Board of Appeals may be appealed to the Circuit Court within 30 days of the date of the Board's written decision. Such appeals shall be governed by the Maryland Rules of Procedure. Any decision of the Circuit Court may be appealed to the appellate courts of this state."

(21) *Subsection 113.4.* Delete the phrase "subject to penalties as described by law", and replace with:

"guilty of a municipal infraction, enforceable and punishable by a fine and/or penalty as established by the Mayor and City Council pursuant to Sections 1-9 through 1-11 of the City Code. Each day that a violation exists shall be deemed a separate offense."

"In addition thereto, the City may institute injunctive, mandamus, or any other appropriate action or proceedings at law or equity for enforcement of this Chapter, or to correct violations of this Chapter, and any court of competent jurisdiction shall have the authority to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate form of remedy or relief."

(22) *Subsection 114.3.* Delete the phrase "subject to penalties as described by law", and replace with:

"liable to a fine or civil penalty as established by the Mayor and City Council, pursuant to Section 1-10 of the City Code."

"In addition thereto, the City may institute injunctive, mandamus, or any other appropriate action or proceedings at law or equity for enforcement of this Chapter, or to correct violations of this Chapter, and any court of competent jurisdiction shall have the authority to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate form of remedy or relief."

(23) *Section 116.* Emergency Measures. Add new section 116 to read as follows:

"*Section 116.* Emergency Measures.

Subsection 116.1. Imminent Danger. When, in the opinion of the Building Official, there is imminent danger of failure or collapse of a building or structure or any part thereof which endangers persons or property, or when any structure or part of a structure has fallen and persons or property are endangered by the occupation of the building or structure, the Building Official may order and require the occupants to vacate the same. The Building Official shall cause to be posted at each entrance of such structure a Notice that clearly defines the intent of

the order. It shall be unlawful for any person to enter such structure except for the purpose of making the required repairs or to demolish the same, and it shall be unlawful for any person to tamper with, deface, or remove the posted Notices."

"*Subsection 116.2.* Temporary Safeguards. When, in the opinion of the Building Official, there is imminent danger to persons or property due to an unsafe condition, the Building Official may cause the necessary work to be done to render such structure temporarily safe, whether or not the legal procedure described herein has been instituted."

"*Subsection 116.3.* Unsafe Equipment. Equipment deemed unsafe by the Building Official may not be operated after the date stated in the Notice unless the required repairs or changes have been made and the equipment has been approved, or unless an extension of time has been secured from the Building Official in writing."

"*Subsection 116.3.1.* Authority to Seal Equipment. In the case of an emergency, the Building Official may seal out of service immediately any unsafe device or equipment regulated by this code."

"*Subsection 116.3.2.* Unlawful to Remove Notice, Order or Seal. Any building, structure, device or equipment sealed or ordered out of service or use by the Building Official shall be plainly identified in an approved manner. This identification shall not be tampered with, defaced or removed except by the Building Official and shall indicate the reason for such sealing or ordering out of service or use."

(24) *Section 117.* Demolition of Structures. Add new section 117 to read as follows:

"*Section 117.* Demolition of Structures.

Subsection 117.1. Service Connections. Before a structure is demolished or removed, the owner or agent shall obtain, from all utilities having service connections to that structure, official written verification of disconnection of service to said structure. A permit to demolish or remove a structure shall not be issued until the Building Official has received all such notices."

"*Subsection 117.2.* Notice to Adjoining Owners. Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal is necessitated by the proposed work, shall a permit be granted for the removal of a building or structure."

"*Subsection 117.3.* Lot Restoration and Maintenance. Whenever a structure is demolished or removed, the premises shall be maintained free from unsafe or hazardous conditions by the proper restoration, servicing and maintenance of the

lot, restoration of established grades and the erection of necessary retaining walls and fences in accordance with the provisions of Chapter 33 of this Code (IBC)."

(25) *Section 202.* Definitions. Add the following definition:

"Loft. A loft is a habitable area between the uppermost story and the roof of a townhouse or an R-2 occupancy. The loft shall not be more than 40% of the floor below, and shall be open to the floor below. A loft shall not count as a story of height."

(26) *Subsection 305.2.* Change "2 ½" to "2."

(27) *Subsection 308.2.* Change the word "five" to "eight", and the word "six" to "nine".

(28) *Subsection 308.3.1.* Change "2 ½" to "2."

(29) *Subsection 310.1.* After the description for R-3 occupancies, add the following:

"Exceptions:

1. A *family day care home*, which is a dwelling in which child day care services are provided: a) in the home where the registrant is the provider <u>and</u> a resident, or where the registrant is <u>not</u> a resident, but more than half of the children cared for <u>are</u> residents; b) for not more than <u>eight</u> children, including the children of the provider, who are less than six years of age, and; c) where staffing complies with state and local regulations, but no more than <u>two</u> non-resident staff members are on site at any time, may be classified as Group R-3, or as a one- or two-family dwelling conforming to the IRC."

2. "A *group day care home*, which is a dwelling in which child day care services are provided: a) in the home where the licensee is the provider <u>and</u> a resident; b) for <u>nine to 12</u> children, including the children of the provider, and; c) where staffing complies with state and local regulations, but no more than <u>three</u> non-resident staff members are on site at any time, may be classified as Group R-3, or as a one- or two-family dwelling conforming to the IRC."

(30) *Subsection 501.2.* Premises Identification. Delete the text and replace with the following:

"All buildings in the City shall display their address numbers in accordance with the regulations set forth in the City Fire Code."

(31) *Subsection 903.2.2.* In the first sentence, delete the phrase "20,000 square feet", and replace with "2,000 square feet".

(32) *Subsection 903.2.7.* In exception number 1, delete the phrase "not more than 3 stories", and replace with "not more than 1 story".

(33) *Subsection 903.2.8.* Delete and replace with the following:

"*Subsection 903.2.8.* Groups R-2 and R-3. An automatic sprinkler system must be provided throughout all buildings with a Group R-2 or R-3 fire area in accordance with Section 903.3.1.1 or 903.3.1.2, as applicable."
"Exceptions:

1. An automatic sprinkler system is not required in a single dwelling unit located in a mixed-use building that is not required to have an automatic sprinkler system by this code or the fire code, provided that the dwelling unit has independent means of egress and that the dwelling unit and its means of egress are separated by at least two-hour fire resistance rated construction.
2. An automatic sprinkler system in a Group R-3 multiple single-family dwelling (townhouse), as applicable in Section 101.2, having no superimposed dwelling unit(s) may be designed in accordance with Section 903.3.1.3."

(34) *Subsection 903.2.9.* Delete all text, including the exception, and replace with the following:

"All buildings with a Group R-4 fire area shall be protected in accordance with the City of Gaithersburg Fire Code (Chapter 11)."

(35) *Subsection 907.3.3.* Delete.

(36) *Subsection 1003.2.12.* After the <u>first</u> occurrence of the phrase "floor or grade below" insert the phrase "and retaining walls with a difference in grade level on either side of the wall exceeding 4 feet and within 2 feet of a walk, path, parking lot, or driveway on the high side."

(37) *Subsection 1003.3.3.3.* In exception #5, change "7.75 inches" to "8.25 inches", and change"10 inches" to "9 inches."

(38) *Subsection 1003.3.3.8.* Change to "11 inches" to "9 inches."

(39) *Subsection 1004.2.3.* Add new exception #3 to read as follows:

"Egress shall be permitted to pass through a storeroom of Group M occupancy, provided the following requirements are met:

(1) The building is fully sprinklered, per this code.

(2) The egress path through the storeroom is defined by permanent, fixed-in-place guardrail(s), or low wall(s), at least 42" high, and with at least one intermediate rail. Openings for passage shall not exceed 36" in width.

(3) The egress path shall have permanent signage stating the following message: "Exit Path – Do Not Block, By Order of the City Fire Marshal, $500.00 Fine".

(40) *Subsection 1004.3.2.1.* Exception #4. Delete existing text and replace with the following:

"A fire resistance rating is not required for corridors within single-tenant Group B occupancies."

(41) Chapter 11. Delete the chapter and replace with "The Maryland Accessibility Code."

(42) *Add new Subsection 1209.6* "Visual Mold" to read as follows:

"All structures constructed under the provisions of this code shall be free from any signs of visual mold. Construction materials that exhibit visual signs of mold shall be removed and replaced.

Exception: At the discretion of the Building Official non-porous materials may be treated to remove mold as directed by an approved environmental engineer accepted by the City of Gaithersburg."

(43) *Section 1511.* Rooftop Screening. Add new section 1511 titled Rooftop Screening, and new subsection 1511.1 Requirements, to read as follows:

"All mechanical and/or HVAC equipment located on the roof of a building, including, but not limited to, elevator shafts, water tanks, cooling towers, heating and air conditioning units of any type, exhaust air and make-up air units, shall be effectively screened from view from all sides. Such screening shall be at least to the height of such equipment, and shall be constructed of materials that are compatible with the exterior construction of the building. The elevation plans for the screening must be submitted to and approved by Urban Planning staff of the Planning and Code Administration department. The construction plans for the screening must demonstrate conformance with all applicable provisions of this code (IBC) and the City Mechanical Code (IMC), and must meet any requirements for space, ventilation, or other requirements dictated by the equipment manufacturer. Site lines will be taken into account by City staff before approval of the screening is determined."

(44) *Subsection 1607.9.* Reduction in Live Loads. Add the following exception:

"Exception: Live load reduction shall not apply to roofs."

(45) *Subsection 1607.11.2.* Minimum Roof Live Loads. Add the following exception:

"Exception: Roofs, whether flat, pitched, or curved, shall be designed for a minimum live load of 30 psf, or designed for the minimum snow load, whichever is greater."

(46) *Subsection 1612.3.* "Where the subsection calls for name of jurisdiction, insert "the City of Gaithersburg, as contained in Chapter 10 of the City Code." Where the subsection calls for date of issuance, insert "April 27, 1992."

(47) *Subsection 1805.2.1.* After the word "locality" insert "at least 30 inches below the adjacent finished grade."

(48) *Chapter 29.* Delete.

(49) *Subsections 3001.2, 3001.3, and 3001.4.* Delete and replace with the following:

"*Subsection 3001.2.* Standards. The Maryland Department of Labor, Licensing, and Regulations, Division of Labor and Industry, regulates the design, installation, inspection, and testing of all hoisting and conveying equipment."

(50) *Subsection 3107.1.* (Signs) General. Delete the text and replace with the following:

"All signs, and substantial modifications to existing signs, shall conform to the requirements of the City Zoning Ordinance and all applicable provisions of this code (IBC). Where conflict exists between this code and the City Zoning Ordinance, the Zoning Ordinance shall take precedence."

(51) *Subsection 3107.2.* Sale and Rental Signs. Add new subsection 3107.2 to read as follows:

"*Subsection 3107.2* Sale and Rental Signs. Unless otherwise provided in the City Sign Ordinance (Chapter 24, Article IX) a permit shall not be required for signs to announce the sale or rental of property, provided that such signs are not more than four (4) square feet in area."

(52) *Subsection 3107.3.* Sign Height. Add new subsection to read as follows:

"*Subsection 3107.3.* Sign Height. The lowest point of any sign which extends over an area intended for unrestricted vehicular traffic shall be 14 feet above the highest traffic surface."

(53) *Subsection 3109.1.* General. Add the following sentence to the end of the subsection:

"Public swimming pools are also required to conform to requirements of the Montgomery County Department of Health."

(54) *Subsection 3109.3.* Public Swimming Pools. In the first sentence, change "4 feet" to "5 feet". To the end of the second sentence, add the following:

"latches shall be placed at least 4 feet above the ground and the fence shall not have a pattern or design that creates a ladder effect."

(55) *Subsection 3109.4.1.* Barrier Height and Clearances (Residential). In the first sentence, change "48 inches" to "60 inches."

(56) *Subsection 3109.4.1.1.* Openings. Add the following to the end of the sentence:

"and the fence shall not have a pattern or design that creates a ladder effect."

(57) *Subsection 3109.5.* Electrical Requirements. Add new subsection to read as follows:

"*Subsection 3109.5.* Electrical Requirements.

1. "All electrical installations provided for, installed and used in conjunction with private residential pools, shall be in conformance with the City Electrical Code.

2. No current-carrying electrical conductors shall cross private residential swimming pools, either overhead or underground, or within 15 feet of such pools, except wiring for associated pool equipment, such as lights, pool pump motors, etc.

3. All metal fences or railings near or adjacent to pools, which might become electrically active as a result with broken overhead conductors or from any other cause, shall be effectively grounded."

(58) *Subsection 3109.5.1.* Annual Inspection Requirements. Add new subsection to read as follows:

"*Subsection 3109.5.1.* Annual Inspection Requirements. All public and community swimming pools shall be inspected on a yearly basis to determine compliance with applicable City codes and ordinances. NOTE: Private certification by an electrician licensed in the City is permitted."

(59) *Subsection 3302.3.* Construction in Occupied Buildings. Add new subsection to read as follows:

"*Subsection 3302.3.* Construction in Occupied Buildings. Existing occupied buildings and/or spaces shall not remain occupied during construction renovations.

Exception: Where the building or space is adaptable to a phasing operation that clearly demonstrates to the building official that the health, safety, and welfare of the occupants of that building is not jeopardized in any way by the construction project, and that the provisions set forth in subsection 3302.3.1 can be met."

(60) *Subsection 3302.3.1.* Safety Requirements. Add new subsection to read as follows:

"*Subsection 3302.3.1.* Safety Requirements. All buildings/spaces approved by the building official for construction to occur while the buildings/spaces are occupied shall conform to the following requirements:

1. Construction areas shall be completely separated from occupied areas by a solid, noncombustible barrier.

- In non-sprinklered buildings, this barrier shall have a minimum fire rating of one hour, and shall extend from the floor to the underside of the next deck above, roof or floor.

- In fully sprinklered buildings, an alternative barrier of a solid, limited combustible wall, at least 6 feet in height, with a limited combustible, non-solid dust barrier extending to the ceiling (such as fire retardant plastic sheeting) is acceptable.

- In both cases, openings for workers to access construction areas shall be through self-closing gates, constructed of material similar or equal to the walls, and posted with signage notifying occupants they are not permitted to enter the construction area.

2. All required exits, egress paths, etc., shall remain open, free from obstruction or construction related hazards, at the full required width, and in complete conformance with all applicable City of Gaithersburg codes regarding egress from buildings.

3. All fire suppression and protection systems shall be kept in working order in accordance with the City Fire Code.

4. All HVAC and mechanical systems shall be completely isolated at construction areas to prevent the spread of dust, fumes, noxious odors, etc., from spreading into occupied areas.

5. Violations of this section will result in one or more of the following actions being taken:

- A Stop Work order being placed on the job.
- A municipal infraction of $200.00 (minimum) being levied for each day the violation exists (amount is dependent upon type of violation.)
- A Cease and Desist Occupancy order being placed on the occupied establishment that is endangered by the violation."

(61) *Chapter 34.* Delete and replace with <u>The Maryland Building Rehabilitation Code.</u>

(62) *Appendix F.* Appendix F is hereby adopted in its entirety.

(63) *Appendix G.* Appendix G is hereby adopted in its entirety and amended as follows:

"Appendix G. Section G102.1. After the words "*International Building Code*" insert the phrase "and the provisions of Chapter 10 of the City of Gaithersburg Code."

(64) *Appendix I.* Appendix I is hereby adopted in its entirety.

Article II. The International Residential Code (2000)

Sec. 5-4. Building Code --- Adoption of the International Residential Code (2000), including the (2001) Supplement to the International Codes.

The International Residential Code (2000), including the Supplement to the International Codes (2001), (for correction of errata, only), unless specified otherwise, as published by The International Code Council, Inc., is hereby adopted as the building code for one- and two-family dwellings in the City, except as modified by Section 5-5. (Ord. No._____)

Sec. 5-5. Same --- Modifications.

The International Residential Code (2000), including the Supplement to the International Codes (2001), (for correction of errata, only), adopted by Section 5-4, is hereby modified as follows:

(1) Whenever the words "name of jurisdiction" appear in this code, insert the words "the City of Gaithersburg".

(2) Whenever the words "building official" appear in this code, they shall be deemed to mean the city manager or his designee.

(3) Whenever the words "department" or "department of building safety" appear in this code, they shall be deemed to mean the City of Gaithersburg, Department of Planning and Code Administration, Permits and Inspection division.

(4) Delete all references to "the ICC Electrical Code" in this (IBC) or any other International Code adopted by this ordinance, and replace with "the City of Gaithersburg Code, Chapter 7, Electric Code".

(5) *Section R103* and Delete.

(6) *Subsection R105.2* Delete items #1,2,3,5 from the "Building" list.

(7) *Subsection R105.3.1.1* Delete.

(8) *Subsection R108.2* Delete the word "plumbing"; delete the words "applicable governing authority" and replace with "the mayor and city council."

(9) *Subsection R109.1* At the end of the sentence, add the following: "and all other inspections listed in the City of Gaithersburg inspection guide and/or required by department policy."

(10) *Subsection R109.1.3* Floodplain inspections. In addition to the requirements of this subsection, all requirements of the City of Gaithersburg Floodplain Regulations (City Code, Chapter 10) shall apply.

(11) *Subsection R109.2* After the word accept, insert the following phrase, "as required by department policy".

(12) *Subsection R110.3* Delete the phrase "the department of building safety", and replace with "the City of Gaithersburg"; place a period after the phrase "certificate of occupancy", and delete the rest of the subsection.

(13) *Section R112.* Delete and replace with the following:

"Section R112. Board of Appeals. Any decision or order of the City manager or his designee under this chapter may be appealed within 30 days of the date of such decision or order to the City Board of Appeals. Any decision of the City Board of Appeals may be appealed to the Circuit Court within 30 days of the date of the Board's written decision. Such appeals shall be governed by the Maryland Rules of Procedure. Any decision of the Circuit Court may be appealed to the appellate courts of this state."

(14) *Subsection R113.4* Delete the phrase "subject to penalties as described by law", and replace with "guilty of a municipal infraction, enforceable and punishable by a fine and/or penalty as established by the Mayor and City Council pursuant to Sections 1-9 through 1-11 of the City Code, and that each day that a violation exists shall be deemed a separate offense."

"In addition thereto, the City may institute injunctive, mandamus, or any other appropriate action or proceedings at law or equity for enforcement of this Chapter, or to correct violations of this Chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate form of remedy or relief."

(15) *Subsection R114.2* Delete the phrase "subject to penalties as described by law", and replace with "liable to a fine or civil penalty as established by the Mayor and City Council, pursuant to Section 1-10 of the City Code."

"In addition thereto, the City may institute injunctive, mandamus, or any other appropriate action or proceedings at law or equity for enforcement of this Chapter, or to correct violations of this Chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate form of remedy or relief."

(16) *Sections 115, 116 and 117 Add new sections 115, 116 and 117* as they appear in the IBC (2000) and City of Gaithersburg amendments (20) and (21) to same.

(17) *Add new Section R301.1.2.1 "Minimum Design Soil Bearing Capacity"* to read as follows: "Minimum designed soil bearing capacity shall be shown on the submitted plans for all new buildings and structures designed by a Maryland registered architect or structural engineer."

(18) Climatic and geographic design criteria to be inserted in *Table No. R301.2(1)* as follows:

"Roof snow load—30
Wind speed—90 mph
Seismic Design Category —B
Weathering —Severe
Frost Depth—30 inches
Termite —Moderate to Heavy
Decay —Slight to Moderate
Winter Design Temperature—13f
Flood Hazard —Chapter 10 of the City Code; Dated April 27, 1992"

(19) Minimum uniformly distributed live loads *Table No. 301.4* is amended to read as follows: "Decks 60 - pounds per square foot."

(20) *Subsection R301.2.4* At the end of the first paragraph add the following: "and in accordance with City of Gaithersburg Code Chapter 10."

(21) *Section R309.1* Add new paragraph to the end to read as follows:
"Doors shall be equipped with a mechanical closure or spring hinges, and be adjusted so that the doors are self-closing and latching. The sills of all door openings between the garage and dwelling shall be raised not less than four (4) inches above the garage floor."

(22) Add new *Section R306.5 "Pressure Sewer Systems Involving the Use of Grinder Pumps"* to read as follows: The use of a pressure sewer system involving the installation and use of a grinder pump is prohibited unless the following requirements are met.

(1) Prior to the issuance of a building permit, the applicant shall submit to the City the sum of Seven Thousand Five Hundred Dollars ($7,500) per dwelling unit to be placed in an escrow account to be devoted to future maintenance and repairs of grinder pumps and appurtenance facilities.

(2) The City shall relinquish such payment upon written request to any lawfully formed condominium association or home owner's association responsible for the common maintenance of property within which the dwelling units are located; provided that such condominium home owner's association covenants with the City to escrow such funds in a separate account and use such funds only for the repair and maintenance of the grinder pumps and appurtenance associated with properties within the boundaries of their association.

(3) Should there be no condominium or homeowner's association involved with the dwelling units constructed, the City shall reimburse a property owner whose property is secured by escrowed funds for maintenance and repairs of the property owners grinder pump and appurtenance not to exceed Seven Thousand Five Hundred Dollars ($7,500) upon written verified request of said property owners."

(23) *Add new Section R310.4.1 "Window Sill Heights"* to read as follows:

"In rooms where window sill heights are less than 24 inches above the interior finished floor and greater than 36 inches above grade on the exterior, screens shall be installed and securely attached to the window frame to prevent unintentional dislodging of either the screen fabric or the perimeter frame. All window and screen components shall conform to Section R310 of this code."

(24) *Subsection R311.1* Add new sentence to the end of paragraph to read as follows: "Egress from any habitable level of a townhouse including lofts, to the exit door shall not require vertical travel of more than two stories"

(25) *Subsection R314.2* Treads and Risers. The first sentence is amended to read as follows: "The maximum riser height shall be 8-1/4 inches (210 mm) and the minimum tread depth shall be 9 inches (229mm)."

(26) *Subsection R314.4* Winders change "10 inches (254mm)" to "9 inches (229mm)"

(27) *Subsection R316.1* After the word "balconies" add "retaining walls"

(28) *Subsection R325.1* Delete text and replace with the following: "All dwellings shall be provided with minimum 5 inch high address numbers, contrasting in color and visible from the street in which the dwelling is addressed. Buildings under construction shall have the address number and street name displayed at all times."

(29) *Add new Section R328 "Automatic Sprinkler Systems"* to read as follows: "An automatic sprinkler system installed in accordance with applicable NFiPA standards as adopted by Chapter 11 of the City Code is required for all new detached one- and two-family dwellings and multiple single-family dwellings."

(30) *Add new Section R329 "Visual Mold"* to read as follows: "All structures constructed under the provisions of this code shall be free from any signs of visual mold. Construction materials that exhibit visual signs of mold shall be removed and replaced.

Exception: At the discretion of the Building Official non-porous materials may be treated to remove mold as directed by an approved environmental engineer accepted by the City of Gaithersburg."

(31) *Subsection R405.1* Add a new sentence to the end of the first sentence to read as follows: "Perimeter drains shall also be installed under all concrete slabs."

(32) *Subsection R406.1* Add a new sentence to the end of the first paragraph to read as follows: "All wall ties used in concrete foundation walls shall be coated with approved heavy bituminous material."

(33) *Subsection R408.2* Delete the first exception. Delete the second sentence of exception #2.

(34) *Subsection R807.1* After the second sentence of the second paragraph add the following sentence to read as follows: "Attic access openings shall not be installed in closets with a depth and width of less five (5) feet and shall not be above a vertical line extending from the outside edge of any shelving."

(35) *Appendix F.* Appendix F is hereby adopted in its entirety.

(36) *Appendix G.* Appendix G is hereby adopted in its entirety, with the following modifications to Section AG105.2: Item 1 Change 48 inches to 60 inches and (1219mm) to (1524mm).

(37) *Appendix K.* Appendix K is hereby adopted in its entirety.

Article III. The International Mechanical Code (2000)

Sec. 5-6. Mechanical Code — Adoption of the International Mechanical Code (2000), including the Supplement to the International Codes (2001), (for correction of errata, only).

The International Mechanical Code (2000), including the Supplement to the International Codes (2001), (for correction of errata, only), as published by The International Code Council, Inc., is hereby adopted as the mechanical code in the City, except as modified by Section 5-7.

Sec. 5-7. Same — Modifications.

The International Mechanical Code (2000), including the Supplement to the International Codes (2001), (for correction of errata, only), adopted by Section 5-6, is hereby modified as follows:

(1) Whenever the words "name of jurisdiction" appear in this code, insert the words "the City of Gaithersburg".

(2) Whenever the words "building official" appear in this code, they shall be deemed to mean the city manager or his designee.

(3) Whenever the words "department" or "department of building safety" appear in this code, they shall be deemed to mean the City of Gaithersburg, Department of Planning and Code Administration, Permits and Inspection division.

(4) Delete all references to "the ICC Electrical Code" in this (IBC) or any other International Code adopted by this ordinance, and replace with "the City of Gaithersburg Code, Chapter 7, Electric Code".

(5) Chapter 1 – General. Except for direct references to anything mechanically related, Chapter 1 of this code is hereby deleted. Administration of the City Mechanical Code shall be performed exactly as described in Section 5-3 of the City Building Code, as adopted by this ordinance.

(6) *Add new Subsection M-502.1.5* "Nail Salons" to read as follows:

"Each nail treatment station shall be provided with at least 125 cfm of exhaust air. Exhaust inlet shall be no more than 10 feet (horizontally) from the station. Exhaust air shall be vented to the outside of the building, and proper make-up air shall be provided."

(7) *Add new Subsection M-502.1.6* "Tobacco Smoking Areas" to read as follows: "All buildings that have interior areas approved for smoking of tobacco products shall provide exhaust air for such areas so as to prevent smoke from migrating to other, non-smoking areas. Exhaust air shall be vented to the outside of the building, and proper make-up air shall be provided."

(8) Chapter 10. Delete. (Note: The provisions of this section are covered under a combination of the WSSC code and the State of Maryland Boiler and Pressure Vessel regulations.)

(9) Roof Screening of Rooftop Mechanical Equipment. Screening shall be provided as described in amendment # (34) to the City Building Code (Chapter5, Article I, Section 5-3.)

Article IV. The International Energy Conservation Code (2000)

Sec. 5-8. Energy Conservation Code --- Adoption of the Energy Conservation Code (2000), including the Supplement to the International Codes (2001), (for correction of errata, only).

The International Energy Conservation Code (2000), including the Supplement to the International Codes (2001), (for correction of errata, only), as published by The International Code Council, Inc., is hereby adopted as the energy conservation code for the City, except as modified by Section 5-9.

Sec. 5-9. Same --- Modifications.

The International Energy Conservation Code (2000), including the Supplement to the International Codes (2001), (for correction of errata, only), adopted by Section 5-8, is hereby modified as follows:

(1) Whenever the words "name of jurisdiction" appear in this code, insert the words "the City of Gaithersburg".

(2) Whenever the words "building official" appear in this code, they shall be deemed to mean the city manager or his designee.

(3) Whenever the words "department" or "department of building safety" appear in this code, they shall be deemed to mean the City of Gaithersburg, Department of Planning and Code Administration, Permits and Inspection division.

(4) Delete all references to "the ICC Electrical Code" in this (IBC) or any other International Code adopted by this ordinance, and replace with "the City of Gaithersburg Code, Chapter 7, Electric Code".

(5) Chapter 1 – General. Except for direct references to anything related to energy conservation, Chapter 1 of this code is hereby deleted. Administration of the City Energy Conversation Code shall be performed exactly as described in Section 5-3 of the City Building Code, as adopted by this ordinance.

Article V. The International Fuel Gas Code (2000)

Sec. 5-10. Fuel Gas Code --- Adoption of the International Fuel Gas Code (2000), including the Supplement to the International Codes (2001), (for correction of errata, only).

The Fuel Gas Code (2000), including the Supplement to the International Codes (2001), (for correction of errata, only), as published by The International Code Council, Inc., is hereby adopted as the fuel gas code for the City, except as modified by Section 5-11.

Sec. 5-11. Same --- Modifications.

The International Fuel Gas Code (2000), including the Supplement to the International Codes (2001), (for correction of errata, only), adopted by Section 5-8, is hereby modified as follows:

(1) Whenever the words "name of jurisdiction" appear in this code, insert the words "the City of Gaithersburg".

(2) Whenever the words "building official" appear in this code, they shall be deemed to mean the city manager or his designee.

(3) Whenever the words "department" or "department of building safety" appear in this code, they shall be deemed to mean the City of Gaithersburg, Department of Planning and Code Administration, Permits and Inspection division.

(4) Delete all references to "the ICC Electrical Code" in this (IBC) or any other International Code adopted by this ordinance, and replace with "the City of Gaithersburg Code, Chapter 7, Electric Code".

(5) Chapter 1 – General. Except for direct references to anything related to fuel gas, Chapter 1 of this code is hereby deleted. Administration of the City Fuel Gas Code shall be performed exactly as described in Section 5-3 of the City Building Code, as adopted by this ordinance.

ADOPTED by the City Council of Gaithersburg this ____day of _____, 2002.

_____
SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this _____ day of _____, 2002. APPROVED/VETOED by the Mayor of the City of Gaithersburg this _____ day of _____, 2002.

_____
SIDNEY A. KATZ, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the _____day of _____, 2002, and that the same was approved/vetoed by the Mayor of the City of Gaithersburg on the _____day of _____, 2002. This Ordinance will become effective on the _____day of _____, 2002.

_____
David B. Humpton, City Manager