

ORDINANCE NO. O-1-14

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, III, IV AND V, SECTIONS 5-1 THROUGH 5-11, AND ADOPT BY REFERENCE, WITH CERTAIN MODIFICATIONS, THE INTERNATIONAL BUILDING CODE 2012, AS ARTICLE I THEROF, THE INTERNATIONAL RESIDENTIAL CODE 2012 AS ARTICLE II, THE INTERNATIONAL MECHANICAL CODE 2012 AS ARTICLE III, THE INTERNATIONAL ENERGY CONSERVATION CODE 2012 AS ARTICLE IV, AND THE INTERNATIONAL FUEL GAS CODE AS ARTICLE V.

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Council of Gaithersburg, in public meeting assembled, that Chapter 5 of the City Code entitled "Buildings", is hereby repealed and re-enacted with amendments to read as follows: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 1. The International Building Code (2012)

Sec. 5-1. Building Code—Adoption of the International Building Code (2012), in the ICC 2012 Series Codes.

The International Building Code 2012, 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.

Sec. 5-2. Scope.

This chapter 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 supersedes Ordinance No, 0-19-10 dated September 5, 2010 and all previous regulations adopting the International Code Council (ICC) standards for building code. Its purpose is to adopt the 2012 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.

Sec. 5-3. Same—Modifications to the International Building Code (2012).

The International Building Code 2012 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/her 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 Inspections 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, Electricity."

(5) *Subsection 101.2.* To # 1 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."

Add Exception (# 2) to read as follows: Existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code.

(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 and all other codes adopted by the City of Gaithersburg to regulated safety in the built environment. 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) *Subsection 101.4.1.* Delete the phrase “International Fuel Gas Code” in the first sentence and insert the phrase “WSSC Plumbing and Fuel Gas Code” as published by The Washington Sanitary Commission (WSSC). Add a new sentence at the end of the subsection to read, “The Provisions of the International Fuel Gas Code shall apply only in instances that are not governed by WSSC regulations.”
- (9) *Subsection 101.4.3* Delete the phrase “International Plumbing Code” in the first sentence and insert the phrase “WSSC Plumbing and Fuel Gas Code.” In the last sentence, delete the phrase “International Private Sewage Disposal Code” and replace with the phrase, “the Montgomery County Department of Health and Human Services.”
- (10) *Subsection 101.4.4.* After the phrase “International Property Maintenance Code” add the following phrase: “as adopted by the City of Gaithersburg, City Code, Chapter 17AA.”
- (11) *Subsection 101.4.5.* Delete the phrase:
“International Fire Code” and replace it with the following phrase “The City of Gaithersburg Fire Code, Chapter 11, City Code”.
- (12) *Subsection 101.4.7* Add new subsection 101.4.7, Electricity, to read as follows: Any and all references in this code to electricity or the code governing electricity shall mean “The City of Gaithersburg Electrical Code, Chapter 7”.
- (13) *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."
- (14) *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."
- (15) *Section 103.* Delete.
- (16) *Subsection 105.2.* Delete the following provisions of the subsection:
2, 4, 6, 7 – partial, cabinets and countertops that don't interfere with egress, 9, 12, and 13 – partial, for items that don't interfere with egress. Also delete in their entirety the portions of this subsection regarding gasfitting and plumbing.
- (17) *Subsection 109.2* 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."

- (18) *Subsection 109.3 Delete.*
- (19) *Subsection 110.3.10* 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 unless specific, written permission is obtained from the building official."
- (20) *Subsection 111.1.* After the phrase "No building or structure", add the phrase: "or portion thereof."
- (21) *Subsection 111.2* Delete all text in this subsection after the phrase "shall issue a certificate of occupancy" and replace it with the following phrase "as per department policy."
- (22) *Section 113.* Delete subsections 113.1, 113.2 and 113.3 and add new subsection 113.1 as follows:
"Section 113.1 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."
- (23) *Subsection 114.4* 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."
- (24) *Subsection 115.3* Delete the phrase "subject to penalties as prescribed 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."

(25) *Section 202. Definitions.* Add the following definition after the word "Loads":

"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 percent 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 "2½" to "2."

(27) *Section 305.2.2* Change "Five" to "Eight".

(28) *Section 305.2.3* Change "Five" to "Eight".

(29) *Subsection 308.3.1.* Change "Five" to "Eight".

(30) *Section 308.3.2* Change "Six" to "Nine".

(31) *Section 308.4.1* Change "Five" to "Eight".

(32) *Section 308.6* Change "five" persons to "eight" persons.

(33) *Section 308.6.1* Change "2 ½" to "2".

(34) *Section 308.6.3* Change "Five" to "Eight".

(35) *Section 308.6.4* Change "Five" to "Eight".

(36) *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 and a resident, or where the registrant is not a resident, but more than half of the children cared for are residents; b) for not more than eight 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 two 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 and a resident; b) for nine to 12 children, including the children of the provider, and; c) where staffing complies with state and local regulations, but no more than three 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."

(37) *Section 310.5.1* Change "Five" to "Eight".

(38) *Section 310.6* Change "Five" to Eight".

(39) *Section 403.2.1.2* Delete.

(40) *Section 403.4.4* Delete the phrase "Section 510 of the International Fire Code" and Replace with "the Montgomery County Fire Safety Code".

(41) *Section 419*. Delete.

(42) Chapter 4. Add new section 424 Residential Occupancies.

424.1 All R occupancies shall have appropriate radon control features prescribed in Appendix F in the International Residential Code, 2009 edition.

(43) *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 Fire Code, Chapter 11, City of Gaithersburg Code."

(44) *Section 509.2* Add condition #8 as follows:

8. For purposes of determining the number of stories above grade, a story above the 3-hour horizontal assembly shall be considered a story above grade regardless of the location of the average grade plane.

(45) *Section 703.6* Amend item 3 to add a sentence as follows: "The sign or stenciling shall identify the fire resistance rating in hours."

(46) *Section 716.5.3* In the first sentence of Exception 2, replace "In Group B and R" with "In buildings, other than Group H".

(47) *Subsection 903.1.1*. Alternative Protection. Delete the text and replace with the following:

Section 903.1.1 Delete and replace with the following: *903.1.1* Alternative Protection.

Where water as an extinguishing agent is not compatible with the fire hazard, or is prohibited by a law, statute, or ordinance, the affected area must be protected by an approved automatic fire-extinguishing system utilizing an extinguishing agent that is

compatible with the fire hazard.

- (48) *Subsection 903.2.3* In the first sentence, delete the phrase “12,000 square feet” and replace with “2,000 square feet”.
- (49) *Subsection 905.3.* Preface the text with the following statement, “In new installations where the code requires either Class II or Class III standpipes, Class I standpipes must be installed. Occupant use hose is prohibited in either new or existing buildings.”
- (50) *Subsection 907.4.2.3* Delete.
- (51) *Subsection 915.1* Delete the phrase “Section 510 of the International Fire Code” and replace with “the Montgomery County Fire Safety Code”.
- (52) Add new *subsection 1003.5.1* to read as follows: Elevation changes of 21 inches or less in a means of egress shall be achieved in accordance with the City of Gaithersburg Fire Code.
- (53) *Subsection 1007.3.* Delete Exception 1,2,3 & 7.
- (54) *Subsection 1007.4* Delete Exception 2.
- (55) *Subsection 1008.1.2.* Add a sentence at the end to read: “Doors in exit enclosures shall swing in the direction of egress travel unless the door opening serves an individual living unit that opens directly into an exit enclosure.”
- (56) *Subsection 1008.1.9.10.* In Exception #3, delete all text after the phrase “...openable from the egress side”.
- (57) *Subsection 1009.13.* At end of the section add the phrase “or ladder complying with Section 7.2.9 of the Life Safety Code, 2009 edition”.
- (58) *Subsection 1012.6.* At the end of the last sentence add the phrase “unless, in the opinion of the AHJ, an extension in the same direction of the stair or ramp creates a hazard in the means of egress.”
- (59) *Subsection 1012.7.* Change “1 ½” to “2 ¼”.
- (60) *Subsection 1013.1.* After the phrase “equipment platforms,” add the phrase “retaining walls,”
- (61) *Subsection 1013.2.* In exception #1 and #2, change “34 inches (864 mm)” to “36 inches (915 mm)”. Add a fifth exception: Exception 5. In occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2, interior guards shall be at least 36 inches high.

(62) *Subsection 1013.3.* Delete Exception #6.

(63) *Section 1015.2.1.* Add the following exception: Exception 3. In buildings of Group R-2 four stories or less in height above the grade plane that are served by two required exterior stairways connected by an open-ended corridors in compliance with Exception 4 of Section 1026.6 (Exception 4) shall be provided with remoteness between the near edge of the required landings that are separated by a distance of at least one third the length of the maximum overall diagonal dimension of the area served.

(64) *Subsection 1016.1.* Exception #4. Delete existing text and replace with the following:

"A fire resistance rating shall not be required by this code for corridors within single-tenant Group B occupancies."

(65) *Section 1020.* Add a new section 1020.3 to read as follows:

Section 1020.3. Fire Department Access to Floors. Not less than one exit stair which serves all stories of the building shall be accessible by an internal corridor from the main entrance of the building or the fire department response location.

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

(67) *Add new Subsection 1210.6* "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."

(68) *Section 1404.13* Add new Section 1404.13 to read as follows:

Exterior siding made with any plastic, vinyl, or similar polymer material must be installed with a noncombustible substrate (exterior wall sheathing) directly beneath it.

(69) *Section 1511.* Add new section 1511 to read as follows:

"*Section 1511 Rooftop Screening.* 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 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 in determining approval of screening proposals.”

(70) Table 1607.1 Item 29 Roofs. Modify the uniform live load value for “Ordinary flat, pitched and curved roofs” to 30 pounds per square foot, nonreducible.

(71) *Subsection 1607.11.5.* Add new subsection 1607.11.3 to read as follows:

“*Section 1607.11.5 Roof Drainage.* Roof drainage shall be designed and constructed in accordance with all applicable provisions of Chapter 11 of the International Plumbing Code (2009). This amendment shall not supersede any requirements of the WSSC Plumbing Regulations.

(72) Add a new section as follows:

Section 1607.14. Fire Truck Loading. Structural members subject to fire truck loading shall be designed for the concentrated loads applied by the vehicle to the structure as described below:

The maximum fire truck operating weight is 85,000 pounds distributed in three axles spaced 19 feet 6 inches and 4 feet 6 inches apart. The transverse wheel distance is 8 feet 2 inches. The front axle weighs 23,000 pounds and rear axles weigh 31,000 pounds each. When the ladder is up, the vehicle is raised and supported on four (4) outriggers spaced 10 feet apart along the length of the vehicle and 16 feet apart in the transverse direction. Depending upon the position of the ladder, any pair of two front, side or rear outriggers apply to the structure a force of 123,552 pounds (61,776 pounds per outrigger in accordance with NFPA 1901, Chapter 20.21.4.2) and the remaining two outriggers apply a force of zero (0) pounds. Outrigger pad dimensions are 2 feet 2 inches wide by 2 feet 6 inches long.

(73) *Subsection 1608.2,* referencing *Table 1602.* Ground Snow Loads. The ground snow load for the City of Gaithersburg shall be 30 psf.

(74) *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."

- (75) *Section 1704.4.* Delete Exception 1.
- (76) *Section 1704.4.* Amend exception 2.1 by adding the word “or” after the semicolon.
Amend exception 2.2 by deleting the word “or” after the semicolon. Delete Exception 2.3
- (77) Table 1704.4 Items 10 and 11. Modify the inspection frequency from “periodic” to “continuous”.
- (78) Table 1704.4 Item 11. Add the sentence to the first column, “The strength evaluation shall be demonstrated by field cured cylinders only.”
- (79) *Subsection 1809.5.* After the phrase "frost line of the locality", insert "at least 30 inches below the adjacent finished grade."
- (80) Add a new *subsection* as follows:
- 1901.2.1.* For precast structures, in the case of a conflict between ACI 318 and PCI Design Handbook, the requirements of ACI 318 shall control the design.
- (81) *Chapter 29.* Delete chapter in its entirety and replace with the following:
- “Plumbing and Gasfitting Regulations in the City of Gaithersburg are under the jurisdiction of the Washington Suburban Sanitary Commission.”
- (82) *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."
- (83) *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. Where conflict exists between this code and the City Zoning Ordinance, the Zoning Ordinance shall take precedence."
- (84) *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."
- (85) *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 a minimum of 14 feet above the highest traffic surface."

(86) *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."

(87) *Subsection 3109.2* In the definition in Chapter 2, change 24" to 18". This regulation shall also apply to fountains and any other building or site water feature.

(88) *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."

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

(90) *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."

"Subsection 3109.6.1. Electrical Requirements.

(91) *Subsection 3109.6.2. Annual Inspection Requirements.* Add new subsection to read as follows:

"Subsection 3109.6.2. 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."

(92) Add new Section 3111, Green Building Requirements.

3111.1 Scope. All buildings, and the accompanying building sites, listed in this section shall be constructed in accordance with the green building standards that are referenced herein.

3111.2 Commercial and High Rise Residential Buildings

3111.2.1 Scope. For the purpose of this subsection, these requirements shall pertain to newly constructed or "substantially improved"* commercial and high rise residential buildings equal to or larger than 10,000 square feet. Substantially improved structures include renovations or reconstruction of existing buildings with at least 10,000 square

feet of gross floor area that alter more than 50% of the GFA and additions that double the building's footprint or add at least 10,000 square feet of GFA, and/or as defined below:

* Substantial improvement, as defined by the International Existing Building Code, is any repair, alteration, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure, before the improvement or repair is started.

3110.2.2 Requirements. Applicable structures equal to or larger than 10,000 square feet, but no larger than 50,000 square feet, must achieve a certification from the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) green building rating system of a Certified-level rating or higher using current LEED standards or comply with energy and environmental design standards that the City Manager may adopt by regulation, pursuant to Section 2-10 of the City Code, as equivalent to a Certified-level rating in the appropriate LEED rating system. Applicable structures equal to or larger than 50,000 square feet must achieve a certification from the USGBC LEED green building rating system of a Silver-level rating or higher using current LEED standards or comply with energy and environmental design standards that the City Manager may adopt by regulation, pursuant to Section 2-10 of the City Code, as equivalent to a Silver-level rating in the appropriate LEED rating system.

3111.2.3 Submittals. Prior to the issuance of grading permits, the applicant shall submit documentation showing the project has been registered with the USGBC and the applicable LEED registration fee has been paid OR meets the standards that the City Manager may adopt by regulation as equivalent to the appropriate LEED rating system. The applicant shall also submit a checklist that is prepared, signed, and dated by the project LEED accredited professional OR a checklist that is approved by the City Manager that demonstrates the applicant meets with the equivalent standards.

3111.2.4 Verification. No later than eighteen (18) months after the receipt of a Certificate of Use and Occupancy, the applicant shall provide proof to that the required LEED-level rating was obtained.

3111.2.5 Waiver. A waiver or modification of the green building requirements may be granted by the Planning Commission, upon recommendation by the City Manager or his/her designee, based upon a finding that unique physical characteristics of the property or the project make strict compliance with Section 3111 impracticable; however, financial hardship of meeting LEED shall not be the sole basis for approving a waiver or modification.

3111.3 Multifamily Residential Structures

3111.3.1 Scope. For the purpose of this subsection, the scope shall include multifamily buildings and sites designed as Use R-2 and R-3 buildings that are type V construction and 4 stories or less in height, and do not fall under the purview of the International Residential Code as single family dwellings. This shall include the multifamily portion

of any mixed or multi-use building. These requirements shall pertain to new construction of, reconstruction of, additions to, or substantial improvement* (as defined in the International Existing Building Code) of multi-family buildings as described above.

* Substantial improvement, as defined by the International Existing Building Code, is any repair, alteration, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure, before the improvement or repair is started.

3111.3.2 Submittals.

- (1) Upon and with application for permit(s), the building design professional shall submit documentation showing how the following requirements will be met in the design and construction of the proposed buildings.
- (2) Upon completion of construction, and before Use and/or Occupancy approval can take place, the design professional and/or the contractor of record shall submit documentation that all green building requirements specified in the original submittal have been met.

3111.3.3 Requirements.

- (1) Energy Performance: Compliance with the International Energy Conservation Code/2012 (IECC 2012) is required. Energy performance included cooling equipment, heating equipment, water heaters, interior and exterior lighting
 - (a) Appliances: clothes washers, dishwashers, and refrigerators shall be qualified ENERGY STAR appliances.
- (2) Indoor Environmental Air Quality: shall be designed and constructed to obtain a minimum of “Bronze” level (minimum of 25 points) of Chapter 9 of the 2012 ICC National Green Building Standard. All items labeled “mandatory” in the chapter must be met.
- (3) Resource Efficiency: shall be designed, specified, implemented and/or constructed to obtain a minimum of “Bronze” level (minimum of 43 points) of Chapter 6 of the 2012 ICC National Green Building Standard. All items labeled “mandatory” in the chapter must be met.
- (4) Operation, Maintenance, and Homeowner/Building Owner Education: shall be accomplished in accordance with Chapter 10 of the 2012 ICC National Green Building Standard. A minimum of “Bronze” level must be attained (8 points) and all items labeled “mandatory” in the chapter must be met.

3111.3.4 Waiver. A waiver or modification of the green building requirements may be granted by the Planning Commission, upon recommendation by the City Manager or

his/her designee, based upon a finding that unique physical characteristics of the property or the project make strict compliance with Section 3110 impracticable; however, financial hardship shall not be the sole basis for approving a waiver or modification

- (93) *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 operations.

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.”

- (94) *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 all applicable City of Gaithersburg codes, policies and procedures.

- (95) *Section 3303 Demolition.* Add new subsection 3303.1, delete subsection 3303.6, and renumber the remaining subsections from 3303.2 through 3303.6.

Subsection 3303.1. General. All demolitions of structures, partial or full, shall conform to all applicable City of Gaithersburg codes, policies and procedures.

- (96) *Subsection 3401.2.* Add the following at the end of the first sentence: “Existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations, additions, and/or change of occupancy, shall be permitted to comply with the Maryland Building Rehabilitation Code.” Compliance with this subsection shall not preclude compliance with the City of Gaithersburg Fire Code.

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

- (98) *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.”

Section G102.2 Replace the parentheses and the phrase within the parentheses with the effective date of this regulation.

- (99) *Appendix H.* Appendix H is adopted in its entirety except for any instances where there is a conflict with the City of Gaithersburg Sign Ordinance (City Code, Chapter 24,

Article IX) or any sign-related amendments of this document, any of which shall take precedence over this appendix.

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

(101) *Appendix F of the 2012 International Residential Code.* Appendix F of the International Residential Code is hereby adopted in its entirety and shall apply to all residential Use and Occupancy classifications.

ARTICLE II. THE INTERNATIONAL RESIDENTIAL CODE (2012)

Sec. 5-4. Building Code—Adoption of the International Residential Code (2012)

The International Residential Code (2012), unless specified otherwise, as published by The International Code Council, Inc., is hereby adopted as the building code for one- and two-family dwellings and townhouses in the City, except as modified by Section 5-5.

Sec. 5-5. Same—Modifications.

The International Residential Code (2012), adopted by Section 5-4, is hereby modified as follows:

- (1) Whenever the words “name of jurisdiction or 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/her 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 Department.
- (4) Delete Chapters 25 through 43.
- (5) *Section R103* Delete.
- (6) *Subsection R105.2* Delete items #1, 2, 3, and 5 and 10 from the “Building” list.
#7 Delete “swimming”, change 24 inches (610mm) to 18 inches (457 mm)
- (7) *Subsection R105.3.1.1* Delete.
- (8) *Subsection R108.2* Delete the word “gas and plumbing”; delete the words “applicable governing authority” and replace with “the mayor and city council.”
- (9) *Subsection R109.1* At the end of the paragraph, add the following: “and all other inspections listed in the City of Gaithersburg inspection guide and/or required by department policy.”
- (10) *Subsection R109.1.2* Delete the words "plumbing and gas".
- (11) *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.

- (12) *Subsection R109.2* After the word accept, insert the following phrase, “as required by department policy”.
- (13) Add new Subsection R109.1.6.2 “Permanent Property Corners” to read as follows:
Permanent property corners shall be installed prior to final use and occupancy approval.
- (14) *Section R112.* Delete and replace with the following:
“Section R112. Board of Appeals. Any decision or order of the City manager or his/her 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.”
- (15) *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.”
- (16) *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 “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.”
- (17) Climatic and geographic design criteria to be inserted in *Table No. R301.2(1)* as follows:
- | | |
|----------------------------------|---------------------------------|
| “Ground snow load | 30 psf |
| Wind speed | 90 mph |
| Topographic Effects | No |
| Seismic Design Category | B |
| Weathering | Severe |
| Frost Depth | 30 inches |
| Termite | Moderate to Heavy |
| Decay | Slight to Moderate |
| Winter Design Temperature | 13(f) |
| Ice Shield Underlayment Required | Yes |
| Flood Hazard | Chapter 10, City Code (4/27/92) |
| Air Freezing Index | 300 |

Mean Annual Temperature 55(f)”

- (18) *Subsection R301.2.4* At the end of the first paragraph add the following: “and in accordance with City of Gaithersburg Code Chapter 10.”
- (19) *Table No. 301.5 Minimum Uniformly Distributed Live Loads.* Change Decks from 40 psf to 60 psf Live Load.
- Add new *Subsection 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.”
- (20) *Subsection R302.1* Last sentence change Section P2094 to read NFPA 13d with City amendments.
- (21) *Section R302.5.1* 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) *Subsection R307.1* remove “and in accordance with P2705.1”
- (23) *Subsection R111.7.8* Change “four” to “three”.
- (24) *Subsection R312.1.1* After the word “landings” add “retaining walls”
- (25) *Subsection R313.2.1* Remove “section P2904 or”
- (26) *Subsection R314.3.1* Exception 1, remove “or the addition of a porch or deck”.

(27) *Subsection R319 Site Address.* Remove “or alphabetical letters”. Change 4 to 5 and 102 mm to 127 mm.

(28) *Add new Section R324 “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.”

(29) Add new Section R325 “City Green Code” to read as follows:

Requirements.

- (1) Energy Performance: Compliance with the International Energy Conservation Code/2012 (IECC 2012) is required.
 - (a) Cooling equipment: shall comply with the International Energy Conservation Code/ 2012.
 - (b) Heating equipment: shall comply with the International Energy Conservation Code/ 2012.
 - (c) Water heaters: shall comply with the International Energy Conservation Code/ 2012.
 - (d) Appliances: Install ENERGY STAR qualified clothes washers, dishwashers, and refrigerators.
 - (e) Interior and Exterior Lighting: shall be in compliance with the International Energy Conservation Code/ 2012
- (2) Indoor Environmental Air Quality: shall be designed and constructed to obtain a minimum of “Bronze” level (minimum of 25 points) of Chapter 9 of the 2012 ICC National Green Building Standard. All items labeled “mandatory” in the chapter must be met.
 - (a) Heating, Ventilation, and Air Conditioning (HVAC) sizing: heating and cooling equipment shall be sized in accordance with the 2012 International Energy Conservation Code .
 - (b) Water heaters—Minimizing CO: Specify direct vented or combustion sealed water heaters if the heater is located in a conditioned space.
 - (c) Resource Efficiency: shall be designed, specified, implemented and/or constructed to obtain a minimum of “Bronze” level (minimum of 43 points) of Chapter 6 of the 2012 ICC National Green Building Standard. All items labeled “mandatory” in the chapter must be met.

- (4) Homeowner Education: Educate the homeowner about the home's green features and the operation and maintenance of key features and equipment related to optimizing home performance by completing the following:
 - (a) Owner's Manual: Provide a homeowner manual, to be included in the submittal of building plans, that includes the following:
 - (i) A guide for homeowners and renters that explains the intent, benefits, use and maintenance of green building features, and encourages additional green activities such as recycling, landscaping, and use of healthy cleaning materials;
 - (ii) Instructions and a routine maintenance plans for all appliances, HVAC operation, water-system turnoffs, lighting equipment and other systems that are part of each occupancy unit; and
 - (iii) An occupancy turnover plan that describes in detail the process of educating the tenant about proper use and maintenance of all building systems.
 - (b) Homeowner and New Resident Orientation: Provide a walk-through and orientation to the homeowner or new resident that reviews the building's green features, operations, and maintenance.

Submittals.

- (1) Upon and with application for permit(s), the building design professional shall submit documentation showing how the following requirements will be met in the design and construction of the proposed buildings.
- (2) Upon completion of construction, and before Use and/or Occupancy approval can take place, the design professional and/or the contractor of record shall submit documentation that all green building requirements specified in the original submittal have been met

Waiver. A waiver or modification of the green building requirements may be granted by the Planning Commission, upon recommendation by the City Manager or his designee, based upon a finding that unique physical characteristics of the property or the project make strict compliance with Section 3110 impracticable; however, financial hardship shall not be the sole basis for approving a waiver or modification.

- (30) *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.”

- (31) *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.”

- (32) Add new Subsection 703.1.2.1 “Fire Resistance”
Exterior siding made with any plastic, vinyl, or similar polymer material must be installed with a noncombustible substrate (exterior wall sheathing) directly beneath it.
- (33) *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 than five (5) feet and shall not be above a vertical line extending from the outside edge of any shelving.”
- (34) *Appendix F.* Appendix F is hereby adopted in its entirety.

Delete sections R507.2 and Table 507.2
Replace with “Decks shall be constructed in accordance with City policy and deck permit guidelines”
- (35) *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).
- (36) *Appendix J.* Appendix J is hereby adopted in its entirety.
- (37) *Appendix K.* Appendix K is hereby adopted in its entirety.

ARTICLE III. THE INTERNATIONAL MECHANICAL CODE (2012)

Sec. 5-6. Mechanical Code—Adoption of the International Mechanical Code (2012).

The International Mechanical Code (2012), 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 (2012), 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/her 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 Inspections 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, Electricity."
- (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) *Section 101.1* Title The (Name of Jurisdiction) shall be "the City of Gaithersburg, MD".
- (7) *Section 306.1.2* Heating Appliances under Stairways. Add new subsection 306.1.2 to Read as follows: No heating appliance of any kind shall be installed under any stairway or landing.
- (8) *Section 306.3* After the first sentence add the following: Access to the attic Opening shall be provided by a permanent or pull-down stairway in all new Construction. In existing installations, portable ladders shall be acceptable.
- (9) *Section 504.6.4.2* Delete the Section
- (10) *Section 506.1* At the end of the first sentence, add the following: "and NFPA 96 in accordance with the City Fire Code, Chapter 11, City Code.
- (11) *Section 506.3.2.5* Change "100 watts" to "300 watts".
- (12) *Section 506.3.9* Change the Subsection title to "Grease Duct Vertical and Horizontal Cleanouts". In item #1, change "20 feet" to "12 feet". Add item #7 to read, "Vertical rises where personnel entry is not possible, adequate access for cleaning shall be provided on each floor level."
- (13) *Section 507.1* At the end of the first sentence, add the phrase, "and the City Fire Code, Chapter 11, City Code.
- (14) *Subsection 606.2.1. Return Air Systems.* Delete the entire subsection and replace with the following: "Smoke detectors shall be placed in air distribution systems as required by the City of Gaithersburg Fire Code, Chapter 11, referencing NFIPA 90-A."

- (15) Subsection 606.2.2. Common supply and return air systems. Delete the entire subsection and replace with the following: “Smoke detectors shall be placed in air distribution systems as required by the City of Gaithersburg Fire Code, Chapter 11, referencing NFPA 90-A.”
- (16) *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.)
- (17) *Roof Screening of Rooftop Mechanical Equipment*. Screening shall be provided as described in amendment # (60) to the City Building Code (Chapter 5, Article I, Section 5-3.)

ARTICLE IV. THE INTERNATIONAL ENERGY CONSERVATION CODE (2012)

Sec. 5-8. Energy Conservation Code—Adoption of the Energy Conservation Code (2012).

The International Energy Conservation Code (2012), 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 (2012), 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/her 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 Inspections 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, Electricity."
- (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 Conservation 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 (2012)

Sec. 5-10. Fuel Gas Code—Adoption of the Fuel Gas Code (2012).

The International Fuel Gas Code (2012), 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 (2012), adopted by Section 5-10, 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/her 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 Inspections 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, Electricity."
- (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.
- (6) The adoption of the International Fuel Gas Code (2012) is only for sections of the code that are not addressed or covered by the current Plumbing and Gasfitting regulations of the Washington Suburban Sanitary Commission (WSSC).
- (7) Section 101.1 Title. The (Name of Jurisdiction) shall be the "City of Gaithersburg, MD".

ADOPTED by the City Council of Gaithersburg this day of

SIDNEY A. KATZ, MAYOR and
President of the Council

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

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 _____ 2014, and that the same was approved/~~vetoed~~ by the Mayor of the City of Gaithersburg on the ___ day of _____, 2014. This Ordinance will become effective on the ___ day of _____, 2014.

Tony Tomasello, City Manager