

CITY OF HAGERSTOWN, MARYLAND

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HAGERSTOWN, BY DELETING AND REPEALING SECTIONS OF CHAPTER 64 *BUILDING CONSTRUCTION*, ARTICLE I THEREOF, *BUILDING STANDARDS*, AND REPLACING THE SECTIONS REPEALED WITH REVISED AND UPDATED SECTIONS, WHICH PROVIDE FOR BUILDING AND RESIDENTIAL STANDARDS AND REQUIREMENTS AND PENALTIES FOR A VIOLATION THEREOF

RECITALS

WHEREAS, the City of Hagerstown has previously adopted building and residential standards in chapter 64, Article I of the Code of the City of Hagerstown; and

WHEREAS, as a result of changes in industry standards and other factors, it becomes necessary from time to time to update the standards contained therein; and

WHEREAS, the Mayor and Council desire to revise and update said Chapter 64, Article I; and

WHEREAS, the Mayor and Council find it in the best interests of the citizens of the City of Hagerstown to do so;

NOW THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Council of the City of Hagerstown, Maryland, as its duly constituted legislative body, as follows:

SECTION 1: The Code of the City of Hagerstown, Chapter 64, Article I, *Building Standards* is hereby amended by deleting and repealing Section 64-1 thereof, and by adopting and adding thereto a new Section 64-1, to replace Section 64-1 hereinabove repealed to read as follows:

“§64-1. Adoption of standards by reference.

A certain code known as the *International Building Code*, 2015 edition, including Appendices F, G, H and I and the whole thereof, of which code a copy is on file with the Office of the City Clerk of the City of Hagerstown, be and the same is hereby adopted and incorporated as fully as if set out at length herein.”

SECTION 2: The Code of the City of Hagerstown, Chapter 64, Article I, *Building Standards* is hereby amended by deleting and repealing Section 64-2 thereof and by adopting and adding thereto a new Section 64-2 to replace Section 64-2 hereinabove repealed, to read as follows:

(PLEASE SEE THE ATTACHED EXHIBIT A WHICH IS INCORPORATED IN THIS ENACTING ORDINANCE AS IF RESTATED HEREIN VERBATIM)

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SECTION 3. The Code of the City of Hagerstown, Chapter 64, Article I, *Building Standards* is amended by deleting and repealing Section 64-4 thereof, and by adopting and adding thereto a new Section 64-4 hereinabove repealed to read as follows:

§64-4. Title.

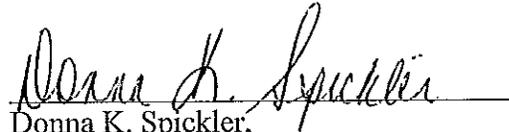
The *International Building Code*, 2015 edition, including Appendices F, G, H and I along with the amendments included in §64-2, shall be known as the "*Building Code of the City of Hagerstown*."

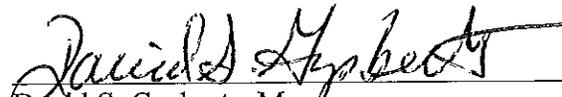
SECTION 4. Effective Date. This Ordinance shall become effective on September 1, 2015.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED THAT that this enacting ordinance shall become effective at the expiration of thirty (30) calendar days following its approval.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND


Donna K. Spickler,
City Clerk


David S. Gysberts, Mayor

Date of Introduction: May 26, 2015
Date of Passage: June 23, 2015
Effective Date: July 24, 2015

PREPARED BY:
SALVATORE & BOYER, LLC
CITY ATTORNEYS

Exhibit A

ARTICLE I

Building Standards

§ 64-2 Amendments.

The following sections of the *International Building Code*, 2015 edition, are amended as follows:

- A. CHAPTER 1 — SCOPE AND ADMINISTRATION, the following sections are amended to read as follows:

1. Section 101.1, Title, is amended to read as follows:

101.1 Title. These regulations shall be known as the *Building Code of the City of Hagerstown*, hereinafter referred to as the "Building Code" or "this code."

2. Section 101.2, Scope, Exception, is amended to read as follows:

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with *International Residential Code*, 2015 edition, including Appendices E, F, H, and O, therein with the following amendments:

- a. CHAPTER 1 – SCOPE AND ADMINISTRATION, is hereby deleted in its entirety and replaced with Chapter 1, Scope and Administration, of the *International Building Code* referenced above with amendments contained herein.
- b. CHAPTER 2 – Section R202, Definitions, Townhouse, the definition is amended to read as follows:

TOWNHOUSE, A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides and is separated by a property line.

- c. CHAPTER 3 – BUILDING PLANNING, the following sections and table are amended to read as follows:

- (1) TABLE R301.2(1), Climatic and Geographic Design Criteria, is amended to read as follows:

Table R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load (psf)	WIND DESIGN				Seismic Design Category ^f	SUBJECT TO DAMAGE FROM			Winter Design Temp ^e	Ice Barrier Underlayment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
	Speed ^d (mph)	Topographic Effects ^k	Special Wind Region ^l	Wind-borne debris zone ^m		Weathering ^a	Frost Line Depth ^b	Termite ^c					
30	115	No	No	No	A	Severe	30"	Moderate To Heavy	12°F	Yes < 4:12	1992	722	55°F

*Subject to Notes a. through m. to this table as listed in the *International Residential Code*, 2015 edition.

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(2) SECTION R313.2 is hereby deleted in its entirety and replaced with § 64-1.1 and § 64-1.2 with amendments contained therein. The Amendment contained in this subsection 62-2.A.2.c (2) shall expire on December 31, 2015.

(3) SECTION R321.3, Accessibility, is amended to read as follows:

R321.3 Accessibility. Elevators or platform lifts that are part of an accessible route required by *Maryland Accessibility Code*, shall comply with the *Maryland Accessibility Code* [COMAR 05.02.02] as may be amended or restated from time to time.

d. CHAPTER 4 – FOUNDATIONS, the following sections are amended to read as follows:

(1) SECTION R403.1, General, is amended to read as follows:

R403.1 General. All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, wood foundations, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Concrete footing shall be designed and constructed in accordance with the provisions of Section R403 or in accordance with ACI 332. All structures requiring continuous footings shall be reinforced with a minimum of two (2) #4 reinforcing bars or as specified by a design professional.

Exception: Footings are not required to be stepped or continuous where changes of footing elevations exceed 4 feet (1220 mm). Such footing can be connected by masonry lintels with a minimum 18 inches (457 mm) of bearing on steel reinforced footings.

(2) SECTION R403.1.4.1, Frost protection, is amended to read as follows:

R403.1.4.1 Frost protection. Except where erected upon solid rock or otherwise protected from frost, foundation walls, piers and other permanent supports of all buildings and structures shall extend no less than 30 inches (762 mm) below finished grade.

Exception: Storage buildings and other structures, 170 square feet (16 m²) or less in area and ten feet (3048 mm) or less in eave height.

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(3) SECTION R403.1.6, Foundation Anchorage, is amended to read as follows:

R403.1.6 Foundation Anchorage. Wood sill plates and wood walls supported directly on continuous foundations shall be anchored to the foundation in accordance with this section.

Cold-formed steel framing shall be anchored directly to the foundation or fastened to wood sill plates anchored to the foundation. Anchorage of cold-formed steel framing and sill plates supporting cold-formed steel framing shall be in accordance with this section and Section R505.3.1 or R603.3.1.

Wood sole plates at all exterior walls on monolithic slabs, wood sole plates of *braced wall panels* at building interiors on monolithic slabs and all wood sill plates shall be anchored to the foundation with minimum ½-inch-diameter (12.7mm) anchor bolts spaced a maximum of 4 feet (1220 mm) on center or *approved* anchors or anchor straps spaced as required to provide equivalent anchorage to ½-inch-diameter (12.7 mm) anchor bolts. Bolts shall extend a minimum of 7 inches (178 mm) into concrete or grouted cells of concrete masonry units. The bolts shall be located in the middle third of the width of the plate. A nut and washer shall be tightened on each anchor bolt. There shall be a minimum of two bolts per plate section with one bolt located not more than 12 inches (305 mm) or less than seven bolt diameters from each end of the plate section. Interior bearing wall sole plates on monolithic slab foundation that are not part of a *braced wall panel* shall be positively anchored with *approved* fasteners. Sill plates and sole plates shall be protected against decay and termites where required by Sections R317 and R318.

Exceptions:

1. Walls 24 inches (610 mm) total length or shorter connecting offset braced wall panels shall be anchored to the foundation with a minimum of one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels at corners as shown in item 9 of Table R602.3(1).
2. Connection of walls 12 inches (305 mm) total length or shorter connecting offset *braced wall panels* to the foundation without anchor bolts shall be permitted. The wall shall be attached to the adjacent braced wall panels at corners as shown in item 9 of Table R602.3(1).

(4) The following sections, figures and tables are hereby deleted in their entirety:

R403.3 Frost protected shallow foundations.

R403.3.1 Foundations adjoining frost protected shallow foundations.

R403.3.1.1 Attachment to unheated slab-on-ground structure.

Figure R403.3 (1)

Table R403.3 (1)

Figure R403.3(2)

Table R403.3(2)

Figure R403.3(3)

Figure R403.3(4)

R403.3.1.2 Attachment to heated structure.

R403.3.2 Protection of horizontal insulation below ground.

R403.3.3 Drainage.

R403.3.4 Termite damage.

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- (5) SECTION R404.3 Wood sill plates, is amended to read as follows:

R404.3 Wood sill plates. Wood sill plates shall be a minimum of 2 inch by 6 inch (51 mm by 152 mm) nominal lumber for basements and crawl spaces with walls supporting unbalanced fill in excess of 48 inches (1220 mm) in height. Other sill plates shall be a minimum of 2 inch by 4 inch (51 mm by 102 mm) nominal lumber. Sill plate anchorage shall be in accordance with Section R403.1.6 and R602.11.

- (6) SECTION R407.3, Structural requirements, is amended to read as follows:

R407.3 Structural requirements. The columns shall be restrained to prevent lateral displacement at the bottom end. Wood columns shall not be less in nominal size than 4 inches by 4 inches (102 mm by 102 mm). Steel columns shall not be less than 3 inch diameter (76 mm) Schedule 40 pipe manufactured in accordance with ASTM A 53 Grade B or *approved* equivalent.

- (7) SECTION R408.6, Finished grade, is amended to read as follows:

R408.6 Finished grade. The finished grade of under-floor surface shall not be any lower than the top of the footings and crawlspace piers must be dug in or backfilled to top; however, where there is evidence that the groundwater table can rise within 6 inches (152 mm) of the finished floor at the building perimeter or where there is evidence that the surface water does not readily drain from the building site, the grade in the under-floor space shall be as high as the outside finished grade, unless an approved drainage system is provided.

- e. CHAPTER 5 – FLOORS, the following sections are amended to read as follows:

- (1) SECTION R502.6, Bearing, is amended to read as follows:

R502.6 Bearing. The ends of each joist, beam or girder shall have not less than 1.5 inches (38 mm) of bearing on wood or metal and not less than 3 inches (76 mm) on masonry or concrete except where supported on a 1 inch by 4 inch (25.4 mm by 102 mm) ribbon strip and nailed to adjacent stud or by the use of approved joist hangers. The bearing on masonry or concrete shall be direct, or a sill plate of 2 inch minimum (51 mm) nominal thickness shall be provided under the joist, beam or girder. The sill plate shall provide a minimum nominal bearing area of 48 square inches (30 865 mm). When steel shims are used, the shim length and width shall provide full bearing area for the beam or girder and shall not exceed 1.5 inches (38 mm) in height.

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(2) SECTION R507.1, Decks, is amended to read as follows:

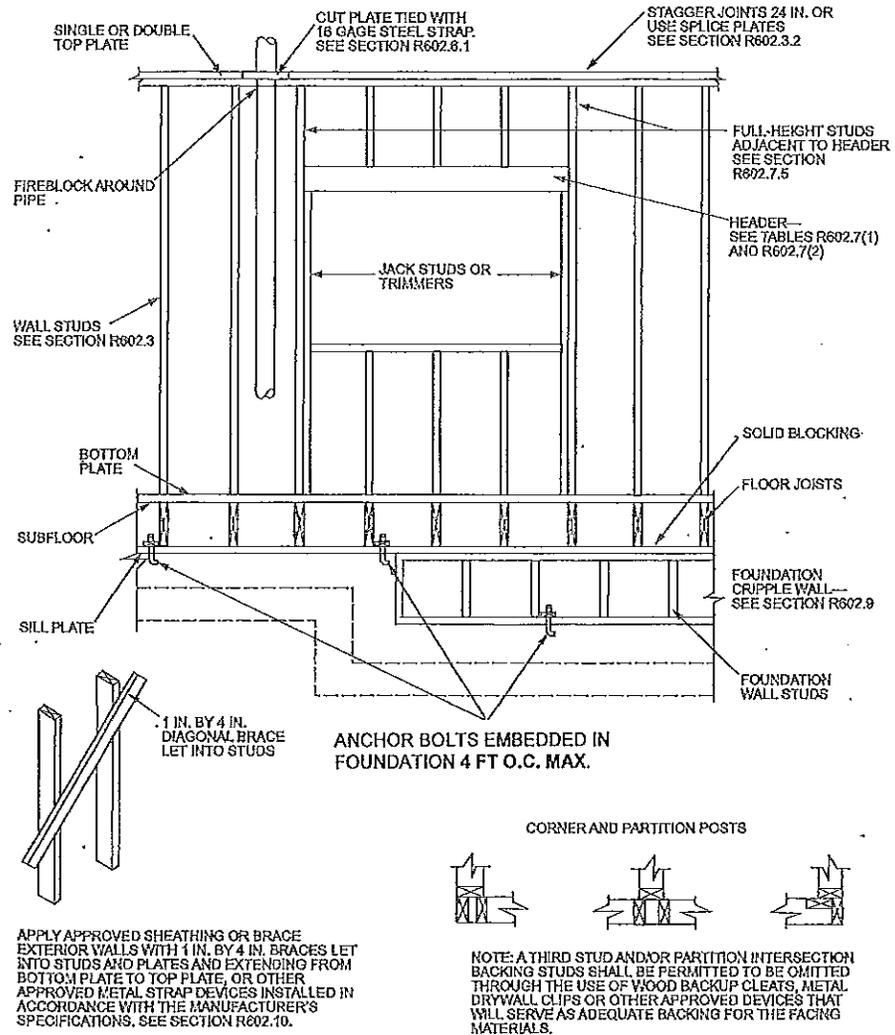
R507.1 Decks. Wood-framed decks shall be in accordance with this section or Section R301 for materials and conditions not prescribed herein. Where supported by attachment to an exterior wall, decks shall be positively anchored to the primary structure and designed for both vertical and lateral loads *as applicable*.

Such attachment shall not be accomplished by the use of toenails or nails subject to withdrawal. Where positive connection to the primary building structure cannot be verified during inspection, decks shall be self-supporting. For decks with cantilevered framing members, connections to exterior walls or other framing members shall be designed and constructed to resist uplift resulting from the full live load specified in Table R301.5 acting on the cantilevered portion of the deck.

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f. CHAPTER 6 – WALL CONSTRUCTION, Figure R602.3(2), Framing details, is amended to read as follows:



For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

FIGURE R602.3(2)
FRAMING DETAILS

g. The following Chapters are hereby deleted in their entirety:

- | | | |
|------------|------------|------------|
| Chapter 11 | Chapter 17 | Chapter 24 |
| Chapter 12 | Chapter 18 | Chapter 25 |
| Chapter 13 | Chapter 19 | Chapter 26 |
| Chapter 14 | Chapter 20 | Chapter 27 |
| Chapter 15 | Chapter 21 | Chapter 28 |
| Chapter 16 | Chapter 22 | |

h. CHAPTER 29 – WATER SUPPLY AND DISTRIBUTION, the following sections are amended to read as follows:

(1) The following sections are hereby deleted in their entirety:

Section P2901 through Section P2903

(2) SECTION P2904.2.3, Freezing areas, is amended to read as follows:

P2904.2.3. Freezing areas. Piping shall be protected from freezing as required by Section P2904.2.3.1. Where sprinklers are required in areas that are subject to freezing, dry-sidewall or dry-pendent sprinklers extending from a nonfreezing area into a freezing area shall be installed.

(3) SECTION P2904.2.3.1, is added as follows:

P2904.2.3.1. Freeze protection. In localities having a winter design temperature of 32°F (0°C) or lower as shown in Table R301.2 (1) of this code, a water, soil, or waste pipe shall not be installed outside of a building, in exterior walls, in attics, or crawl spaces, or in any other place subjected to freezing temperature unless adequate provision is made to protect it from freezing by insulation or heat or both. Water Service pipe shall be installed not less than 12 inches (305 mm) deep and not less than 6 inches (152 mm) below the frost line.

(4) The following sections are hereby deleted in their entirety:

Section P2905 through Section P2908

i. The following chapters are hereby deleted in their entirety:

Chapter 30	Chapter 35	Chapter 40
Chapter 31	Chapter 36	Chapter 41
Chapter 32	Chapter 37	Chapter 42
Chapter 33	Chapter 38	Chapter 43
Chapter 34	Chapter 39	

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3. Section 101.2 Scope, Exception 2 is added as follows:

Exception 2: Existing buildings undergoing repair, alterations or additions, and change of occupancy shall comply with the *Maryland Building Rehabilitation Code* set forth in COMAR 05.16.

4. Sections 101.4.1, 101.4.2, 101.4.3, 101.4.4, 101.4.5, 101.4.6 and 101.4.7, are amended to read as follows:

101.4.1 Gas. Any reference to the *International Fuel Gas Code (IFGC)* shall mean the Plumbing Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article V, of the Code of the City of Hagerstown shall apply to all installations and modifications involving fuel gas.

101.4.2 Mechanical. Any reference to the *International Mechanical Code (IMC)* shall mean the Mechanical Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article VI, of the Code of the City of Hagerstown shall apply to all installations and modifications involving heating, air conditioning, and mechanical ventilation.

101.4.3 Plumbing. Any reference to the *International Plumbing Code (IPC)* shall mean the Plumbing Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article V, of the Code of the City of Hagerstown shall apply to all installations and modifications involving plumbing.

101.4.4 Property maintenance. Any reference to the *International Property Maintenance Code (IPMC)* shall mean the Property Maintenance Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article III, of the City Code of the City of Hagerstown shall apply.

101.4.5 Fire prevention. Any reference to the *International Fire Code (IFC)* shall mean the *Maryland State Fire Prevention Code* (COMAR 29.06.01), as may be amended or restated from time to time.

101.4.6 Energy. Any reference to the *International Energy Conservation Code (IECC)* shall mean the *International Energy Conservation Code, 2012 edition*, as adopted in the *Maryland Building Performance Standards* (COMAR 05.02.07), as may be amended from time to time.

101.4.7 Existing building. Any reference to the *International Existing Building Code (IEBC)* shall mean the *Maryland Building Rehabilitation Code* (COMAR 05.16), as may be amended or restated from time to time.

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5. Section 101.4.8, 101.4.9, 101.4.10, 101.4.11 and 101.4.12 are added as follows:

101.4.8 Accessibility. All sections of this code relating to applicable requirements for accessibility and usability of buildings and facilities by individuals with disabilities shall refer to the *Maryland Accessibility Code* (COMAR 05.02.02), as may be amended or restated from time to time.

101.4.9 Building. Any reference to the *International Building Code (IBC)* shall mean the Building Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article I, of the Code of the City of Hagerstown shall apply.

101.4.10 Residential building. Any reference to the *International Residential Code (IRC)* shall mean the Building Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article I, of the Code of the City of Hagerstown shall apply.

101.4.11 Electrical. Any reference to *NFPA 70* or the *National Electrical Code (NEC)* shall mean the Electrical Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article IV, of the Code of the City of Hagerstown shall apply to all electrical installations and modifications.

101.4.12 Swimming pools and spas. Any reference to the *International Swimming Pool and Spa Code (ISPSA)* shall mean the Building Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article I, of the Code of the City of Hagerstown shall apply.

6. Section 103.1, Creation of an enforcement agency, is amended to read as follows:

103.1 Creation of enforcement agency. This code shall be administered by the Department of Community and Economic Development, herein after referred to as "the Department." The executive official in charge thereof or his designee(s) shall be known as the *building official*. Any reference to the department of building safety shall mean the Department.

7. Section 105.1, Required, is amended to read as follows:

105.1 Required. Any *owner* or owner's authorized agent who intends to construct, enlarge, alter, *repair*, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, *repair*, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause such work to be performed, shall first make application to the *Department* and obtain the required *permit*.

8. Sections 105.1.1 and 105.1.2 are hereby deleted in their entirety.

9. Section 105.2 Work exempt from permit, Building: Item 1 is amended to read as follows:

1. One-story detached accessory structures used as tool and storage shed, playhouses and similar uses, provided the floor area does not exceed 100 square feet (9.29 m²).

10. Section 105.2 Work exempt from permit, Building: Item 10 is hereby deleted in its entirety.

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11. Section 105.2.2, Repairs, is amended to read as follows:

105.2.2 Repairs. Application or notice to the Department is not required for ordinary repairs to structures, replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements, or the sandblasting of any wall; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

12. Sections 105.3.3, 105.3.4, 105.3.5, 105.3.6 and 105.3.7 are added as follows:

105.3.3 Site Plan Approval. Application for building permits shall not be accepted prior to approval of the site plan, unless otherwise authorized by the building official.

105.3.4 Residential Permits. Building permits involving the installation of any electrical wiring or plumbing associated with the remodeling of or additions to, single-family, two-family, or three-family residential buildings or associated accessory structures shall not be issued prior to the issuance of all associated plumbing and/or electrical permits.

105.3.5 Sewer Permits. Building permits involving the installation of new sanitary sewer services shall not be issued prior to the issuance of the associated sewer connection permits.

105.3.6 Withholding of permits. Wherever the building official shall find that any person, agent, firm or corporation, whether as owner, lessee or occupant, is in violation of the provisions of this code or of the rules and regulations of any other department or agency of the City of Hagerstown in connection with the erection, maintenance, use or repair of buildings, structures, lands or equipment thereon or therein, he may refuse to grant any further permits or inspections until all violations have been corrected and approved.

105.3.7 Transfer of Permits. Building permits are not transferable. In the event that a change in ownership of the referenced property and/or facility occurs prior to the completion of the permitted construction, renovations, or demolition, the subsequent owner must secure a replacement permit prior to starting or resuming work. Fees in effect at the time of the application for the replacement permit shall apply.

13. Section 105.5, Expiration, is amended to read as follows:

105.5 Expiration. Every permit issued by the Department under the provisions of this code shall expire and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced. Work shall be considered abandoned if no valid request for inspection is received by the Department for a period of 180 days. Before such work can be recommenced, the permit must be reactivated by submitting application for same and paying a fee as established by Department policy, providing no changes have been made or will be made in the original construction documents for such work, and further that such suspension or abandonment has not exceeded one year. Every such permit shall expire one (1) year after issuance, unless an extension is granted in accordance with Section 105.5.1.

14. Section 105.5.1 is added as follows:

105.5.1 Extensions. Any permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. Unless otherwise approved by the Chief Code Official, the Department shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. No permit shall be extended more than once. The fee for an extension shall be as established by Department policy.

15. Sections 109.2, Schedule of permit fees, and 109.4, Work commencing before permit issuance, are amended to read as follows:

109.2 Schedule of permit fees. A fee for each building permit and demolition permit shall be paid prior to the issuance of said permits as established in the fee schedule. Additional fees, when applicable, are as follows:

Permit Fees

Additional fee for zoning certificate when required	As established by the Mayor and Council
Additional fee for Fire Marshal review when required	As specified in City Code, Chapter 98, Fire Protection
Reinstatement of expired permit	As specified by Department policy

In addition to the calculated permit fee required herein, payment of a technology fee will be required in connection with the issuance of the all permits.

109.4 Work commencing before permit issuance. In addition to the building/demolition permit fee, an investigation fee equal to the amount of the building/demolition permit fee shall be assessed when the work to be permitted has begun prior to the issuance of the permit. The maximum additional amount to be charged for this occurrence shall be \$100.

16. Section 109.6, Refunds, is amended to read as follows:

109.6 Refunds. The Department shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. For a permit in which no associated work has been done, the refund shall consist of the permit fee less the application fee and any technology fee.
3. For a permit in which associated work has commenced, no refund shall be applicable.

The Department shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of the payment.

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17. Section 110.3, Required inspections, is amended to read as follows:

110.3 Required inspections. The *building official*, upon notification from the permit holder or the permit holder's agent, shall make the inspections set forth in Sections 110.3.1 through 110.3.10. The holder of the permit shall be responsible for the scheduling of such inspections.

18. Section 110.3.1, Footing and foundation inspection, is amended to add the following:

110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required form shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job. All required foundation damp-proofing and/or waterproofing materials must be in place.

19. Section 110.3.10, Final inspection, is amended to read as follows:

110.3.10 Final inspection. The final inspection shall be made after all work required by the building permit is completed. Final approval shall be issued only after the following conditions, if applicable, are met:

- a. Final electrical approval
- b. Final plumbing approval
- c. Final mechanical approval
- d. Fire department approval
- e. Completion of all site work
- f. Compliance with any special conditions of permit approval

20. Section 110.5, Inspection requests, is amended to read as follows:

110.5 Inspection requests. It shall be the duty of the permit holder or their duly authorized agent to notify the Department when work is ready for inspection. Inspection requests must be made at least 24 hours in advance. In the event that the premises are not ready for the requested inspection or the premises are not safely accessible, a reinspection fee for each additional visit for the same inspection may be imposed.

21. Section 113.1, General, and 113.2, Limitations on Authority, are amended to read as follows:

113.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the *board of appeals*, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

113.2 Board of appeals. Any reference to a *board of appeals* in this code shall be construed to mean the City of Hagerstown Board of Code Appeals as established by Code of the City of Hagerstown, Chapter 10, Article XIV. This Board shall administer the appeal process in accordance with the Code of the City of Hagerstown, Chapter 10, Article XIV.

22. Section 113.3 is hereby deleted in its entirety.

23. Section 114.4, Violation penalties, is amended to read as follows:

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code shall be subject to penalties as prescribed by law. Each day that a violation continues shall be deemed a separate offense.

Any person who shall violate any of the following sections of the *Building Code of the City of Hagerstown* shall be guilty of a municipal infraction and subject to the following fines:

1.	Section 105.1	(Permit) Required:	\$200.00
2.	Section 105.7	Placement of permit:	\$ 50.00
3.	Section 110.3	Required inspections:	\$200.00
4.	Section 110.6	Approval required:	\$100.00
5.	Section 111.1	Use and occupancy:	\$200.00
6.	Section 114.1	Unlawful acts:	\$500.00
7.	Section 115.3	Unlawful continuance:	\$500.00
8.	Section 116.1	(Unsafe) Conditions:	\$500.00

24. Section 115.2, Issuance, is amended to read as follows:

115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person performing the work, or posted at the property. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

B. CHAPTER 3 – USE AND OCCUPANCY CLASSIFICATION, the following sections are amended to read as follows:

1. SECTION 305.2.3, Five or fewer children in a dwelling unit, is amended to read as follows:

305.2.3 Eight or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having eight or fewer persons receiving custodial care shall be classified as Group R-3 occupancy or shall comply with the *International Residential Code*.

2. SECTION 308.6.4, Five or fewer persons receiving care in a dwelling unit, is amended to read as follows:

308.6.4 Eight or fewer persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having eight or fewer persons receiving custodial care shall be classified as Group R-3 occupancy or shall comply with the *International Residential Code*.

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C. CHAPTER 5 – GENERAL BUILDING HEIGHTS AND AREAS, Table 508.4, Required Separation of Occupancies is amended to read as follows:

**TABLE 508.4
REQUIRED SEPARATION OF OCCUPANCIES (HOURS)**

OCCUPANCY	A, E		I-1, I-3, I-4		I-2		R ^a		F-2, S-2 ^b , U		B ^d , F-1, M, S-1		H-1		H-2		H-3, H-4		H-5	
	S	NS	S	NS	S	NS	S	NS	S	NS	S	NS	S	NS	S	NS	S	NS	S	NS
A, E	1	2	1	2	2	NP	1	2	N	1	1	2	NP	NP	3	4	2	3	2	NP
I-1, I-3, I-4	—	—	1	2	2	NP	1	NP	1	2	1	2	NP	NP	3	NP	2	NP	2	NP
I-2	—	—	—	—	N	N	2	NP	2	NP	2	NP	NP	NP	3	NP	2	NP	2	NP
R ^a	—	—	—	—	—	—	1	1	1 ^c	2 ^c	1	2	NP	NP	3	NP	2	NP	2	NP
F-2, S-2 ^b , U	—	—	—	—	—	—	—	—	1	2	1	2	NP	NP	3	4	2	3	2	NP
B ^d , F-1, M, S-1	—	—	—	—	—	—	—	—	—	—	1	2	NP	NP	2	3	1	2	1	NP
H-1	—	—	—	—	—	—	—	—	—	—	—	—	N	NP	NP	NP	NP	NP	NP	NP
H-2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	N	NP	1	NP	1	NP
H-3, H-4	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	NP	1	NP
H-5	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	N	NP

For SI: 1 square foot = 0.0929 m².

S = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.

NS = Buildings not equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.

N = No separation requirement.

NP = Not permitted.

a. See Section 420.

b. The required separation from areas used only for private or pleasure vehicles shall be reduced by 1 hour but not less than 1 hour.

c. See Section 406.3.4

d. See Section 422.2 for ambulatory care facilities.

D. CHAPTER 7 – FIRE-RESISTANCE-RATED CONSTRUCTION, Section 706.6, Vertical continuity is amended to add the following to the list of exceptions:

7. In Groups R-2 and R-3, as applicable in Section 101.2, walls are permitted to terminate at the roof sheathing or deck in Types III, IV, and V construction, if:

7.1 The roof sheathing or deck is constructed of approved noncombustible materials or of fire-retardant-treated wood for a distance of 4 feet (1,220 mm) on both sides of the wall; or

7.2 The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 for Group R-2, and 903.3.1.1, 903.3.1.2, or 903.3.1.3 for Group R-3; or

7.3 All of the following:

7.3.1 The roof is protected with 5/8 inch (15.9 mm) Type X gypsum board directly beneath the underside of the roof sheathing or deck, supported by a minimum of 2-inch (51 mm) ledgers attached to the side of the roof framing members, for a minimum distance of 4 feet (1,220 mm) on both sides of the fire wall; and

7.3.2 Openings in the roof are not located within 4 feet (1,220 mm) of the firewall; and

7.3.3 The roof is covered with a minimum Class C roof covering.

- E. CHAPTER 9 – FIRE PROTECTION SYSTEMS, Section 907.2.10, (Fire Alarm and Detections Systems) Group R-4, is amended to add Section 907.2.10.4, Alterations, repairs and additions, as follows:

907.2.10.4 Alterations, repairs and additions. When interior alterations, repairs or additions requiring a building permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be equipped with smoke alarms located as required for new dwellings; the smoke alarms shall be interconnected and hardwired.

Exception: Interconnection and hard-wiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for hard wiring and interconnection without the removal of interior finishes.

- F. CHAPTER 11 – ACCESSIBILITY is hereby deleted in its entirety.

- G. CHAPTER 18 – SOILS AND FOUNDATIONS, Section 1809.5, Frost protection, is amended to read as follows:

1809.5 Frost protection. Except where erected upon solid rock or otherwise protected from frost, foundation walls, piers and other permanent supports of all buildings and structures shall extend no less than 30 inches (762 mm) below finished grade.

Exception: Storage buildings and other structures within Use Group U, 170 square feet or less in area and ten feet or less in eave height.

- H. CHAPTER 24 – GLASS AND GLAZING, Section 2406.1, Human impact loads, is amended by adding Section 2406.1.5, to read as follows:

2406.1.5 Code Conflict. In the event of conflict between this chapter and the requirements for safety glazing set forth in Public Safety Article, Title 12, Subtitle 4, of the Annotated Code of Maryland, the requirements set forth in the Annotated Code of Maryland shall prevail.

- I. CHAPTER 27 – ELECTRICAL is hereby deleted in its entirety.

- J. CHAPTER 29 – PLUMBING SYSTEMS is hereby deleted in its entirety.

- K. CHAPTER 30 – ELEVATORS AND CONVEYING SYSTEMS, Section 3001, General, is amended to read as follows:

3001.1 Scope. This chapter governs the design, construction, installation, alteration and repair of elevators and conveying systems and their components. The provisions of this chapter relate to elevators and conveying systems and are in addition to and not instead of the requirements set forth in Public Safety Article, Title 12, Subtitle 8, of the Annotated Code of Maryland. In the event of a conflict between this code and the Annotated Code of Maryland, the provisions of the Annotated Code of Maryland shall prevail.

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- L. CHAPTER 31 – SPECIAL CONSTRUCTION, Section 3109.1.1, Swimming Pool and Spa Code, is added as follows:

3109.1.1 SWIMMING POOL AND SPA CODE shall be added and amended as follows:

A certain code known as the *International Swimming Pool and Spa Code*, 2015 edition, and the whole thereof, of which a copy is on file with the office of the Clerk of the City of Hagerstown, be and the same is hereby adopted and incorporated as fully as if set out at length herein.

1. Section 101.1, Title, is amended to read as follows:

101.1 Title. These regulations shall be known as the *Swimming Pool and Spa Code of the City of Hagerstown*, hereinafter referred to as the "Swimming Pool and Spa Code" or "this code."

2. Section 102.7.1, Application of the International Codes, is amended to read as follows:

102.7.1 Application of the International Codes. Where the International Codes are referenced in this code, the provisions of the International Code shall apply to related systems and shall be considered as a part of the requirements of this code to the prescribed extent of each reference and as further regulated in 102.7.1.1 through 102.7.1.12.

102.7.1.1 Residential building. Any reference to the *International Residential Code (IRC)* shall mean the Building Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article I, of the Code of the City of Hagerstown shall apply.

102.7.1.2 Building. Any reference to the *International Building Code (IBC)* shall mean the Building Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article I of the Code of the City of Hagerstown shall apply.

102.7.1.3 Electrical. Any reference to the *NFPA 70* or the *National Electrical Code (NEC)* shall mean the Electrical Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article IV, of the Code of the City of Hagerstown shall apply to all electrical installations and modifications.

102.7.1.4 Existing building. Any reference to the *International Existing Building Code (IEBC)* shall mean the *Maryland Building Rehabilitation Code (COMAR 05.16)*, as may be amended or restated from time to time.

102.7.1.5 Mechanical. Any reference to the *International Mechanical Code (IMC)* shall mean the Mechanical Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article VI, of the Code of the City of Hagerstown shall apply to all installations and modifications involving heating, air conditioning and ventilation.

102.7.1.6 Fire prevention. Any reference to the *International Fire Code (IFC)* shall mean the *Maryland State Fire Prevention Code (COMAR 29.06.01)*, as may be amended or restated from time to time.

102.7.1.7 Gas. Any reference to the *International Fuel Gas Code (IFGC)* shall mean Plumbing Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article V, of the Code of the City of Hagerstown shall apply to all installations and modifications involving fuel gas.

102.7.1.8 Energy. Any reference to the *International Energy Conservation Code (IECC)* shall mean the *International Energy Conservation Code, 2012 edition*, as adopted in the *Maryland Building Performance Standards (COMAR 05.02.07)*, as may be amended from time to time.

102.7.1.9 Property maintenance. Any reference to the *International Property Maintenance Code (IPMC)* shall mean the Property Maintenance Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article III, of the City Code of the City of Hagerstown shall apply.

102.7.1.10 Plumbing. Any reference to the *International Plumbing Code (IPC)* shall mean the Plumbing Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article V, of the Code of the City of Hagerstown shall apply to all installations and modifications involving plumbing.

102.7.1.11 Accessibility. All sections of this code relating to applicable requirements for accessibility and usability of buildings and facilities by individuals with disabilities shall refer to the *Maryland Accessibility Code (COMAR 05.02.02)*, as may be amended or restated from time to time.

102.7.1.12 Swimming pools and spas. Any reference to the *International Swimming Pool and Spa Code (ISPSC)* shall mean the Building Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article I, of the Code of the City of Hagerstown shall apply.

3. Section 103.1, Creation of an enforcement agency, is amended to read as follows:

103.1 Creation of enforcement agency. This code shall be administered by the Department of Community and Economic Development, herein after referred to as "the Department." The executive official in charge thereof or his designee(s) shall be known as the *code official*. Any reference to the department of building safety shall mean the Department.

4. Section 105.1, When required, is amended to read as follows:

105.1 When Required. Any *owner*, or owner's authorized agent who desires to construct, enlarge, alter, repair, move, demolish a pool or spa or to erect, install, enlarge, alter, repair, remove, convert, or replace any associated pool or spa system, the installation of which is regulated by this code, or to cause such work to be performed, shall first make application to the *Department* and obtain the required permit for the work.

5. Section 105.2, Application for permit, is amended to read as follows:

105.2 Application for permit: Each application for a permit, with the required fee, shall be filed with the Department on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or owner's authorized agent. The permit application shall contain such other information required by the code official.

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6. Section 105.5.3, Expiration, is amended to read as follows:

105.5.3 Expiration. Every permit issued by the Department under the provisions of this code shall expire and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced. Work shall be considered abandoned if no valid request for inspection is received by the Department for a period of 180 days. Before such work can be recommenced, the permit must be reactivated by submitting application for same and paying a fee as established by Department policy, providing no changes have been made or will be made in the original construction documents for such work, and further that such suspension or abandonment has not exceeded one year. Every such permit shall expire one (1) year after issuance, unless an extension is granted in accordance with Section 105.5.4.

7. Section 105.5.4, Extensions, is amended to read as follows:

105.5.4 Extensions. Any permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. Unless otherwise approved by the Chief Code Official, the Department shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. No permit shall be extended more than once. The fee for an extension shall be as established by Department policy.

8. Section 105.6.2, Fee schedule, is amended to read as follows:

105.6.2 Fee schedule. Fees for permits shall be paid as established in the fee schedule.

9. Section 105.6.3, Fee refunds, is amended to read as follows:

105.6.3 Fee refunds. The Department shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. For a permit in which no associated work has been done, the refund shall consist of the permit fee less the application fee and any technology fee.
3. For a permit in which associated work has commenced, no refund shall be applicable.

The Department shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of the payment.

10. Section 106.2, Required inspections and testing, is amended to read as follows:

106.2 Required inspections and testing. Pool and spa installations or alterations thereto, including equipment, piping, and appliances related thereto, shall be inspected by the code official to ensure compliance with the requirements of this code. The holder of the permit shall be responsible for the scheduling of such inspections.

11. Section 106.5, Inspection requests, is amended to read as follows:

106.5 Inspection requests. It shall be the duty of the permit holder or their duly authorized agent to notify the Department when work is ready for inspection. Inspection requests must be made at least 24 hours in advance. In the event that the premises are not ready for the requested inspection or the premises are not safely accessible, a reinspection fee for each additional visit for the same inspection may be imposed.

12. Section 107.4, Violation penalties, is amended to read as follows:

107.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a pool or spa in violation of an approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law. Each day that a violation continues shall be deemed a separate offense.

Any person who shall violate any of the following sections of the *Swimming Pool and Spa Code of the City of Hagerstown* shall be guilty of a municipal infraction and subject to the following fines:

- | | |
|---|----------|
| 1. Section 106.2, Required inspections and testing: | \$200.00 |
| 2. Section 107.1, Unlawful acts (permit required): | \$200.00 |
| 3. Section 107.5, Stop-work orders: | \$500.00 |
| 4. Section 107.7.1, Authority to condemn installations: | \$200.00 |
| 5. Section 107.7.3, Connection after order to disconnect: | \$500.00 |

13. Section 107.5, Stop work orders, is amended to read as follows:

107.5 Stop work orders. Upon notice from the code official, work on any gas system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person performing the work, or posted at the property. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of five hundred dollars (\$500.00).

14. Section 108.1, Application for appeal, and 108.2, Membership of board, are amended to read as follows:

108.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the *board of appeals*, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

108.2 Board of appeals. Any reference to a *board of appeals* in this code shall be construed to mean the City of Hagerstown Board of Code Appeals as established by Code of the City of Hagerstown, Chapter 10, Article XIV. This Board shall administer the appeal process in accordance with the Code of the City of Hagerstown, Chapter 10, Article XIV.

15. Sections 108.2.1 through 108.7 are hereby deleted in their entirety.

16. Section 305.1, General, is amended to delete the noted Exceptions in their entirety.

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17. Section 305.5, Onground residential pool structure as a barrier, is amended to read as follows:

305.5 Onground residential pool structure as a barrier. An onground *residential* pool wall structure or a barrier mounted on top of an onground *residential* pool structure shall serve as a barrier where all of the following conditions are present:

1. Where only the pool wall serves as the barrier, the bottom of the wall is on grade, the top of the wall is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, the wall complies with the requirements of Section 305.2 and the pool manufacturer allows the wall to serve as a barrier.
2. Where a barrier is mounted on top of the pool wall, the top of the barrier is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, and the wall and the barrier on top of the wall comply with the requirements of Section 305.2.
3. Ladders or steps used as a means of access to the pool must be surrounded by a barrier that meets the requirements of Section 305.
4. Barriers that are mounted on top of onground *residential* pool walls are installed in accordance with the pool manufacturer's instructions.

M. CHAPTER 33 – SAFEGUARDS DURING CONSTRUCTION, the following sections are amended to read as follows:

1. SECTION 3302.3, Fire safety during construction, is amended to read as follows:

3302.3 Fire safety during construction. Fire safety during construction shall comply with the applicable requirements of this code and the applicable provisions of the *Maryland State Fire Prevention Code* (COMAR 29.06.01), as may be amended or restated from time to time.

2. SECTION 3303.7, Fire safety during demolition, is amended to read as follows:

3303.7 Fire safety during demolition. Fire safety during demolition shall comply with the applicable requirements of this code and the applicable requirements of the *Maryland State Fire Prevention Code* (COMAR 29.06.01), as may be amended from time to time.

N. Appendix H – SIGNS, is amended by adding Section H112.6, Projecting signs, to read as follows:

H112.6 Public right-of-way. A person shall not erect, install, rehang or maintain over public property any sign, awning, canopy, or other overhanging device for which a permit is required under the provisions of this code until an insurance policy shall have been filed for public liability insurance in the amount of \$300,000 per accident and for property damage in the amount of \$100,000 as herein required.

Such insurance policy shall protect and save the jurisdiction of the City of Hagerstown harmless from any and all claims or demands for damages by any reason of defects in the construction or by any damage resulting from the collapse, failure, or combustion of the sign or parts thereof, and it shall be required that the City of Hagerstown be named as additional insured in the certificate of insurance, a copy of which shall be filed in the office of the Department.

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