

CITY OF HAGERSTOWN, MARYLAND

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HAGERSTOWN, BY DELETING AND REPEALING CHAPTER 64 *BUILDING CONSTRUCTION*, ARTICLE VI THEREOF, *MECHANICAL STANDARDS*, AND REPLACING IT WITH A REVISED AND UPDATED ARTICLE VI *MECHANICAL STANDARDS*, WHICH PROVIDES FOR MECHANICAL STANDARDS AND REQUIREMENTS, LICENSING REQUIREMENTS AND PENALTIES FOR A VIOLATION THEREOF

RECITALS

WHEREAS, the City of Hagerstown has previously adopted mechanical standards in Chapter 64, Article VI 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 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, is hereby amended by deleting and repealing Chapter 64, Article VI, *Mechanical Standards*.

SECTION 2: The Code of the City of Hagerstown, is hereby amended by adding thereto a new Article VI of Chapter 64 to replace Chapter 64, Article VI hereinabove repealed, to be Chapter 64, Article VI, *Mechanical Standards*, to read as follows:

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

SECTION 3. 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.

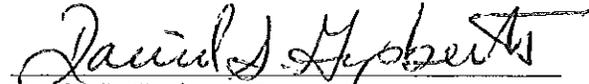
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WITNESS AND ATTEST
AS TO CORPORATE SEAL

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 VI

Mechanical Standards

§ 64-25. Adoption of standards by reference.

A certain code known as the *International Mechanical Code*, 2015 Edition, including Appendix A, 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.

§ 64-26 Amendments

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

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

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

B. Section 101.2 Scope, Exception, is hereby deleted in its entirety.

C. Section 102.2, Existing installations, is amended to read as follows:

102.2 Existing Installations. The legal use and occupancy of any structure existing on the date of adoption of this code for which approval has been received may be continued without change, except as may be specifically covered in this code, the Plumbing Code of the City of Hagerstown, the Property Maintenance Code of the City of Hagerstown, or as may be deemed necessary by the code official for the general safety and welfare of the occupants and the public.

D. Section 102.8, Referenced codes and standards, is amended to read as follows:

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 15 and such codes and standards shall be considered as a part of the requirements of this code to the prescribed extent of each reference and as further regulated in 102.8.1 through 102.8.14.

Exception: Where enforcement of a code provision would violate the conditions of the accredited conformity assessment body listing of the *equipment* or *appliance*, the conditions of the listing and the manufacturer's installation instructions shall apply.

102.8.1 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.

102.8.2 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.

102.8.3 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.

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102.8.4 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.

102.8.5 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.

102.8.6 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.

102.8.7 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.

102.8.8 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.

102.8.9 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.

102.8.10 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.

102.8.11 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.

102.8.12 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.

102.8.13 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8.14 Provisions in referenced codes and standards. Where the extent of the reference to referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

E. Section 103.1, General, is amended to read as follows:

103.1 General. This code shall be administered by the Department of Community and Economic Development, hereinafter 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 mechanical inspection shall mean the Department.

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F. Section 106.1, Where required, is amended to read as follows:

106.1 Where required. It shall be unlawful to erect, install, enlarge, alter, repair, remove, convert, or replace a mechanical system, the installation of which is regulated by this code, without first making application to the Department and obtaining the required permit for the work.

Exception: Where *equipment* and *appliance* replacements or repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day of the Department.

G. Sections 106.1.1 and 106.1.2 are hereby deleted in their entirety.

H. Section 106.3, Application for permit, is amended to read as follows:

106.3 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 must include the name of the property owner and must be signed by a duly licensed HVAC contractor licensed by the State of Maryland, or the owner of the property. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

I. Section 106.4.3, Expiration, is amended to read as follows:

Section 106.4.3 Expiration. Every permit issued by the code official 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 re-activated 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 106.4.4.

J. Section 106.4.4, Extensions, is amended to read as follows:

106.4.4 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.

K. Section 106.4.8 is hereby deleted in its entirety.

L. Section 106.5.2, Fee schedule, is amended to read as follows:

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

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M. Section 106.5.3, Fee refunds, is amended to read as follows:

106.5.3 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.

N. Section 106.5.4 is added as follows:

106.5.4 Re-inspection fees. In the event that the premises are not ready for a requested inspection or the premises are not safely accessible, the code official may impose a re-inspection fee for each additional visit for the same inspection.

O. Section 108.4, Violation penalties, is amended to read as follows:

108.4 Violation penalties. Any person who shall violate a provision of this Mechanical Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair mechanical equipment or systems in violation of an approved plan or directive of the code official or of a permit or certificate issued under the provisions of this code, except those violations specified herein as municipal infraction violations, shall be guilty of a misdemeanor punishable by a fine of not more than \$500 or imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

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

1.	Section 106.1, Where required:	\$200.00
2.	Section 107.2, Required inspections and testing:	\$200.00
3.	Section 108.5, Stop-work orders:	\$500.00
4.	Section 108.7.1, Authority to condemn mechanical systems:	\$200.00
5.	Section 108.7.3, Connection after order to disconnect:	\$500.00

P. Section 108.5, Stop work orders, is amended to read as follows:

108.5 Stop work orders. Upon notice from the code official, work on any mechanical 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).

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Q. Section 108.8 is added as follows:

108.8 Withholding of permits: Whenever the code official shall find that any owner or contractor 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 or repair of buildings, structures, lands or equipment thereon or therein, he/she may refuse to grant any future permits to such until the violations have been corrected.

R. Section 109.1, Application for appeal, is amended to read as follows:

109.1 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.

S. Section 109.2, Membership of board, is amended to read as follows:

109.2 Membership of board. 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 the 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.

T. Sections 109.2.1 through 109.7 are hereby deleted in their entirety.

U. Section 301.14, Repair, is amended to read as follows:

301.14 Repair. Defective material or parts shall be replaced or repaired in such a manner so as to preserve the original approval or listing. Repairs of a damaged heat exchanger shall not be permitted without specific approval of the code official.

V. Section 304.13 is added as follows:

304.13 Safety Controls. An approved safety switch must be provided for every furnace, boiler, and rooftop unit utilizing fuel gas or fuel oil. The switch must be easily accessible, properly labeled, and installed in a location remote from the furnace, or boiler, or rooftop unit.

W. Section 306.1, Access, is amended to add the following exception:

Exception: Where an appliance or piece of equipment is located above a suspended ceiling and a ladder is the only means to access the appliance or equipment, a platform is not required for service.

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X. Section 501.3, Exhaust discharge, is amended to read as follows:

501.3 Exhaust discharge. The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a public nuisance and not less than the distances specified in Section 501.3.1. The air shall be discharged to a location from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic, crawl space, or be directed onto walkways.

- Exception:**
1. Whole-house ventilation-type attic fans shall be permitted to discharge into the attic space of *dwelling units* having private attics.
 2. Commercial cooking recirculating systems.
 3. Re-circulating hoods are acceptable if:
 - a) The cooking appliance is installed in an existing building, and
 - b) The code official deems the installation of a continuous duct to the outside as unreasonable.

Y. Section 504.8.2, Duct installation, is amended to read as follows:

504.8.2 Duct installation. Exhaust ducts shall be supported at 4-foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws or similar fasteners that protrude into the inside of the duct.

Z. Section 504.8.4.1, Specified length, is amended to read as follows:

504.8.4.1 Specified length. The maximum length of the exhaust duct shall be 25 feet (7620 mm) from the connection to the transition duct from the dryer to the outlet terminal. Where fittings are used, the maximum length of the exhaust duct shall be reduced in accordance with Table 504.6.4.1.

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AA. Section 505.1, Domestic systems, is amended to read as follows:

505.1 Domestic systems. Newly-installed domestic ranges and other open cooking appliances shall be provided with hoods. Hoods for new kitchens shall discharge exhaust air to the outdoors through ducts constructed of galvanized steel, aluminum or copper. Such ducts shall have smooth inner walls and shall be air tight and equipped with a backdraft damper.

Exception 1: Ducts for domestic kitchen cooking appliances equipped with downdraft exhaust systems shall be permitted to be constructed of Schedule 40 PVC pipe provided that the installation complies with all of the following:

1. The duct shall be installed under a concrete slab poured on grade.
2. The underfloor trench in which the duct is installed shall be completely backfilled with sand or gravel.
3. The PVC duct shall extend not greater than 1 inch (25 mm) above the indoor concrete floor surface.
4. The PVC duct shall extend not greater than 1 inch (25 mm) above grade outside of the building.
5. The PVC ducts shall be solvent cemented.

Exception 2: Re-circulating hoods are acceptable if:

1. The cooking appliance is installed in an existing building, and
2. The code official deems the installation of a continuous duct to the outside as unreasonable.

For the purpose of this section, a kitchen shall not be considered as "new" if the space or room had been previously used as a kitchen.

BB. Section 506.3.7.1 , Grease duct reservoirs, Item #5, is amended to read as follows:

5. Have a bottom that is sloped to a point for drainage.

CC. Section 1305.8 is added as follows:

1305.8 Materials. The minimum size of fill piping shall be 1.5 inches (38 mm) inside diameter nominal pipe. The minimum size of vent piping shall be 1.25 inches (32 mm) inside diameter nominal pipe.

§ 64-27 Title.

The *International Mechanical Code*, 2015 edition, including Appendix A, along with the amendments included in §64-26 shall be known as the "*Mechanical Code of the City of Hagerstown*".

§ 64-28. (Reserved)

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