

**CITY OF HAGERSTOWN, MARYLAND**

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

**RECITALS**

WHEREAS, the City of Hagerstown has previously adopted plumbing standards in Chapter 64, Article V 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 V, *Plumbing Standards*.

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is hereby amended by adding thereto a new Article V of Chapter 64 to replace Chapter 64, Article V hereinabove repealed, to be Chapter 64, Article V, *Plumbing Standards*, to read as follows:

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

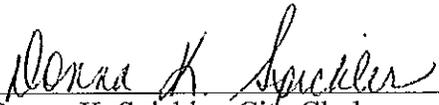
SECTION 3. Effective Date. This Ordinance shall become effective on September 1, 2015.

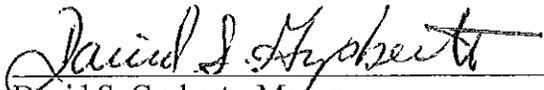
**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED THAT** that this enacting ordinance shall become effective at the expiration of thirty (30) calendar days following its approval.

0-15-15

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

0-15-15

# Exhibit A

## ARTICLE V

### Plumbing Standards

#### § 64-20. Adoption of standards by reference.

A certain code known as the *International Plumbing Code*, 2015 edition, including Appendices B, C, D, E, and F, 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.

#### § 64-21. Amendments.

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

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

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

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

3. 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 Mechanical 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.

4. 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.

**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.

**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.

5. 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 plumbing inspection shall mean the Department.

6. Section 106.1, When required, is amended to read as follows:

**106.1 When required.** It shall be unlawful to erect, enlarge, alter, repair, remove, convert, or replace any plumbing 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.

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

8. 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 master plumber properly registered in the City of Hagerstown.

9. Section 106.4, By whom application is made, is amended to read as follows:

**106.4 Registration requirements:** All individuals and firms who desire to engage or work in the business of plumbing within the City of Hagerstown are required to procure a plumbing registration from the Department. It shall be unlawful for any person to do plumbing work in the City of Hagerstown unless first registered to do so.

10. Section 106.4.1 through 106.4.5 are added as follows:

**106.4.1 Requirements for registration:** All individuals or firms desiring to obtain a City plumbing registration must present their Maryland State master license, along with photo I.D. and payment of fees.

**106.4.2 Registration period:** The registration period shall run from July 1-June 30 for a maximum period of two (2) years and expire June 30 of the odd calendar year.

**106.4.3 Registration fees:** Registration fees are as established in the fee schedule.

An additional application fee is required for each new registration and for any existing registration not renewed within 30 calendar days of its expiration.

Technology fee. In addition to the bi-annual registration fee required herein, each applicant is required to pay a technology fee, the amount of which is established by the fee schedule.

**106.4.4 Use of name or registration by others:** No plumber, plumbing firm, association or corporation shall allow his/her or its name or registration to be used by any other person, firm, association or corporation for the purpose of obtaining plumbing permits.

**106.4.5 Suspension or revocation of registration:** The code official may suspend or revoke any master plumber's registration for failure to correct faulty work, for performing plumbing work without proper permits or for lending his/her name or registration to others for the purpose of obtaining plumbing permits. The holder of said master plumber registration may appeal the suspension or revocation to the Board of Code Appeals as outlined in Chapter 10, Article XIV, of the Code of the City of Hagerstown.

11. Section 106.5.3, Expiration, is amended to read as follows:

**106.5.3 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 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 106.5.4.

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12. Section 106.5.4, Extensions, is amended to read as follows:

**106.5.4 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.

13. Section 106.5.8 is hereby deleted in its entirety.

14. Section 106.6.2, Fee schedule, is amended to read as follows:

**106.6.2 Fee schedule:** Fees for permits shall be paid as established in the fee schedule.

15. Section 106.6.3, Fee refunds, is amended to read as follows:

**106.6.3 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.

16. Section 107.8 is added as follows:

**107.8 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 as established each additional visit for the same inspection.

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

**108.4 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 plumbing work 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 *Plumbing Code of the City of Hagerstown* shall be guilty of a municipal infraction and subject to the following fines:

1. Section 108.1, Unlawful acts (permit required):	\$200.00
2. Section 106.4.4, Use of name or license by others	\$500.00
3. Section 107.2, Required inspections and testing:	\$200.00
4. Section 108.5, Stop-work orders:	\$500.00
5. Section 108.7.1, Authority to condemn equipment:	\$200.00
6. Section 108.7.3, Connection after order to disconnect:	\$500.00

18. 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 plumbing 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 doing 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).

19. 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 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.

20. 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.

21. 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.

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

23. Section 301.8 is added as follows:

**301.8 Public systems available:** A public water main or public sewer system shall be considered available to a building when the building is located within 350 feet (106 680 mm) of a public water main or sewer. In such cases, plumbing systems serving a building shall be connected to the public water and sewer mains.

24. Section 305.4.1, Sewer depth, is amended to read as follows:

**305.4.1 Sewer depth:** Building sewers shall be installed a minimum of 24 inches (608 mm) below grade.

25. Table 308.5, Hanger Spacing, footnote b, is amended to read as follows:

b. For sizes 1 ½ inches and smaller, a guide shall be installed midway between required vertical supports. Such guides shall prevent pipe movement in a direction perpendicular to the axis of the pipe.

26. Section 405.3.1.1 is added as follows:

**405.3.1.1 Showers and bathtubs:** There shall be a minimum of 21 inches (534 mm) clearance in front of a shower compartment opening or bathtub access to any wall, fixture or door.

27. Section 502.3.1 is added as follows:

**502.3.1 Water heaters installed above suspended ceilings.** Water heaters installed above suspended ceilings with removable ceiling panels shall not be located closer than 4 inches (102 mm) and not farther than 16 inches (407 mm) above the ceiling panels.

28. Section 504.7.2, Pan drain termination, is amended to read as follows:

**504.7.2 Pan drain termination.** The pan drain shall extend full size and terminate over a suitably located indirect waster receptor or floor drain or extend to the exterior of the building and terminate not less than 6 inches (152mm) and not more than 24 inches (610 mm) above the adjacent ground surface. Where a pan drain was not previously installed and cannot terminate by gravity, a pan drain shall not be required for a replacement water heater installation.

29. Section 605.3, Water service pipe, is amended to read as follows:

**605.3 Water service pipe:** Water service shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.3 except as specified otherwise herein. All water service pipe or tubing installed underground and outside of the structure, shall have minimum working pressure rating of 160 psi (1100 k.Pa) at 73.4 degrees F. (23 degrees C.) Where the water pressure exceeds 160 psi (1100 kPa), piping material shall have a working pressure rating not less than the highest available pressure. Any copper tubing used for water service piping shall be Type K. Plastic water service piping shall terminate within 5 feet (1524 mm) inside of the point where the pipe penetrates an exterior wall or slab on grade. All ductile iron water pipe shall be cement mortar lined in accordance with AWWA C104.

30. Table 605.4, Water distribution pipe, is amended to read as follows:

**605.4 Water distribution pipe.** Water distribution pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.4. All hot water distribution pipe and tubing shall have a minimum pressure rating of 1100 psi (690 kPa) at 180°F (82°C).

Note: Unless specifically approved by the code official, all copper or copper-alloy tubing used for water distribution piping shall be Type K or L.

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31. Section 607.3, Thermal expansion control, is amended to read as follows:

**607.3 Thermal expansion control.** Where a storage water heater is supplied with cold water that passes through a check valve, pressure reducing valve or backflow preventer, a thermal expansion tank shall be connected to the water heater cold water supply pipe at a point that is downstream of all check valves, pressure reducing valves and backflow preventers. Where a main water service meter is replaced or newly installed, a thermal expansion tank shall be installed. Thermal expansion tanks shall be sized in accordance with the manufacturer's instructions and shall be sized such that the pressure in the water distribution system shall not exceed that required by Section 604.8.

32. Table 702.2, Underground building drainage and vent pipe, is amended to read as follows:

**702.2 Underground building sanitary drainage and vent pipe.** Underground building sanitary drainage and vent pipe shall conform to one of the standards listed in Table 702.2.

Note: Unless specifically approved by the code official, all polyvinyl chloride (PVC) plastic pipe used for underground building drainage piping shall be Schedule 40 solid wall or equal.

33. Table 702.3, Building sewer pipe, is amended to read as follows:

**702.3 Building sewer pipe.** Building sewer pipe shall conform to one of the standards listed in Table 702.3.

Note: Unless specifically approved by the code official, all polyvinyl chloride (PVC) plastic pipe used for building sewer piping shall be Schedule 40 solid wall or equal.

34. Section 703.6 is hereby deleted in its entirety.

35. Section 705.11.2, Solvent cementing, is amended to read as follows:

**705.11.2 Solvent cementing.** Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent cement joints shall be permitted above or below ground.

**Exception:** A primer is not required where both of the following conditions apply:

1. The solvent cement used is third-party certified as conforming to ASTM D 2564.
2. The solvent cement is used only for joining PVC drain, waste and vent pipe and fittings in non-pressure applications in sizes up to and including 4 inches (102 mm) in diameter.

36. Section 708.1.5.1 is added as follows:

**708.1.5.1 Property line:** Cleanouts shall be located at the property line and shall be installed no further apart than 75 feet. Cleanouts located at the property line shall be no smaller in size than the line they serve, but never smaller than six inches.

37. Section 708.1.10, Cleanout access, is amended to read as follows:

**708.1.10 Cleanout access.** Required cleanouts shall not be installed in concealed locations. For the purposes of this section, concealed locations include, but are not limited to, the inside of plenums, within walls, within floor/ceiling assemblies, below grade and in crawl spaces where the height from the crawl space floor to the nearest obstruction along the path from the crawl space opening to the cleanout location is less than 24 inches (610 mm). Cleanouts with openings at a finished wall shall have the face of the opening located 6 inches (153 mm) of the finished wall surface. Cleanouts located below grade shall be extended to grade level so that the top of the cleanout plug is at or above grade. A cleanout installed in a floor or walkway that will not have a trim cover installed shall have a countersunk plug installed so the top surface of the plug is flush with the finished surface of the floor or walkway.

38. Section 717.7, Post-installation inspection, is amended to read as follows:

**717.7 Post-installation inspection.** The completed replacement piping section shall be inspected internally by recorded video camera survey. The video survey shall be reviewed and *approved* by the code official prior to pressure testing of the replacement piping system. A copy of this video survey, on compact disc or comparable video format, shall be given to the code official and retained for record with the permit.

39. Section 802.3, Waste receptors, is amended to read as follows:

**802.3 Waste receptors.** For other than hub drains that receive only clear-water waste and standpipes, a removable strainer or basket shall cover the outlet of waste receptors. Waste receptors shall not be installed in concealed spaces. Waste receptors shall not be installed in plenums, crawl spaces, attics, interstitial spaces above ceilings and below floors. Waste receptors in food prep areas shall extend no less than 1 inch (26 mm) above the finished floor. Ready *access* shall be provided to waste receptors.

40. Section 903.1, Roof extension, is amended to read as follows:

**903.1 Roof extension.** Open vent pipes that extend through a roof shall be terminated not less than 12 inches (305 mm) above the roof, except where a roof is to be used for any purpose other than weather protection, the vent extensions shall terminate not less than 7 feet (2134 mm) above the roof.

41. Section 913.4, Waste stack size, is amended to read as follows:

**913.4 Waste stack size:** Every building in which plumbing is installed shall have at least one stack not less than 3 inches (76 mm) in diameter. Such stack shall run undiminished in size and as directly as possible from the building drain through to the open air or to a vent header that extends to the open air. Where total discharge for the stack exceeds 24 drainage fixture units (dfu), the stack shall be sized in accordance with Table 913.4.

42. Section 1003.4, Oil separators required, is amended to read as follows:

**1003.4 Oil separators required.** At repair garages where floor or trench drains are provided, car washing facilities, factories where oily and flammable liquid wastes are produced and hydraulic elevator pits, oil separators shall be installed into which oil-bearing, grease-bearing or flammable wastes shall be discharged before emptying into the building drainage system or other point of disposal. A hydraulic elevator sump pump shall discharge to an approved storm drain.

**Exception:** An oil separator is not required in hydraulic elevator pits where an approved alarm system is installed. Such alarm systems shall not terminate the operation of pumps utilized to maintain emergency operation of the elevator by fire fighters.

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43. Section 1003.6, Clothes washer discharge interceptor, is amended to read as follows:

**1003.6 Clothes washer discharge interceptor.** Clothes washers shall discharge through an interceptor that is provided with a wire basket or similar device, removable for cleaning, that prevents passage into the drainage system of solids ½ inch (12.7 mm) or larger in size, string, rags, buttons, or other materials detrimental to the public sewage system.

- Exceptions:**
1. Clothes washers in individual dwelling units shall not be required to discharge through an interceptor.
  2. A single clothes washer designed for use in individual dwelling units and installed in a location other than an individual dwelling unit shall not be required to discharge through an interceptor.
  3. Existing installations are exempt from this requirement if the installation was an approved and legal use at the time of installation and does not present a hazard as determined by the code official.

44. Appendix F – FUEL GAS CODE shall be added and amended as follows:

A certain code known as the *International Fuel Gas Code*, 2015 edition, including Appendices A and C, 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 *Fuel Gas Code of the City of Hagerstown*, hereinafter referred to as the "Fuel Gas Code" or "this code."

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

3. 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 Mechanical 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.

4. 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.

**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.

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**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.

**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.

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**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.

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5. 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 inspection shall mean the Department.

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

**106.1 Where required.** It shall be unlawful to erect, enlarge, alter, repair, remove, convert, or replace any gas 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.

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

8. 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 master plumber properly registered in the City of Hagerstown or a propane gas fitter duly licensed in the State of Maryland.

9. Section 106.5.3, Expiration, is amended to read as follows:

**106.5.3 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 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 106.5.4.

10. Section 106.5.4, Extensions, is amended to read as follows:

**106.5.4 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.

11. Section 106.5.8 is hereby deleted in its entirety.

12. Section 106.6.2, Fee schedule, is amended to read as follows:

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

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13. Section 106.6.3, Fee refunds, is amended to read as follows:

**106.6.3 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.

14. Section 107.7 is added as follows:

**107.7 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 as established each additional visit for the same inspection.

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

**108.4 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 plumbing work 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 *Fuel Gas Code of the City of Hagerstown* shall be guilty of a municipal infraction and subject to the following fines:

- |   |          |
|---|----------|
| 1. Section 107.2, Required inspections and testing:       | \$200.00 |
| 2. Section 108.1, Unlawful acts (permit required):        | \$200.00 |
| 3. Section 108.5, Stop-work orders:                       | \$500.00 |
| 4. Section 108.7.1, Authority to condemn installations:   | \$200.00 |
| 5. Section 108.7.3, Connection after order to disconnect: | \$500.00 |

16. 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 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).

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17. 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 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.

18. 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.

19. 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.

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

21. Section 406.4.1 Test pressure, is amended to read as follows:

**Section 406.4.1 Test pressure.** The test pressure to be used shall be no less than 30 psi. (207 kPa) on a 30 lb. gauge (207 kPa gauge).

22. Section 411.1.1, Commercial cooking appliances, is amended to read as follows:

**411.1.1 Commercial cooking appliances.** Commercial cooking appliances installed on casters and appliances that are moved for cleaning and sanitation purposes shall be connected to the *pipng* system with an appliance connector listed as complying with ANSI Z21.69. The commercial cooking appliance connector installation shall be configured in accordance with the manufacturer's instructions. Movement of appliances with casters shall be limited by a restraining device installed in accordance with the connector and appliance manufacturer's instructions. The restraint device shall be installed so as not to allow tension on the connector.

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§ 64-22. Title.

The *International Plumbing Code*, 2015 edition, including Appendices B, C, D, E, and F, along with the amendments included in §64-21 shall be known as the "*Plumbing Code of the City of Hagerstown*".

§ 64-23. Violations and 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 plumbing work 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.

§ 64-24. (Reserved)

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