

**REQUIRED MOTION**

**MAYOR AND CITY COUNCIL  
HAGERSTOWN, MARYLAND**

**Date:** **October 3, 2023**

**TOPIC:** **Approval of an Ordinance:** Amend the Code of the City of Hagerstown by adding and amending sections of Chapter 64 *Building Construction*, Article III Thereof, *Property Maintenance Standards*.

Charter Amendment \_\_\_\_\_  
Code Amendment \_\_\_\_\_  
Ordinance   X    
Resolution \_\_\_\_\_  
Other \_\_\_\_\_

**MOTION:** I hereby move that the Mayor and City Council approve an Ordinance to amend the Code of the City of Hagerstown, Chapter 64, Article III by adding or amending sections to Chapter 64 Building Construction, Article III, Property Maintenance Standards, which provide requirements for safe use of heating, electrical, plumbing, and mechanical systems and occupant health, well-being, and safety. With this Ordinance, the code provisions shall become effective immediately upon the effective date of this enacting Ordinance.

DATE OF INTRODUCTION: **10/24/23**  
DATE OF PASSAGE: **11/21/23**  
EFFECTIVE DATE: **12/22/23**

**CITY OF HAGERSTOWN, MARYLAND**

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HAGERSTOWN,  
CHAPTER 64 THEREOF, *BUILDING CONSTRUCTION*,  
TO UPDATE, **ADD OR AMEND PROVISIONS**  
OF ARTICLE III,  
*PROPERTY MAINTENANCE STANDARDS***

**RECITALS**

WHEREAS, the City of Hagerstown has previously adopted building construction standards in Chapter 64, Article I, *Building Construction Standards* (“*Building Construction Standards*”), of the Code of the City of Hagerstown; and

WHEREAS, Chapter 64, Article III, *Property Maintenance Standards* contains references to certain provisions of the Building Construction Standards; and

WHEREAS, as a result of changes in industry standards and other factors, Chapter 64, Article I, *Building Construction Standards*, Chapter 64, Article V, *Plumbing Standards*, Chapter 64, Article VI, *Mechanical Standards*, and Chapter 64, Article IV, *Electrical Standards*, have ~~has~~ been updated **in accordance with Maryland State Fire Prevention and Public Safety Codes with a 2018 Edition of the *International Building Code***; and

WHEREAS, in order to remain consistent with standards adopted in Chapter 64, Article I, *Building Construction Standards*, Chapter 64, Article V, *Plumbing Standards*, Chapter 64, Article VI, *Mechanical Standards*, and Chapter 64, Article IV, *Electrical Standards*, it is appropriate to incorporate certain provisions addressing **code changes** ~~*Rooftop Egress Routes*~~ contained therein into Chapter 64, Article III, *Property Maintenance Standards*; and

WHEREAS, the Mayor and Council find it in the best interest 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 it’s duly constituted legislative body, as follows:

SECTION 1: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.202, General Definitions be and is hereby amended to add definitions of Permanent Heat Source to read as follows:

**PERMANENT HEAT SOURCE.** A permanently installed and self-fueled, heating unit that is appropriately sized for the dwelling, hard-wired into the electrical system of the dwelling and thermostatically controlled.

SECTION 2: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.305.2, Structural members is hereby amended to read as follows:

**305.2 Structural members.** All structural members, **including roof trusses and stair stringers**, shall be maintained structurally sound, and be capable of supporting the imposed loads.

SECTION 3: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.306, Handrails and Guardrails be and is hereby amended to read as follows:

## SECTION 306 HANDRAILS AND GUARDRAILS

**306.1 General Handrails.** Every exterior and interior flight of stairs having ~~more than four risers~~ **four or more risers** shall have a handrail on one side of the stair. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

**306.2. Handrail Grip-size.** All required handrails shall be of the following types or provide equivalent grasp-ability.

**Type I.** Handrails with a circular cross section shall have an outside diameter of at least 1 ¼ inches (32 mm) and not greater than 2 inches (51 mm).

**Type II.** Handrails that are not circular, shall have a perimeter dimension of at least 4 inches (102 mm) and not greater than 6 ¼ inches (160 mm) with a maximum cross section of dimension of 2 ¼ inches (57 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

**306.3 Handrail Clearance.** Clear space between the handrail and a wall or other surface shall be a minimum of 1 ½ inches (38 mm). A handrail and wall or other surface adjacent to the handrail shall be free of any sharp or abrasive elements.

**306.4 Guardrails.** ~~and~~ Every open portion of a stair, landing, **door**, balcony, porch, deck, ramp, or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Guards shall not be less than 30 inches (762 mm) high above the floor of the **stair**, landing, **door**, balcony, porch, deck, ~~or~~ ramp or other walking surface.

**Exception:** Guards shall not be required where exempted by the adopted building code.

**306.5 Guardrail Opening Limitations.** Required guards shall not have openings from the walking surfaces to the required guard height which allows passage of a sphere 4 inches (102 mm) in diameter.

SECTION 4: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.404.7, Food preparation be and is hereby amended to read as follows:

**404.7 Food preparation.** All spaces to be occupied for food preparation purposes shall contain ~~suitable space~~ **a countertop** and equipment to store, prepare and serve foods in a sanitary manner. [There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.] In rental units the responsibility for supplying the equipment shall be determined by the lease agreement.

**404.7.1 Countertop minimum size.** All food preparation countertops shall have a minimum work area o 5.21 square feet (750 Square inches).

**404.7.2 Countertop minimum dimensions.** The minimum depth dimension for a countertop shall be 21 inches. The minimum width dimension for a countertop shall be 30 inches.

**404.7.3 Countertop height.** The minimum height for a countertop shall be 29 inches. The maximum height for a countertop shall be 36 inches.

SECTION 5: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.503.1, Privacy be and is hereby amended to read as follows:

**503.1 Privacy.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space **within a dwelling unit**, or to the exterior. A door and interior locking device shall be provided for all ~~common or shared~~ bathrooms and toilet rooms in a dwelling unit.

SECTION 6: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.505.4, Water heating facilities be and is hereby amended to read as follows:

**505.4 Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, and laundry facility at a temperature of not less than 110°F (43°C) **and shall be not greater than 140°F (60°C)**. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. **Water heating facilities shall properly support expansion tanks when installed.** ~~An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.~~

**505.4.1 Relief valve approval.** Temperature and pressure relief valves, or combinations thereof, and energy cutoff devices shall be properly installed and maintained on water heaters.

**505.4.2 Requirements for discharge piping.** The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.

2. Discharge through an air gap located in the same room as the water heater.
3. Discharge to the floor, to the pan serving the water heater or storage tank.
4. Discharge in a manner that does not cause personal injury or structural damage.
5. Not be trapped.
6. Terminate not more than 6 inches (152 mm) above and not less than two times the discharge pipe diameter above the floor.
7. Not have valves or tee fittings.
8. Only be constructed of materials listed or materials tested, rated, and approved for such use in accordance with ASME A112.4.1.

SECTION 7: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.602.1, Heating Facilities be and is hereby amended to read as follows:

**602.1 Heating Facilities required.** Heating facilities shall be provided in structures as required by this section. ~~The installation of one or more portable space heaters shall not be used to achieve compliance with this section.~~

SECTION 8: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.603.4, Safety controls be and is hereby amended to read as follows:

**603.4 Safety controls.** All safety controls for fuel-burning equipment shall be maintained in effective operation. An approved safety switch must be installed and maintained for ~~every heating appliance utilizing fuel gas or fuel oil. all furnaces and boilers.~~ The switch must be ~~readily~~ easily accessible, properly labeled and ~~installed in an approved location remote from the heating appliance located as remote as possible from the heating appliance.~~ ~~The switch must be installed in accordance with access and reach requirements noted in section 605.5.~~

SECTION 9: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.603.5.1, Prohibited locations be and is hereby added as follows:

**603.5.1 Prohibited locations.** Any apparatus or device that utilizes a fuel or raw material to produce light, heat, power, refrigeration, or air conditioning shall not be located in sleeping rooms, bathrooms, toilet rooms, storage closets or surgical rooms, or in a space that opens only into such rooms or spaces.

**Exception:** Where approved by the Code Official

SECTION 10: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.604.3.1, Receptacles over heaters be and is hereby added as follows:

**604.3.1 Receptacles over heaters.** A receptacle shall not be above the element of an electric baseboard heater.

SECTION 11: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.604.3.2, Non-grounding receptacles be and is hereby added as follows:

**604.3.2 Non-grounding receptacles.** A non-grounding-type receptacle shall be marked “No Equipment Ground.”

SECTION 12: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.604.4, Access to occupants be and is hereby added as follows:

**604.4 Access to occupants.** Each occupant shall have ready access to the occupant’s overcurrent devices, branch circuits, panel boxes, and service disconnect means supplying that occupancy.

**Exception:** Where approved by the Code Official

SECTION 13: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.605.1, Installation be and is hereby amended to read as follows:

**605.1 Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings. All cooking appliances shall be installed in accordance with their listing, the manufacturer’s instructions, and UL 858.

SECTION 14: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.605.2, Receptacles be and is hereby amended to read as follows:

**605.2 Receptacles.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every bathroom and toilet room shall contain at least one ground fault circuit-interrupter protected receptacle. Every kitchen shall contain at least one receptacle outlet by the countertop for general use, receptacles dedicated for food preparation equipment shall not meet this requirement. Every laundry area shall contain at least one grounded receptacle or a receptacle with a ground fault circuit interrupter.

SECTION 15: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.605.4, Lighting fixtures be and is hereby amended to read as follows:

**605.4 Lighting fixtures required.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

**Exception:** One or more receptacles controlled by a wall switch shall be permitted in lieu of lighting fixtures in habitable rooms.

SECTION 16: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.605.4.1, Lighting fixtures be and is hereby amended to read as follows:

**605.4.1 Lighting fixtures maintenance.** Every lighting fixture must be maintained in sound condition and good repair. Fixtures designed to be fitted with globes or shields must have such components properly attached, clean and in good repair.

SECTION 17: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.605.25, Switch access be and is hereby amended to read as follows:

**605.5 Switch Access.** All switches or circuit breakers shall be located to allow operation from a readily accessible location. Such devices shall be installed so that the center of the grip of the operating handle of the switch, when in its highest position, will not be more than 6 feet 7 inches above the floor. **Where the stairway between floor levels has six risers or more, a three-way wall switch must be located at each floor level to control the stairway walking path.**

SECTION 18: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.106.4, Penalty be and the table of Municipal Infraction Fines is hereby amended for the following line items, all other line items to remain as previously adopted, to read as follows:

**Municipal Infraction Fines**

Code Section	Title	Fines
	<b>Section 304</b>	
	<b>Exterior Structure</b>	
<del>304.12</del>	<del>Handrails and Guards</del>	<del>200.00</del>
	<b>Section 305</b>	
	<b>Interior Structure</b>	
<del>305.5</del>	<del>Handrails and Guards</del>	<del>200.00</del>
	<b>Section 306</b>	
	<b>Handrails and Guardrails</b>	

306.1	General Handrails	200.00
306.2	Handrail Grip-size	200.00
306.3	Handrail Clearance	200.00
306.4	Guardrails	200.00
306.5	Guardrail Opening Limitations	200.00

**Section 404  
Occupancy Limitations**

404.7.1	Countertop minimum size	200.00
404.7.2	Countertop minimum dimensions	200.00
404.7.3	Countertop height	200.00

**Section 505  
Water System**

505.4.1	Relief valve approval	500.00
505.4.2	Requirements for discharge piping	500.00

**Section 603  
Mechanical Equipment**

603.5.1	Prohibited locations	500.00
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**Section 604  
Electrical Facilities**

604.3.1	Receptacles over heaters	500.00
604.3.2	Non-grounding receptacles	500.00
604.4	Access to occupants	500.00

**Section 605  
Electrical Equipment**

605.4	Lighting Fixtures <b>required</b>	200.00
605.4.1	Lighting Fixtures <b>maintenance</b>	200.00

SECTION 19: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.111.2, Appeals Board be and is hereby amended to read as follows:

**111.2 Appeals Board.** Any reference to a Board of Appeals in this code shall be construed to mean the City of Hagerstown Board of ~~Technical Code~~ Appeals as established by the City Code, Chapter 10, Article XIV.



This Board shall administer the appeal process in accordance with the City Code, Chapter 10, Article XIV.

SECTION 20: Effective date. This Ordinance shall become effective immediately upon the effective date of this enacting Ordinance.

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED THAT** that this enacting Ordinance shall become effective upon 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

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Donna K. Spickler, City Clerk

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Tekesha Martinez, Mayor

Date of Introduction: **October 24**, 2023  
Date of Passage: **November 21**, 2023  
Effective Date: **December 22**, 2023

PREPARED BY:  
SALVATORE & MORTON, LLC  
CITY ATTORNEYS