

**Action**

**MEMORANDUM**

May 14, 2010

TO: County Council

FROM: Amanda Mihill, Legislative Analyst *A. Mihill*

SUBJECT: **Action:** Executive Regulation 26-09AM, Adoption of the 2009 International Building, Energy Conservation, Mechanical, Fuel-Gas, and Residential Codes

**Transportation, Infrastructure, Energy & Environment Committee recommendation (2-1):** approve Executive Regulation 26-09, Adoption of the 2009 International Building, Energy Conservation, Mechanical, Fuel-Gas, and Residential Codes with amendments requiring a blower door test be mandated for 10% of new home construction for a 1 year period. Councilmember Floreen supported adopting the 2009 codes, but did not support mandating the blower door test for new homes.

On March 25, the Council received Executive Regulation 26-09, Adoption of the 2009 International Building, Energy Conservation, Mechanical, Fuel-Gas, and Residential Codes. As a Method (2) regulation, within 60 days after receiving it, the Council must either approve or disprove the regulation or extend time for Council action. This regulation applies to the construction of public and private structures within the County, and would supersede Executive Regulation 28-07.

The Transportation, Infrastructure, Energy & Environment Committee discussed Executive Regulation 26-09 on April 28, 2010 in conjunction with a related item, Expedited Bill 10-10, Buildings – Energy Efficiency – Repeal. Bill 10-10, sponsored by the Council President at the request of the County Executive, would repeal the requirement that certain residential buildings meet certain ENERGY STAR standards. Action on Bill 10-10 is scheduled for later this morning (Agenda item #10). The Committee recommended approval of the proposed regulation with amendments. These amendments have been incorporated into Regulation 26-09AM, which the County Executive submitted to the Council on May 13, 2010 (see §83.1 on ©21 and 45). A copy of Regulation 26-09AM showing the incorporated changes in legislative format, is attached on ©2-33. A clean copy of the amended regulation is on ©34-55. A draft resolution approving Regulation 26-09AM is attached on ©117.

## **Background**

The Council enacted Bill 30-07, Buildings – Energy Efficiency on April 22, 2008. Bill 30-07 required certain covered buildings to meet the ENERGY STAR standard by January 1, 2010. Bill 30-07 defined “covered building” as a newly constructed single family residential building or a multi-family residential building that is not covered by the County Green Buildings Law or is not eligible to earn an ENERGY STAR rating.

Bill 30-07 contained an uncodified provision which would delay the ENERGY STAR standard’s effective date from January 1 to April 1, 2010, if:

- the Director of the Department of Environmental Protection certifies by October 1, 2009 that an alternative approach would achieve the same energy efficiency goals and be less costly to builders and buyers of covered buildings; or
- the Sustainability Working Group finds that there is an insufficient number of qualified home energy performance raters doing business in the County.

On December 1, 2009, the Council enacted Expedited Bill 44-09, Buildings – Energy Efficiency – Deferral which deferred the effective date for requiring certain residential buildings to meet ENERGY STAR standards from January 1 to April 1, 2010. According to the Executive’s transmittal memorandum for Bill 44-09, DEP analyzed several alternative standards to the ENERGY STAR requirement and concluded that the 2009 International Energy Conservation Code, with the addition of a blower door test to verify compliance, would achieve the same energy goals as Bill 30-07. DEP concluded that the cost of complying with the IECC 2009 Code would be comparable, but could not conclude with certainty that IECC 2009 would cost less than the ENERGY STAR standard.

In his transmittal memorandum for Bill 10-10, the Executive noted that the IECC 2009 includes 2 verification paths – a blower door test or visual inspection of various components of a building’s air barrier and insulation. The Executive is convinced that IECC 2009, regardless of the choice of verification, will achieve the energy efficiency goals of Bill 30-07. The Executive stated that he was reluctant to specify one verification method over another given the consensus-based code development process and was concerned that requiring a blower door test would increase the cost of constructing a new home by \$200-\$400. At the public hearing, after questioning by Councilmember Berliner, Stan Edwards indicated that DEP believed the Executive’s view was “prudent” in terms of comparability to the ENERGY STAR standards. In conversations with Council staff, DPS staff indicated that they will require additional visual inspections, including an insulation inspection, which in their view makes it less likely that a house will be too leaky.

## **Issue/Committee Recommendation**

The primary issue the Committee considered was whether members concurred with the Executive’s conclusion that the 2009 building codes, regardless of verification method, would achieve the energy efficiency goals of ENERGY STAR. Both ENERGY STAR and the 2009 codes require a detailed visual inspection and a duct blaster test, which is used to measure duct

leakage. The major difference in verification methods between ENERGY STAR and the 2009 codes is the blower door test, which is used to determine the air tightness of a house. A blower door test is used to determine compliance with ENERGY STAR, but the test is optional under the 2009 codes. Industry members raised concerns associated with the blower door test. Council staff identifies some advantages and disadvantages of using this test below.

**Advantages**

- indicates whether the house will meet the County’s energy efficiency goals;
- indicates whether the house is built too tight, which could result problems associated with lower indoor air quality;
- the test is the best diagnostic test available to determine tightness.

**Disadvantages**

- happens late in the process, after walls are “closed in” so it costs more to find and fix problems;
- will cost additional money to conduct the test;
- industry representatives argue that the test is unreliable and results can vary.

To address this issue, Council staff presented the Committee with the following options:

**1. Adopt 2009 codes and retain the ENERGY STAR requirement.** If the Committee is not convinced that the 2009 building codes will achieve comparable energy efficiency goals to the ENERGY STAR standard, the Committee could recommend the Council adopt the 2009 codes and not approve Bill 10-10.

**2. Adopt 2009 codes and do not retain the ENERGY STAR requirement.** If the Committee concurs with the Executive and is convinced that the 2009 codes will achieve the same energy efficiency goals as ENERGY STAR, with either a detailed visual inspection or a blower door test, the Committee could recommend that the Council adopt the 2009 codes and approve Bill 10-10.

**3. Adopt 2009 codes, do not retain the ENERGY STAR requirement, and require a blower-door test to verify energy conservation.** If the Committee believes that the 2009 codes should result in the same energy efficiency goals, but is not convinced that a visual inspection is sufficient to ensure that the County’s energy efficiency goals will be met, the Committee could recommend adopting the 2009 codes with a local modification to require a blower door test to verify compliance with the 2009 codes and approve Bill 10-10.

**Committee recommendation:** The Committee recommended a variation of option (3). The Committee (3-0) recommended approval of Bill 10-10, but recommended (2-1, Councilmember Floreen opposed) requiring a blower door test for 1 in 10 homes and sunset the blower door test requirement after 1 year. This option allows the Council to revisit this issue prior to the sunset date to determine whether the energy efficiency of a house built to the 2009 codes is comparable to ENERGY STAR. Councilmember Floreen supported adopting the 2009 codes, but did not support mandating the blower door test for new homes. The Committee also indicated builders who voluntarily submit to the blower door test should be included as part of the 1 in 10 requirement. The language in Sec. 83.1 of the regulation (©21, 45) is broad enough to allow volunteer builders to be included in the 10% requirement and Permitting Services staff have indicated that volunteers will be included.

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OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

May 13, 2010

RECEIVED  
MONTGOMERY COUNTY  
COUNCIL  
2010 MAY 13 PM 4:14

TO: Nancy Floreen, President  
Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Executive Regulation 26-09AM  
Adoption of the 2009 International Building, Energy Conservation,  
Mechanical, FuelGas, and Residential Codes

The purpose of this memorandum is to transmit for the County Council's approval Executive Regulation 26-09AM, "Adoption of the 2009 International Building, Energy Conservation, Mechanical, Fuel-Gas, and Residential Codes."

Executive Regulation 26-09 was transmitted to the Council around March 25, 2010 and has been modified, at the request of the T&E Committee, to include a requirement whereby ten percent (10%) of all new one and two-family dwellings constructed between July 1, 2010 and June 30, 2011 must be blower door tested. If there are any questions, please call Hadi Mansouri, Division Chief at 240-777-6233.

Attachments



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive, 101 Monroe Street, Rockville, Maryland 20850

<b>Subject:</b> Adoption of the 2009 IBC, IRC, IECC, IMC, IFGC	<b>Number:</b> 26-09 AM
<b>Originating Department:</b> Department of Permitting Services	<b>Effective Date:</b>

Montgomery County Regulation on:

ADOPTION OF THE 2009 INTERNATIONAL BUILDING, ENERGY CONSERVATION, MECHANICAL, FUEL-GAS, AND RESIDENTIAL CODES

DEPARTMENT OF PERMITTING SERVICES

Issued by:

The County Executive

Regulation No. [28-07] 26-09

Authority: Code Sections 8-13 and 8-14

Supersedes: Regulations No. [24-4] 28-07

Council Review: Method 2 under Code Section 2A-15

Register Vol. 26, Issue 12

Comment Deadline: January 15, 2010

Effective Date:

Sunset Date: None

**SUMMARY:** This regulation adopts the [2006] 2009 editions of the International Building Code (IBC), the International Energy Conservation Code (IECC), the International Fuel Gas Code (IFGC), the International Mechanical Code (IMC), and the International Residential Code (IRC) with amendments. It governs all buildings and structures within Montgomery County.

**ADDRESS:** Department of Permitting Services  
255 Rockville Pike, Second Floor  
Rockville, Maryland 20850-4166

**STAFF CONTACT:** Hadi Mansouri, Chief, Division of Building Construction 240-777-6233

**BACKGROUND INFORMATION:** Inasmuch as the International Code Council (ICC) publishes the international series (I-series) of construction standards every three years, and the State of Maryland adopts these standards and obligates its political subdivisions to adopt the standards within a specific time period. Montgomery County must adopt these standards within the prescribed period.



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<b>Originating Department:</b> Department of Permitting Services	<b>Effective Date:</b>

Sec. 1. This regulation is adopted pursuant to Sections 8-13 and 8-14 of the Montgomery County Code (MCC), 1994, as amended, and applies to the construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and/or maintenance of all buildings and structures, and their service equipment, within Montgomery County. It supersedes Executive Regulations [24-04]28-07, dated [April 1, 2005]May 13, 2008, and all previous regulations adopting the BOCA and the International Code Council (ICC) standards. Its purpose is to adopt the [2006]2009 editions of the IBC, the IECC, the IFGC, the IMC, and the IRC with amendments necessary to achieve uniformity and consistency with Maryland and Montgomery County laws and ordinances, as well as department/division policies and procedures. Where this regulation differs from the Montgomery County Fire Safety Code it does not preempt or negate any more restrictive provisions of that code.

Sec. 2. Wherever the IBC references the ICC Electrical Code, replace the reference with Chapter 17 of the Montgomery County Code. Wherever the IBC references the ICC/ANSI A117.1, replace the reference with the Maryland Accessibility Code.

### AMENDMENTS TO THE [2006]2009 INTERNATIONAL BUILDING CODE (IBC)

Sec. 3. Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."

Sec. 4. Section 101.2. Number the existing exception as #1 and add a second exception (#2) to read as follows: Existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code.

Sec. 5. Sections 101.4.3, 101.4.4, and 101.4.5. Delete.

Sec. 6. Section 101.4.[2]1. Delete and replace as follows: The provisions of the International Fuel Gas Code shall apply to the installation of Liquefied Petroleum gas systems and appliances, fuel gas appliances and related accessories as covered in this code. These requirements apply to the inlet connections of appliances and to the installation and operation of residential and commercial gas appliances and related accessories. The provisions of the International Fuel Gas Code apply to the extent that they are adopted in this regulation.

Sec. 7. Section 102.6. [Delete]Replace the phrase "the International Property Maintenance Code or" with the phrase "the Montgomery County Fire Safety Code and".

Sec. 8. Sections 103, [107]108, [110]111, and [112]113, except [112.2]113.2. Delete.



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Sec. 9.	Section 105.1. Add the following: A separate permit is required for each legal address and for each separate building at a legal address.
Sec. 10.	Section 105.2. Delete all except subsections 105.2.1, 105.2.2, and 105.2.3.
Sec. 11.	Sections [105]105.3, 105.4, 105.5, 105.6, and 105.7. Delete.
Sec. 12.	Section 10[8]9.1. Add a second sentence to read: Required fees shall be paid for each separate permit application.
Sec. 13.	Sections 10[8]9.2 through 10[8]9.6. Delete.
Sec. 14.	Section 11[9]0.3:10. Add the following: The final inspection must be requested and approved before a building (or portion thereof) including equipments and appliances are used or occupied, whether or not a valid certificate of use and occupancy exists.
Sec. 15.	[Section 305.2. Change 2½ to 2] Sections 114 and 115. Delete.
Sec. 16.	[Section 308.2. Change the word “five” to “eight,” and the word “six” to “nine.”]Section 305.2. Change 2½ to 2.
Sec. 17.	[Section 308.3.1. Change 2½ to 2] Section 308.2. Change the word “five” to “eight,” and the word “six” to “nine.”
Sec. 18.	[Section 308.5.2. In code text and exception, change 2 ½ to 2].Section 308.3.1. Change 2½ to 2 in the definition of Child Care Facilities.
Sec. 19.	[Section 310.1. After the description for Group R-3 occupancies, add the following:  Exceptions:  1. A family day care home, which is a dwelling in which child day care services are provided: a) in the home where the registrant is the provider and a resident, or where the registrant is not a resident, but more than half of the children cared for are residents; b) for not more than eight children, including the children of the provider, who are less than six years of age, and; c) where staffing complies with state and local regulations, but no more than two non-resident staff members are on site at any time, may be classified as Group R-3, or as a one- or two-family dwelling conforming to the IRC; or



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2. A group day care home, which is a dwelling in which child day care services are provided: a) in the home where the licensee is the provider and a resident; b) for nine to 12 children, including the children of the provider, and; c) where staffing complies with state and local regulations, but no more than three non-resident staff members are on site at any time, may be classified as Group R-3, or as a one- or two-family dwelling conforming to the IRC.

In the first sentence of Group R-4 change "five" to "eight".]Section 308.5.2. In code text and exception, change 2 ½ to 2.

Sec. 20. [Section 509.2. In the third condition, add the following sentence:" For the purposes of determining the number of stories above grade, a story above the 3-hour horizontal assembly shall be considered a story above grade regardless of the location of the average grade plane]Section 310.1. After the description for Group R-3 occupancies, add the following:

Exceptions:

1. A family day care home, which is a dwelling in which child day care services are provided: a) in the home where the registrant is the provider and a resident, or where the registrant is not a resident, but more than half of the children cared for are residents; b) for not more than eight children, including the children of the provider, who are less than six years of age, and; c) where staffing complies with state and local regulations, but no more than two non-resident staff members are on site at any time, may be classified as Group R-3, or as a one- or two-family dwelling conforming to the IRC; or

2. A group day care home, which is a dwelling in which child day care services are provided: a) in the home where the licensee is the provider and a resident; b) for nine to 12 children, including the children of the provider, and; c) where staffing complies with state and local regulations, but no more than three non-resident staff members are on site at any time, may be classified as Group R-3, or as a one- or two-family dwelling conforming to the IRC.

In the first sentence of Group R-4 change "five" to "eight".

Sec. 21. [Section 509.2. Add a sixth condition to read as follows:"6. A fire command center complying with section 911 shall be provided."Section 403.2.1.2. Delete.

Sec. 22. [Section 707.14.1. Add the following sentence at the end of the section: Where an enclosed elevator lobby is provided, exit access corridors shall not be interrupted by an elevator lobby] Section 403.4.4. Delete the phrase "Section 510 of the International Fire



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Code” and replace with “the Montgomery County Fire Safety Code”.

- Sec. 23. [Section 716.5.3. Replace the first sentence of Exception 2 with the following: “In buildings, other than Group H occupancies, equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2, smoke dampers are not required where.” In Exception 2, paragraph 2.1, add the word “Domestic” in front of the word “Kitchen.”]Section 411.1. Number the existing exception as #1 and add a second exception (#2) to read as follows: An amusement which is a multilevel play structure that is not more than 10 feet in height and has an aggregate horizontal projection not exceeding 160 square feet.
- Sec. 24. [Section 903.1.1. Delete and replace with the following: 903.1.1 Alternative Protection. Where water as an extinguishing agent is not compatible with the fire hazard, or is prohibited by a law, statute, or ordinance, the affected area must be protected by an approved automatic fire-extinguishing system utilizing an extinguishing agent that is compatible with the fire hazard.]Section 419. Delete.
- Sec. 25. [Section 903.1.3. Add the following sentence at the end of the section: Unless specifically permitted by this Code, automatic sprinkler systems in occupancies other than one and two family dwellings shall be installed in accordance with Section 903.3.1.1 or 903.3.1.2.]Section 422.3. Change “30” to “15”. Change “2.8” to “1.4” and change “nonambulatory patient” to “occupant”.
- Sec. 26. [Section 905.3. After the section title add the following two sentences: In new installations where the code requires either Class II or III standpipes, Class I standpipes shall be installed. Occupant use hose is prohibited in new or existing buildings]Chapter 4. Add a new section 424 Residential Occupancies.
- 424.1 All R occupancies shall have appropriate radon control features prescribed in Appendix F in the International Residential Code, 2009 edition.
- Sec. 27. [Section 907.3.3. Delete.]Section 501.2. Delete “and existing” in the first line. In the second sentence, Change the phrase “4 inches (102 mm)” to “6 inches (153 mm), except R-3 occupancies which shall be permitted to be 5 inches (127 mm).”
- Sec. 28. [Section 909.9. Add the following sentence at the end of the section: In all cases, the design fire size shall not be less than 5000 Btu/s (5275 kW) unless approved by the building official and the fire official.]Section 509.2. Add two more conditions as follows:
8. For purposes of determining the number of stories above grade, a story above the 3-hour horizontal assembly shall be considered a story above grade regardless of the location of the average grade plane.



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9. A fire command center complying with Section 911 shall be provided.

- Sec. 29. [Section 909.16. In the third sentence, replace the words “approved location adjacent to the fire alarm control panel” with “location approved by the building official and the fire official”.] Section 703.6. Amend item 3 to add a sentence as follows: “The sign or stenciling shall identify the fire resistance rating in hours.”
- Sec. 30. [Section 911. Replace the second sentence with the following, “The fire command center shall have a door directly to the exterior of the building on the address side. The exterior door to the fire command center shall be within 50 feet of a fire department access road. A fire department access box shall be provided within 6 feet of the exterior door to the fire command center. The exterior door to the fire command center shall be identified on the exterior face as the fire command center in a manner acceptable to the fire official.”] Section 708.14.1. Add the following sentence at the end of the section: Where an enclosed elevator lobby is provided, exit access corridors shall not be interrupted by an elevator lobby.
- Sec. 31. [Table 1004.1.1. Add an entry for “Shell Office Spaces” with an occupant load factor of 65 gross square feet per person.] Section 716.5.3. Replace the first sentence of Exception 2 with the following: “In buildings, other than Group H occupancies, equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2, smoke dampers are not required where:”
- Sec. 32. [Section 1009.3, Exception 4. Change 7.75 to 8.25 and in both occurrences Change 10 to 9] Section 903.1.1. Delete and replace with the following: 903.1.1 Alternative Protection. Where water as an extinguishing agent is not compatible with the fire hazard, or is prohibited by a law, statute, or ordinance, the affected area must be protected by an approved automatic fire-extinguishing system utilizing an extinguishing agent that is compatible with the fire hazard.
- Sec. 33. [Section 1013.1. After the first occurrence of the phrase “floor or grade below” insert the phrase “and retaining walls with a difference in grade level on either side of the wall exceeding 30 inches (762 mm) and within 2 feet (610 mm) of a walk, path, parking lot, or driveway on the high side.”] Section 903.2.1.2. Add a fourth condition to read as follows:  
  
4. The assembly occupancy is one of the following (1) Bars with live entertainment, (2) Dance halls, (3) Discotheques, (4) Nightclubs, or (5) Assembly occupancies with festival seating as defined in the Life Safety Code, 2009 edition.
- Sec. 34. [Section 1013.2. Add a third exception: Exception 3. In occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2, interior guards shall be permitted to be not less than 36 inches high.] Section 903.2.8. Add an exception to read as follows:



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An automatic sprinkler system throughout the building is not required when all of the following conditions are met:

1. The building is a mixed use building, that is not otherwise required to be protected throughout by automatic sprinklers;
2. There is only one dwelling unit in the building;
3. The dwelling unit is separated from the remainder of the building by fire barriers in accordance with Section 707 and horizontal assemblies in accordance with Section 712 having a fire resistance rating not less than 2 hours;
4. The means of egress from the dwelling unit is independent from the other occupancies; and,
5. The dwelling unit is protected throughout with automatic sprinklers. The automatic sprinkler system installed for this exception shall be permitted to be designed in accordance with Section 903.3.1.3.

Sec. 35. [Section 1015.2.1. Add the following exception: Exception 3. In buildings of Group R-2 four stories or less in height above the grade plane that are served by two required exterior stairways connected by an open-ended corridors shall be in compliance with Section 1023.6, Exception 4, and shall be provided with remoteness between the near edge of the required landings that are separated by a distance of at least one fourth the length of the maximum overall diagonal dimension of the area served.]Section 903.3.1.3. Add the following sentences at the end of the section: Automatic sprinkler systems in day care homes with 12 clients or less located in converted one and two family dwellings or townhouses shall be permitted to be installed in accordance with NFPA 13D. Unless specifically permitted by this Code, automatic sprinkler systems in occupancies, other than one and two family dwellings or townhouses, shall be installed in accordance with Section 903.3.1.1 or 903.3.1.2.

Sec. 36. [Section 1017.1 Replace Exception 4 with the following: A fire resistance rating is not required for corridors within single-tenant Group B occupancies.]Section 905.3. After the section title add the following two sentences: In new installations where the code requires either Class II or III standpipes, Class I standpipes shall be installed. Occupant use hose is prohibited in new or existing buildings.

Sec. 37. [Section 1018. Add a new section 1018.3 to read as follows:  
  
Section 1018.3. Fire Department Access to Floors. Not less than one exit stair which serves all stories of the building shall be accessible by an internal corridor from the main entrance of the building or the fire department response location.]Section 909.9. Add the following sentence at the end of the section: In all cases, the design fire size shall not be less than 5000 Btu/s (5275 kW) unless approved by the building official and the fire official.



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Sec. 38. [Section 1024.1, Exception 1, Item 1.1. Add two sentences at the end of the item that read as follows:

The door to the exterior of the building shall be in direct sight of the point of the termination of the exit. For the purposes of this section, the use of exit signs or other exit markings shall not be considered as making the way to the exterior “readily visible and identifiable”.]Section 909.16. In the third sentence, replace the words “approved location adjacent to the fire alarm control panel” with “location approved by the building official and the fire official”.

Sec. 39. [Chapter 11. Delete and replace with the Maryland Accessibility Code.]Section 911.1.1. Replace with the following. “The fire command center shall have a door directly to the exterior of the building on the address side. The exterior door to the fire command center shall be within 50 feet of a fire department access road. A fire department access box shall be provided within 6 feet of the exterior door to the fire command center. The exterior door to the fire command center shall be identified on the exterior face as the fire command center in a manner acceptable to the fire official.”

Sec. 40. [Table 1607.1 Item 30 Roofs. Modify the uniform live load value for “Ordinary flat, pitched and curved roofs” to 30 pounds per square foot.]Section 911.1.5.

Amend item 2 to read “The fire department communications system which may include an in-building public safety radio enhancement system monitoring panel.”

Amend item 11 to read “Fire pump status indicators and remote starting.”

Add an item 18 which reads, “A shunt trip device to disconnect the electrical service to the building.”

Sec. 41. [Section 1608.2. After the title add the following sentence: “Design ground snow loads for Montgomery County shall be not less than 30 pounds per square foot.”]Section 915.1. Replace with the following: Emergency responder radio coverage shall be assured in all newly constructed below ground floors of a building, all floors in buildings greater than 25000 ft<sup>2</sup> per floor, and to all floors of buildings greater than 3 stories in height.

Sec. 42. [Section 1612.3. After the heading, delete the text and replace with the following: The Floodplain District in Montgomery County is established in Section 3 of Executive Regulation 108-92 AM, Floodplain Regulations, per the authority in Article III, Chapter 19 of the Montgomery County Code.]Add Sections 915.2 and 915.3 as follows:

Section 915.2. Every floor area in a building or structure which can not achieve the required level of emergency responder radio coverage as established by Montgomery County Department of Technology Services shall be provided with an in-building public



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safety radio enhancement system in accordance with the Montgomery County Fire Safety Code.

Section 915.3. Inspection and Testing. Emergency responder radio coverage and in-building public safety radio enhancement system must be tested, and inspected by approved individuals. The results of the testing and inspection shall be certified to the code official prior to issuance of an occupancy permit.

Sec. 43. [Add a new section as follows: Section 1801.2.2 Special conditions. Design and construction of all buildings and structures within 1000 feet of a known municipal solid waste (MSW) landfill site that does not currently have an operational land fill gas (LFG) monitoring and removal system, shall require special engineering of foundation systems, including walls and floor slabs, to provide for the safety of occupants against hazards from LFG concentration. Special subsurface investigations shall be conducted, at the owner's expense, by an approved and qualified engineer or geologist to determine the extent of the potential hazard. The study must identify the potential hazards, and mitigation plans for the site must be incorporated into the construction documents and approved prior to issuance of a building permit. All buildings and structures within 1000 feet of the boundary of a MSW landfill shall be equipped with a methane gas detector with an alarm activation level of 20% of the lower explosive limit (LEL 1% by volume).]Table 1004.1.1. Add an entry for "Shell Office Spaces" with an occupant load factor of 65 gross square feet per person.

Sec. 44. [Section 1805.2.1. After the word "locality", in method number 1, insert (Depth shall be a minimum of 24 inches below the adjacent finish grade).]Section 1003.5. In exception #2, replace the phrase "a single riser or with two risers and a tread" to "three risers or less".

Sec. 45. [Chapter 29. Delete.]Section 1007.3. Delete Exceptions 1, 2, and 3.

Sec. 46. [Sections 3001.2, 3001.3, and 3001.4. Delete and replace with the following: 3001.2 Standards. The Maryland Department of Labor, Licensing, and Regulation, Division of Labor and Industry, regulates the design, installation, inspection, and testing of all hoisting and conveying equipment.]Section 1007.4. Delete Exception 2.

Sec. 47. [Section 3107.1. Add the following at the end of the sentence: and Chapter 59 of the Montgomery County Code, 1994, as amended.]Section 1008.1.2. Add a sentence at the end to read: "Doors in exit enclosures shall swing in the direction of egress travel unless the door opening serves an individual living unit that opens directly into an exit enclosure."

Sec. 48. [Add a new Section 3110 to read as follows:

Section 3110. In-Building Signal Amplification System.

Section 3110.1. General. The provisions of this Section shall apply to all newly



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constructed below ground floors of a building, all floors in buildings greater than 25000 ft<sup>2</sup> per floor, and to all floors of buildings greater than 3 stories in height of Type I and II constructions. Exception: The requirements of this section shall not apply to areas within an individual dwelling unit.

Section 3110.2. Where Required. Every floor area in a building or structure which can not achieve the required level of radio coverage as established by Montgomery County Department of Technology Services shall be provided with an in-building signal amplification system.

Section 3110.3. Inspection and Testing. Radio coverage and in-building signal amplification systems must be tested, and inspected by approved individuals. The results of the testing and inspection shall be certified to the code official prior to issuance of an occupancy permit.]Section 1008.1.9.10. In Exception #3, delete all text after the phrase "...openable from the egress side".

Sec. 49. [Section 3401.2. Add the following at the end of the first sentence: Existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code]Section 1009.13. At end of the section add the phrase "or ladder complying with Section 7.2.9 of the Life Safety Code, 2009 edition".

Sec. 50. [Appendix F. Appendix F is hereby adopted in its entirety.]Section 1012.6. At the end of the last sentence add the phrase "unless, in the opinion of the AHJ, an extension in the same direction of the stair or ramp creates a hazard in the means of egress."

Sec. 51. [Appendix G. Appendix G is hereby adopted in its entirety and amended as follows:

Section G102.1. Insert after International Building Code the phrase "and the provisions of Article III, Chapter 19 of the Montgomery County Code, and Executive Regulation 108-92 AM."

Section G102.2. Replace the parentheses and the phrase within the parentheses with the effective date of this regulation.]Section 1012.7. Change "1 1/2" to "2 1/4".

Sec. 52. [Appendix H. Appendix H is hereby adopted in its entirety and amended as follows:

Section H 101.1. Insert at the beginning of this section "The provisions of this chapter shall apply to signs that are permitted by the Montgomery County Zoning Ordinance".

Section H 101.2, Delete.

Section H102.1, Delete definitions for "Combination sign", "Pole Sign", and "Projecting

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Sign.”

Add definition of “Supported Sign” as follows: ‘A sign that is attached to a structure like a pole, column, frame, or brace, as its sole means of support, and is not a ground sign and is not attached to a building.

Delete and replace the definition of “sign” as follows: “Any device, fixture, placard, or structure that uses any color, form, graphics, illumination, symbol, or writing to attract attention or to communicate information”.

Delete and replace the definition of “ground sign” as follows: “A sign erected on the ground or with its bottom edge within 12 inches of the ground, that has its support structure as an integral part of the sign, and where the dimensions closest to the ground is greater than height.

Delete and replace the definition of “wall sign” as follows: “Any sign that is attached to the wall of a building. There are two types of wall signs: Flat wall sign: A sign that is parallel to the wall of a building to which it is attached, but does not extend more than 12 inches from the building face; Projecting wall sign: A sign that is attached to a wall of a building and extends more than 12 inches from the building face.

Section H104, Delete.

Section H108, Delete.

Section H109. Add the words “and supported” between “ground” and “sign” in the title and in the first two sentences of H109.1

Section H109.2, Delete.

Section H112. Add the word “wall” between “projecting” and “sign” in the title and first sentence.]Section 1013.1. After the phrase “equipment platforms,” add the phrase “retaining walls.”

Sec. 53. [Appendix I. Appendix I is hereby adopted in its entirety]Section 1013.2. In exception #1 and #2, change “34 inches (864 mm)” to “36 inches (915 mm)”. Add a fifth exception: Exception 5. In occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2, interior guards shall be permitted to be not less than 36 inches high.

Sec. 54. [Section 101.1. Replace the parentheses and the phrase in the parentheses with “Montgomery County, Maryland.”]Section 1013.3. Delete Exception #6.



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Sec. 55.	<p>[Section 101.2. Add exception to read as follows: Energy conservation systems and components in existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alteration or additions, and change of occupancy, shall be permitted to comply with the Maryland Building Rehabilitation Code.]<u>Section 1015.2.1. Add the following exception: Exception 3. In buildings of Group R-2 four stories or less in height above the grade plane that are served by two required exterior stairways connected by an open-ended corridors in compliance with Section 1026.6, Exception 4 shall be provided with remoteness between the near edge of the required landings that are separated by a distance of at least one fourth the length of the maximum overall diagonal dimension of the area served.</u></p>
Sec. 56.	<p>[AMENDMENTS TO THE 2006 INTERNATIONAL MECHANICAL CODE (IMC) Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."]<u>Section 1018.1. Replace Exception 4 with the following: A fire resistance rating is not required for corridors within single-tenant Group B occupancies.</u></p>
Sec. 57.	<p>[Section 101.2. Add exception to read as follows: Mechanical systems in existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations, or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.]<u>Section 1020. Add a new section 1020.3 to read as follows:</u></p> <p><u>Section 1020.3. Fire Department Access to Floors. Not less than one exit stair which serves all stories of the building shall be accessible by an internal corridor from the main entrance of the building or the fire department response location.</u></p>
Sec. 58.	<p>[Sections 106.4.3, 106.4.4, 106.5, and 109. Delete.]<u>Section 1027.1, Exception 1, Item 1.1. Add two sentences at the end of the item that read as follows:</u></p> <p><u>The door to the exterior of the building shall be in direct sight of the point of the termination of the exit. For the purposes of this section, the use of exit signs or other exit markings shall not be considered as making the way to the exterior "readily visible and identifiable".</u></p>
Sec. 59.	<p>[Section 306.3. After the first sentence add the following: Access to the attic opening shall be provided by a permanent or pull-down stairway in all new construction. In existing installations, portable ladders shall be acceptable.]<u>Chapter 11. Delete and replace with the Maryland Accessibility Code.</u></p>
Sec. 60.	<p>[AMENDMENTS TO THE 2006 INTERNATIONAL FUEL GAS CODE (IFGC) Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."]<u>Section 1405.13.2. Number the existing exception as #1 and add two</u></p>



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exceptions (#2 and #3) to read as follows:

Exception #2: In buildings four stories or less, the lowest part of the clear opening of the window shall be permitted to be at a height not less than 18 inches (457mm) above the finished floor surface of the room in which the window is located.

Exception #3: In buildings four stories or less, glazing between the floor and a height of 18 inches (457mm) shall be fixed or have openings through which a 4-inch (102mm) sphere cannot pass.

Sec. 61. [Section 102.2.1. Delete and replace to read as follows: As an alternative to the provisions of this code, fuel-gas piping systems, fuel-gas utilization equipment and related accessories in existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations, or additions, and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code.]Table 1607.1 Item 29 Roofs. Modify the uniform live load value for "Ordinary flat, pitched and curved roofs" to 30 pounds per square foot, nonreducible.

Sec. 62. [Sections 106.4.3, 106.4.4, 106.5, and 109. Delete.]Add a new section as follows:

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

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

Sec. 63. [Chapter 4. Delete all except Sections 401.2, 402.6.1, 412, 413, and 414.]Section 1608.2. After the title add the following sentence: "Design ground snow loads for Montgomery County shall be not less than 30 pounds per square foot."

Sec. 64. [AMENDMENTS TO THE 2006 INTERNATIONAL RESIDENTIAL CODE (IRC) Section R101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."]Section 1612.3. After the heading, delete the text and replace with the following: The flood hazard map of Montgomery County is established in Section 3 of Executive Regulation 24-06 AM, Floodplain Regulations, per the authority in Article III, Chapter 19 of the Montgomery County Code.



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Sec. 65.	[Section r101.2. Add Exception to read as follows: Existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code.] <u>Section 1704.4. Delete Exception 1.</u>
Sec. 66.	[Section 102.7. Delete the phrase “the International Property Maintenance Code.”] <u>Section 1704.4. Delete Exception 2.3. Amend exception 2.1 by adding the word “or” after the semicolon. Amend exception 2.2 by deleting the word “or”.</u>
Sec. 67.	[Section R105.2, Items 1 & 2. Delete. Item 3. Change 4 to 4 ½ and 1219 to 1372. Sections R105.3.1.1, R105.3.2, and R105.5. Delete.] <u>Table 1704.4 Items 10 and 11. Modify the inspection frequency from “periodic” to “continuous”.</u>
Sec. 68.	[Section 107. Delete.] <u>Table 1704.4 Item 11. Add the sentence to the first column, “The strength evaluation shall be demonstrated by field cured cylinders only.”</u>
Sec. 69.	[Section R108.1. Replace the second sentence with the following: Required fees shall be paid for each separate permit application. Sections 108.2 through 108.5. Delete.] <u>Add a new section as follows: Section 1801.3 Special conditions. Design and construction of all buildings and structures within 1000 feet of a known municipal solid waste (MSW) landfill site that does not currently have an operational land fill gas (LFG) monitoring and removal system, shall require special engineering of foundation systems, including walls and floor slabs, to provide for the safety of occupants against hazards from LFG concentration. Special subsurface investigations shall be conducted, at the owner’s expense, by an approved and qualified engineer or geologist to determine the extent of the potential hazard. The study must identify the potential hazards, and mitigation plans for the site must be incorporated into the construction documents and approved prior to issuance of a building permit. All buildings and structures within 1000 feet of the boundary of a MSW landfill shall be equipped with a methane gas detector with an alarm activation level of 20% of the lower explosive limit (LEL 1% by volume).</u>
Sec. 70.	[Sections R109.1 through R109.1.6. Delete all except R109.1.2, R109.1.5, and R109.1.5.1 and replace with the following: R109.1 Types of inspections. The following inspections must be conducted for all buildings and structures:  1. Sign: The sign must be posted on the property within 3 days after the permit issuance date and must remain posted on the property for 30 days. The sign must be located on the side of the lot/parcel, which provides principal access to the street or right-of-the-way. It must be conspicuously posted not more than 5 feet from the front property line and mounted at least 30 inches, but not more than 60 inches, above the ground. NO BUILDING INSPECTION WILL BE PERFORMED PRIOR TO THE APPROVAL OF THIS INSPECTION.



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2. Footings: Conducted prior to concrete placement and after excavations for all footings and thickened slabs are completed; after form work, reinforcing steel, concrete-encased electrode (for new dwellings), and grade stakes are in place; and after sediment control measures are installed according to the approved sediment control plan.
3. Foundation/parging or back-fill: Conducted after the exterior walls have been waterproofed and the exterior drain tiles have been installed
4. Concrete slab-on-ground floor: Conducted after the installation of the gravel base, vapor barrier, slab edge insulation, and required radon-control features prescribed in Appendix F. When a sump crock is used for radon venting, it must be in place at the time of this inspection.
5. Wall check (house location survey): The owner must have a house location survey prepared and certified by a Maryland Registered Land Surveyor and must submit a copy to the building official for approval prior to erecting the framing. A wall check not identified by a premise address and permit number will not be accepted. A FRAMING INSPECTION WILL NOT BE CONDUCTED WITHOUT AN APPROVED WALL CHECK.
6. Masonry fireplace/flue: Conducted after the fireplace and first flue liner section are completed.
7. Factory-built fireplace/flue: Conducted at the framing inspection after installation of the unit.
8. Framing ("close-in"): Conducted after the completion of all framing, rough electrical/mechanical construction, sprinkler, plumbing and gas piping and just prior to concealment with insulation or interior finishing materials. The plumbing/gas inspection approval must have been granted by the Washington Suburban Sanitary Commission (WSSC) prior to the request for a framing inspection. Also, the sprinkler close-in inspection approval must have been granted by the Department of Fire & Rescue Services (DFRS) prior to the request for a framing inspection. The rough wiring and mechanical inspections must be requested at the same time. WHEN THE FLOOR FRAMING IS LESS THAN 36 INCHES (914 MM) ABOVE THE SURFACE BELOW, A FRAMING INSPECTION SHALL BE REQUESTED PRIOR TO INSTALLATION OF ANY FLOOR DECKING.
9. Well and Septic Systems: Where a building is served by an on-site water system or an on-site sewage disposal system, prior to the final inspection, an "Interim Certificate of Potability" or "Certificate of Potability" and/or a "Certificate of Sewage Disposal", as appropriate, must be issued by the Department. Where a building is served by an on-



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site water system or an on-site sewage disposal system, any condition of the permits issued for those systems shall be satisfied prior to the final inspection.

10. Final: Conducted after the building is completed and ready for occupancy, but prior to settlement on the house, unless the contract owner waives the requirement for final inspection and provides the building official with a written copy of the waiver. For new construction, final electrical, mechanical, and sprinkler inspections must be requested with the final building inspection, and the address numbers must be displayed in accordance with the requirements of the fire code. Note: A final approval from WSSC shall be obtained for all plumbing/gas installations prior to requesting final building inspections from the County. Also, The Sprinkler final inspection approval must have been granted by the Department of Fire & Rescue Services (DFRS) prior to the request for a final inspection. If an owner refuses access within a reasonable time after a house is completed, the building official may close the permit file, but this action will not relieve the owner from any obligation to comply with applicable codes. The final inspection must be requested and approved before a building (or portion thereof) is used or occupied.

11. Re-inspection: Any of the above inspections disapproved twice for the same violation will be subject to a re-inspection fee, as established in the Schedule of Permit and License Fees, which must be paid before any further inspections will be performed at the building site.]Section 1809.5. In item number 1, after the word "locality" insert: "Depth shall be a minimum of 24 inches below the adjacent finish grade."

Sec. 71. [Sections R110. Delete.]Add a new section as follows:

1901.2.1. For precast structures, in the case of a conflict between ACI 318 and PCI Design Handbook, the requirements of ACI 318 shall control the design.

Sec. 72. [Sections R112. Delete except R112.2.]Chapter 29. Delete.

Sec. 73. [Section R202. To the definition dwelling unit add: A dwelling unit may contain a family day care home, group day care home, a home occupancy or home health care practitioner complying with Chapter 59, Montgomery County Code. Note: A certificate of use and occupancy is required before any space dedicated for home occupancy or home health care practitioner can be used or occupied. See Chapters 8 and 59, Montgomery County Code.]Sections 3001.2, 3001.3, and 3001.4. Delete and replace with the following: 3001.2 Standards. The Maryland Department of Labor, Licensing, and Regulation, Division of Labor and Industry, regulates the design, installation, inspection, and testing of all hoisting and conveying equipment.

Sec. 74. [Table R301.2(1). Under the headings indicated insert the appropriate criteria, as follows: GROUND SNOW LOAD--30 pounds per square foot (psf); WIND-Speed--90 miles per



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hour (mph); SEISMIC DESIGN CATEGORY—B; SUBJECT TO DAMAGE FROM-Weathering—severe, Frost line depth—24 inches (612 mm), Termite—moderate to heavy, and Decay—slight to moderate; WINTER DESIGN TEMP—13 degrees Fahrenheit (F); ICE SHIELD UNDERLAYMENT REQUIRED—yes; footnote i; FLOOD HAZARDS—yes; footnote h: (a), (b) July 2, 1979; AIR FREEZING INDEX—300; MEAN ANNUAL TEMPERATURE—55.]Section 3107.1. Add the following at the end of the sentence: “and Chapter 59 of the Montgomery County Code, 1994, as amended.”

- Sec. 75. [Sections R302.1. Delete the second Exception.]Section 3109.3. Change “4 feet (1290 mm)” to “5 feet (1524 mm)”.
- Sec. 76. [Section R305.1, Exception 2. Delete. Exception 3. Delete the first occurrence of the word “required.” Delete the phrase “with no portion of the required floor area less than 5 feet” and replace it with the phrase “Any floor area having less than 5 feet of ceiling height shall not be considered part of the room area and shall not be allowed to have any permanent fixtures or furnishings such as, but not limited to, cabinets, counters, and shelves.”]Section 3109.4.1. Change “48 inches (1219 mm)” to “60 inches (1524 mm)”.
- Sec. 77. [Sections R311.4.3. Exceptions 2 and 3 change 7¾ to 8¼.]Section 3302. Add a new section 3302.3 which reads “Construction safeguards shall also comply with NFPA 241, Standard for Safeguarding Construction, Alteration and Demolition Operations, 2004 edition.”
- Sec. 78. [Section R311.5.3.1. Change 7¾ to 8¼, 196 to 209.]Section 3401.1. Add the following at the end of the sentence: Existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code. Buildings undergoing repair, alterations, additions and change of occupancy shall also comply with the Montgomery County Fire Safety Code.
- Sec. 79. [Section R311.5.3.2. Change 10 to 9 and 254 to 229 in both occurrences.]Appendix F. Appendix F is hereby adopted in its entirety.
- Sec. 80. [Section R312.1. After the first occurrence of the phrase “floor or grade below” insert the phrase “and retaining walls with a difference in grade level on either side of the wall exceeding 30 inches (762 mm) and within 2 feet (610 mm) of a walk, path, parking lot, or driveway on the high side.”]Appendix G. Appendix G is hereby adopted in its entirety and amended as follows:

Section G102.1. Insert after International Building Code the phrase “and the provisions of Article III, Chapter 19 of the Montgomery County Code, and Executive Regulation 24-06 AM.”



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

Sec. 81. [Section R313. To the title add: AND AUTOMATIC SPRINKLER SYSTEMS.

Section R 313.2.1. Delete all from “as required” to “hard wired”, and insert “in accordance with Montgomery County Department of Permitting Services, Division of Building Construction Policy 06-7.” Exceptions 1 and 2 delete.

Add a new subsection: R313.4. Automatic sprinkler system required. An approved automatic sprinkler system must be installed in detached one- and two-family dwellings and townhouses. The sprinkler system design, installation, inspection, and testing must be in accordance with the requirements of the fire code.

Add new subsection R313.5 Additions to one- and two- family dwellings and townhouses equipped with an approved sprinkler system. An approved automatic fire sprinkler system must be installed in additions to dwellings equipped with automatic sprinkler systems.

Add new subsection R313.6. Rehabilitation work in one- and two- family dwellings and townhouses equipped with an approved sprinkler system. An approved automatic fire sprinkler system shall be maintained or upgraded in areas undergoing rehabilitation work.

Add new subsection R313.7. Automatic sprinkler system for reconstruction. An approved automatic fire sprinkler system shall be installed when 50 percent or more of the gross floor area as defined in section 1002.1 of the IBC of the existing building is demolished.]Appendix H. Appendix H is hereby adopted in its entirety and amended as follows:

Section H 101.1. Insert at the beginning of this section “The provisions of this chapter shall apply to signs that are permitted by the Montgomery County Zoning Ordinance”.

Section H 101.2. Delete.

Section H102.1, Delete definitions for “Combination sign”, “Display Sign”, “Pole Sign”, “Portable Display Surface”, and “Projecting Sign.”

Add definition of “Supported Sign” as follows: ‘A sign that is attached to a structure like a pole, column, frame, or brace, as its sole means of support, and is not a ground sign and is not attached to a building.

Delete and replace the definition of “sign” as follows: “Any device, fixture, placard, or structure that uses any color, form, graphics, illumination, symbol, or writing to attract attention or to communicate information”.



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Delete and replace the definition of "ground sign" as follows: "A sign erected on the ground or with its bottom edge within 12 inches of the ground, that has its support structure as an integral part of the sign, and where the dimensions closest to the ground is greater than height.

Delete and replace the definition of "wall sign" as follows: "Any sign that is attached to the wall of a building. There are two types of wall signs: Flat wall sign: A sign that is parallel to the wall of a building to which it is attached, but does not extend more than 12 inches from the building face; Projecting wall sign: A sign that is attached to a wall of a building and extends more than 12 inches from the building face.

Section H104, Delete.

Section H108, Delete.

Section H109. Add the words "and supported" between "ground" and "sign" in the title and in the first two sentences of H109.1

Section H109.2, Delete.

Section H110, Delete the text of H110.1 (including the exception) and replace with the following "Roof signs are prohibited." Delete Sections H110.2 through H110.5.

Section H111.3. Add the word "wall" between "projecting" and "sign".

Section H112. Add the word "wall" between "projecting" and "sign" in the title and first sentence.

Section H112.4. In the first sentence, delete all text starting with the word "except".

Section H113. Delete.

## AMENDMENTS TO THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)

Sec. 82. [Section 323.1 Add a new sentence. Walls and ceiling of elevator shafts shall be covered with by not less than 5/8-inch (15.9 mm) Type X gypsum board.]Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."

Sec. 83. [Section R324.1. To the first paragraph add the phrase "and the Floodplain District Requirements, Article III, Chapter 19, of the Montgomery County Code, and Executive Regulation 108-92 AM."]Section 101.2. Add exception to read as follows: Energy conservation systems and components in existing buildings, as defined by the Maryland



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Building Rehabilitation Code, undergoing repair, alteration or additions, and change of occupancy, shall be permitted to comply with the Maryland Building Rehabilitation Code.

Sec. 83.1. Add Section 404.4.2.3. Notwithstanding the provisions of section 402.4.2 ten (10%) of all new one- and two-family dwellings constructed between July 1, 2010 and June 30, 2011 must be tested in accordance with section 402.4.2.1 and all test results must be reported to the Department.

## AMENDMENTS TO THE 2009 INTERNATIONAL MECHANICAL CODE (IMC)

Sec. 84. [Add a new section as follows: Section R401.5. Special conditions. Design and construction of all buildings and structures within 1000 feet of a known municipal solid waste (MSW) landfill site that does not currently have an operational land fill gas (LFG) monitoring and removal system, shall require special engineering of foundation systems, including walls and floor slabs, to provide for the safety of occupants against hazards from LFG concentration. Special subsurface investigations shall be conducted, at the owner's expense, by an approved and qualified engineer or geologist to determine the extent of the potential hazard. The study must identify the potential hazards, and mitigation plans for the site must be incorporated into the construction documents and approved prior to issuance of a building permit. All buildings and structures within 1000 feet of the boundary of a MSW landfill shall be equipped with a methane gas detector with an alarm activation level of 20% of the lower explosive limit (LEL-1% by volume).] Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."

Sec. 85. [Section R403.1.4.1. Change the first exception to read: One-story detached accessory structures, excluding garages and carports, used as tool and storage sheds, playhouses and similar uses and not exceeding 400 square feet or less in floor area and an eave height of 10 feet (3048 mm) or less shall not be required to be protected. Delete second exception.] Section 101.2. Add exception to read as follows: Mechanical systems in existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations, or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.

Sec. 86. [Section R404.1. Delete second paragraph except items 1 and 4. Add "The wood sole plate at exterior walls on monolithic slabs and wood sill plate shall be anchored to the foundation with anchor bolts spaced a maximum of 4 feet (1220 mm) on center. 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. Bolts shall be at least 1/2 inch (12.7 mm) in diameter and shall extend a minimum of 7 inches (178 mm) into masonry or concrete. Interior bearing wall sole plates on monolithic slab foundations shall be positively anchored with approved fasteners. A nut and washer shall be tightened on each bolt to the plate. Sills and sole plates shall



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be protected against decay and termites where required by Sections R319 and R320. Cold-formed steel framing systems shall be fastened to the wood sill plates or anchored directly to the foundation as required in Section R505.3.1 or R603.1.1.”]Sections 106.4.3, 106.4.4, 106.5, and 109. Delete.

- Sec. 87. [Section R405.1. Add to the title “exterior drainage system”. Delete the exception. Add new subsection R 405.1.1. Concrete or masonry foundation interior drainage system. Weep holes at least 2 inches (51 mm) in diameter, spaced at a maximum of 6 feet (1828 mm) on center shall be installed in the footing connecting into the interior drains. Weep-hole inlets shall have a minimum of 6 inches (153 mm) of gravel for the full perimeter of the foundation, extending at least 12 inches (306 mm) from the inlets and covered by a layer of approved filter membrane.]Add new section 302.6 Supports and Anchorage. All appliances located on roofs shall rest on a manufacturer’s standard perimeter support, self flashing roof curb, framed steel support, or 4 X 4 treated lumber as a minimum. The appliances shall be securely affixed in an approved manor to resist vibration and wind loads.
- Sec. 88. [Section R406.1. Delete.]Add new section 306.1.1.1 Heating Appliances. Electric, fossil or solid fuel fired appliances shall not be installed under any stairway or landing.
- Sec. 89. [Section R406.2. Delete the first sentence and replace with the following: Exterior foundation walls retaining earth and enclosing usable spaces below grade must be waterproofed with an approved waterproofing system or a membrane extending from the top of the footings to finished grades. Delete items 1, 2, 3, and 4. Add. “Waterproofing system shall be installed as required in the current International Code Council Evaluation Service report for the product.”]Section 306.3. After the last sentence add the following: Access to the attic opening shall be provided by a permanent or pull-down stairway in all new construction. In existing installations, portable ladders shall be acceptable.
- Sec. 90. [Section R506.2.3. Delete Exception 3.]Table 403.3 under heading “Specialty Shops” Add Automotive service or repair garages- note b.
- Sec. 91. [Section R602.10.1. At the end of first paragraph, add the following sentence: Variation in or combination of bracing methods from story to story, from braced wall line to brace wall line within a story, and within braced wall line is permitted if a registered design professional in the state of Maryland certifies that the wind bracing system is adequate for all loads likely to be imposed on it.]Section 506.1 Add the words “and NFPA 96.” To the end of the first sentence and the sentence “Where discrepancies occur the most astringent will apply.” after the first sentence.
- Sec. 92. [Add new section R602.10.3.1. Braced wall panel interior finish material. Braced wall panels shall have gypsum wall board installed on the side of the wall opposite the bracing material. Gypsum wall board shall be not less than ½ inch (12.7 mm) in thickness and be fastened in accordance with Table R702.3.5 for interior gypsum wall board.



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**Exceptions:**

1. Wall panels that are braced in accordance with Method 5.
2. Wall panels that are braced in accordance with Section R602.10.6
3. When an approved interior finish material with an in-plane shear resistance equivalent to gypsum board is installed.
4. For Methods 2, 3, 4, 6, 7, and 8, gypsum wall board is permitted to be omitted provided the percentage of bracing in Table R602.10.1 is multiplied by a factor of 1.5.]Section 506.3.2.5 Change "100" to "300".

Sec. 93. [Delete foot notes b and c from Table R602.10.5.]Section 506.3.9 Add the words "vertical and" in the heading after the word duct. In the first sentence change 20 feet to "12 feet" and after the first sentence add "Vertical cleanouts shall be provided on each floor". (NFPA96)

Sec. 94. [Add new subsection R602.10.5.1. Only full-height braced wall panels shall be used for calculating braced wall amount in accordance with Table R602.10.1.]Section 506.3.12.2 After the last sentence add "Follow NFPA 96 section 7.8.3 for additional termination requirements."

Sec. 95. [Add new subsection R602.10.5.2. Braced wall panel location. A braced wall panel shall be located at each end of a continuously sheathed braced wall line. A minimum 24-inch wood structural panel corner return shall be provided at both ends of a continuously-sheathed braced wall line. Exception: The first braced wall panel shall be permitted to begin 12 feet 6 inches from each end of the braced wall line provided a minimum 24-inch full-height wood structural panel is provided at both sides of a corner constructed in accordance with Figure R602.10.5 at the braced wall line ends.] Section 606.2.1 Under the heading exception, add the words "Return air" to the beginning of the first sentence. After the last sentence add "Supply smoke detectors shall not be required for fan units whose sole purpose is to remove air from the inside of the building to the outside of the building. (NFPA90A)

Sec. 96. [Add new subsection R602.10.5.3. Aspect ratio segments at garage door openings used with continuous structural panel sheathing. A 4:1 aspect ratio shall be permitted for full-height sheathed wall segments on either side of garage openings that support light frame roofs only, with roof covering dead loads of 3 psf (0.14 kN/m<sup>2</sup>) or less. For purposes of calculating the percentage of panel bracing required by Table R602.10.1, the length of the full height sheathing segment shall be equal to its measured length. This option is limited to one wall of the garage.]Section 606.2.1 Add the words "Supply and" to the beginning of the heading. Add the words "supply and" after the word "in" in the first sentence and add "in the supply air duct or plenum downstream of the air filters and ahead of any branch connections," after (0.9 m<sup>3</sup>/s) in the first sentence.

Sec. 97. [Add new subsection R602.10.5.4. Aspect ratio segments used with continuous structural panel sheathing. Wall segments having a maximum 6:1 height to width ratio shall be permitted to be built in accordance with Figure R602.10.4.6 of the 2007 Supplement to IRC. The maximum 6:1 height-to-width ratio is based on height being measured from top of header to the bottom of the



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wall segment bottom-plate. For purposes of calculating the percentage of panel bracing required by Table R602.10.1, the width of the full-height sheathing segment shall be equal to its measured width. Corners at the ends of walls using this option shall be constructed in accordance with Figure R602.10.5. The number of wall segments having a maximum 6:1 height to width ratio in a wall line shall not exceed four. In multi-story buildings, wall segments having a maximum 6:1 height to width ratio are not permitted to be directly stacked vertically. For purposes of resisting wind pressures acting perpendicular to the wall, in accordance with Section R301.2, the minimum requirements of Figure R602.10.4.6 of the 2007 Supplement to IRC shall be sufficient for wind speeds less than 110 mph in Exposure Category B. For Exposure Categories C and D, the header to jack stud strap requirements and the number of additional jack studs shall be in accordance with Table R602.10.4.6 of the 2007 Supplement to IRC.]Section 607.5.5 exception 2 Replace the first sentence of Exception 2 with the following: "In buildings, other than Group H occupancies, equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2, smoke dampers are not required where:"

Sec. 98. [Section 602.10.8. Connections. Delete all except first two sentences. Add

1. Where joists are perpendicular to braced wall lines above or below, blocking shall be provided between the joists at braced wall panel locations to permit fastening of wall plates in accordance with Table R602.3(1).
2. Where joists are parallel to braced wall lines above or below, a rim joist or other parallel framing member shall be provided at the wall to permit fastening of wall plates in accordance with Table R602.3(1).
3. Elevated post or pier foundations supporting braced wall panels shall be designed in accordance with accepted engineering practice.]Add new section 608 Emergency and Standby Power Systems

Sec. 99. [Section R613.2. Window sills. Replace 24 inches (610 mm) with 18" (457 mm).]Add new section [F] 608.1 Installation. Emergency and standby power systems required by the International Fire Code or the International Building Code shall be installed in accordance with NFPA 110, NFPA 111 and the International Fire Code. Existing installations shall be maintained in accordance with the original approval.

Sec. 100. [Section M.1305.1.3. Add the following after the first sentence: Access to the attic opening shall be provided by a permanent or pull-down stairway in all new construction. In existing installations, portable ladders shall be acceptable.]Add new section [F] 608.1.1 Stationary Generators. Stationary emergency and standby power generators required by the International Building Code and the International Fire Code shall be listed in accordance with UL 2200.

Sec. 101. [Chapters 25 through 42. Delete.]Add new section [F] 608.2 Standby Power. Where the standby system is a generator set inside a building, the system shall be located in a separate room enclosed with a 2-hour fire barrier constructed in accordance with section 707 or horizontal assemblies constructed in accordance with section 712 of the International



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Building Code, or both. System supervision with manual start and transfer features shall be provided at the fire command center.

Sec. 102. [Add new Chapter 43. Site Work and Safeguards.

Section R4301. Storage and placement. Construction equipment and materials shall be stored and placed so as not to endanger the public, the workers or adjoining property for the duration of the construction project.

Section R4302. Utility connections. Service utility connections shall be discontinued and capped in accordance with the approved rules and the requirements of the authority having jurisdiction.

Section R4303. Excavation and fill for buildings and structures shall be constructed or protected so as not to endanger life or property.

Section R4304. Fill supporting foundations. A building permit is required when fill is used to support the foundations of any building or structure. Special inspections of compacted fill shall be in accordance with Section 1704.7 of the International Building Code 2006.

Section R4305. Protection of Pedestrians

Section R4305.1. Protection required. Pedestrians shall be protected during construction, remodeling and demolition activities by a barrier when the distance from the construction to the lot line is 5 (1524 mm) feet or less.

Section R4305.2. Adjacent to excavations. Every excavation on a site located 5 feet (1524 mm) or less from the street lot line shall be enclosed with a barrier. Where located more than 5 feet (1524 mm) from the street lot line, a barrier shall be erected when and where required by the building official.

Section R4305.3. Barriers. Barriers shall be at least 42" high, have adequate strength, and shall be of a type which will warn of potential danger.

Section R4306. Protection of Adjoining Property. Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. Protection shall be provided for footings, foundations, party walls, chimneys, skylights and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities.]Add new section 608.2.1 Ventilation Air. Ventilation air shall be supplied directly from a source outside the building by an exterior wall opening or from a source outside the building by a 2-hour fire rated air transfer system. (NFPA 110)

Sec. 103. [Appendix E. Appendix E is hereby adopted with the following modification: Delete all except subsections AE501 through AE606, with the following modification to Section



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AE502.3: In the last sentence, first paragraph, change 12 inches (305) to 24 inches (610). Add new section 608.2.2 Discharge air. Discharge air shall be directed outside the building by an exterior wall opening or to an exterior opening by a 2-hour rated air transfer system. (NFPA 110)

Sec. 104. [Appendix F. Appendix F is hereby adopted in its entirety.] Add new section 608.2.3 Fire Dampers. Fire dampers, shutters or other self closing devices shall not be permitted in ventilation or discharge air openings or ductwork for standby power systems. (NFPA 110)

Sec. 105. [Appendix G. Appendix G is hereby adopted in its entirety, with the following modifications: Section AG101.1, add the following sentence at the end: Swimming pools, Spas and Hot Tubs shall also comply with Chapter 51 of the Montgomery County Code. Section AG105.2: Item 1. Change 48 to 60 and 1219 to 1524; Item 9.2. Delete and substitute the following: 9.2. All doors with direct access to the pool through that wall must be equipped with an alarm that produces an audible warning when the door and its screen, if present, are opened. The alarm must be audible throughout the house during normal household activities. The alarm system may be equipped with a manual means to temporarily deactivate the system for a single opening. The deactivation switch(es) must be located at least 54 inches (1372 mm) above the threshold of the door; Item 9.3. Delete.] Add new section 608.2.4 Motor Operated Damper. Motor operated dampers, when used, shall be spring operated to open and motor closed. (NFPA 110)

## AMENDMENTS TO THE 2009 INTERNATIONAL FUEL GAS CODE (IFGC)

Sec. 106. [Appendix H. Appendix H is hereby adopted in its entirety.] Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."

Sec. 107. [Appendix K. Appendix K is hereby adopted in its entirety.] Section 102.2.1. Delete and replace to read as follows: As an alternative to the provisions of this code, fuel-gas piping systems, fuel-gas utilization equipment and related accessories in existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations, or additions, and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code.

Sec. 108. [This regulation is effective on ] Sections 106.5.3, 106.5.4, 106.6, and 109.2 to 109.7 Delete.

Sec. 109. Chapter 4. Delete all except Sections 401.2, 402.6.1, 412, 413, and 414.

## AMENDMENTS TO THE 2009 INTERNATIONAL RESIDENTIAL CODE (IRC)



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<u>Sec. 110.</u>	<u>Section R101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."</u>
<u>Sec. 111.</u>	<u>Section R101.2. Add Exception to read as follows: Existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code.</u>
<u>Sec. 112.</u>	<u>Section 102.7. Delete the phrase "the International Property Maintenance Code."</u>
<u>Sec. 113.</u>	<u>Section R105.2, Items 1 &amp; 2. Delete. Item 3. Change 4 to 4 ½ and 1219 to 1372. Item 10, delete. Sections R105.3.1.1, R105.3.2, and R105.5. Delete.</u>
<u>Sec. 114.</u>	<u>Section 107. Delete.</u>
<u>Sec. 115.</u>	<u>Section R108.1. Replace the second sentence with the following: Required fees shall be paid for each separate permit application. Sections 108.2 through 108.5. Delete.</u>
<u>Sec. 116.</u>	<p><u>Sections R109.1 through R109.1.6. Delete all except R109.1.2, R109.1.5, and R109.1.5.1 and replace with the following: R109.1 Types of inspections. The following inspections must be conducted for all buildings and structures:</u></p> <ol style="list-style-type: none"> <li>1. <u>Sign: The sign must be posted on the property within 3 days after the permit issuance date and must remain posted on the property for 30 days. The sign must be located on the side of the lot/parcel, which provides principal access to the street or right-of-the-way. It must be conspicuously posted not more than 5 feet from the front property line and mounted at least 30 inches, but not more than 60 inches, above the ground. NO BUILDING INSPECTION WILL BE PERFORMED PRIOR TO THE APPROVAL OF THIS INSPECTION.</u></li> <li>2. <u>Footings: Conducted prior to concrete placement and after excavations for all footings and thickened slabs are completed; after form work, reinforcing steel, concrete-encased electrode (for new dwellings), and grade stakes are in place; and after sediment control measures are installed according to the approved sediment control plan.</u></li> <li>3. <u>Foundation/parging or back-fill: Conducted after the exterior walls have been waterproofed and the exterior drain tiles have been installed</u></li> <li>4. <u>Concrete slab-on-ground floor: Conducted after the installation of the gravel base, vapor barrier, slab edge insulation, and required radon-control features prescribed in Appendix F. When a sump crock is used for radon venting, it must be in place at the time of this inspection.</u></li> </ol>



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5. Wall check (house location survey): The owner must have a house location survey prepared and certified by a Maryland Registered Land Surveyor and must submit a copy to the building official for approval prior to erecting the framing. A wall check not identified by a premise address and permit number will not be accepted. A FRAMING INSPECTION WILL NOT BE CONDUCTED WITHOUT AN APPROVED WALL CHECK.
6. Masonry fireplace/flue: Conducted after the fireplace and first flue liner section are completed.
7. Factory-built fireplace/flue: Conducted at the framing inspection after installation of the unit.
8. Framing ("close-in"): Conducted after the completion of all framing, rough electrical/mechanical construction, sprinkler, plumbing and gas piping and just prior to concealment with insulation or interior finishing materials. The plumbing/gas inspection approval must have been granted by the Washington Suburban Sanitary Commission (WSSC) prior to the request for a framing inspection. Also, the sprinkler close-in inspection approval must have been granted by the Department of Fire & Rescue Services (DFRS) prior to the request for a framing inspection. The rough wiring and mechanical inspections must be requested at the same time. WHEN THE FLOOR FRAMING IS LESS THAN 36 INCHES (914 MM) ABOVE THE SURFACE BELOW, A FRAMING INSPECTION SHALL BE REQUESTED PRIOR TO INSTALLATION OF ANY FLOOR DECKING.
9. Insulation Inspection: Conducted after the completion of both floor and wall framing to verify that the installed insulation R-value matches the approved plans or specifications for the building.
10. Well and Septic Systems: Where a building is served by an on-site water system or an on-site sewage disposal system, prior to the final inspection, an "Interim Certificate of Portability" or "Certificate of Portability" and/or a "Certificate of Sewage Disposal", as appropriate, must be issued by the Department. Where a building is served by an on-site water system or an on-site sewage disposal system, any condition of the permits issued for those systems shall be satisfied prior to the final inspection.
11. Final and U/O: Conducted after the building is completed and ready for occupancy, but prior to settlement on the house, unless the contract owner waives the requirement for final inspection and provides the building official with a written copy of the waiver. For new construction, final electrical, mechanical, and sprinkler inspections must be requested with the final building inspection, and the address numbers must be displayed in accordance with the requirements of the fire code. Note: A final approval from WSSC shall be obtained for all plumbing/gas installations prior to requesting



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final building inspections from the County. Also, the Sprinkler final inspection approval must have been granted by the Department of Fire & Rescue Services (DFRS) prior to the request for a final inspection. If an owner refuses access within a reasonable time after a house is completed, the building official may close the permit file, but this action will not relieve the owner from any obligation to comply with applicable codes. The final inspection must be requested and approved before a building (or portion thereof) is used or occupied.

12. Re-inspection: Any of the above inspections disapproved twice for the same violation will be subject to a re-inspection fee, as established in the Schedule of Permit and License Fees, which must be paid before any further inspections will be performed at the building site.

Sec. 117. Sections R110. Delete.

Sec. 118. Sections R112. Delete except R112.2.

Sec. 119. Section R202. To the definition dwelling unit add: A dwelling unit may contain a family day care home, group day care home, a home occupancy or home health care practitioner complying with Chapter 59, Montgomery County Code. Note: A certificate of use and occupancy is required before any space dedicated for home occupancy or home health care practitioner can be used or occupied. See Chapters 8 and 59, Montgomery County Code.

Delete in the first paragraph of definition of Attic, Habitable, "or unfinished" and "not"

Add definition for Storage, finished: A finished area having no more than two (2) 120V outlets and no other wiring methods (CATV, satellite, data communication, etc.), excluding lighting requirements.

Sec. 120. Table R301.2(1). Under the headings indicated insert the appropriate criteria, as follows: GROUND SNOW LOAD--30 pounds per square foot (psf); WIND-Speed--90 miles per hour (mph); TOPOGRAPHIC EFFECTS--No; SEISMIC DESIGN CATEGORY--B; SUBJECT TO DAMAGE FROM-Weathering--severe, Frost line depth--24 inches (612 mm), Termite--moderate to heavy, and Decay--slight to moderate; WINTER DESIGN TEMP--13 degrees Fahrenheit (F); ICE SHIELD UNDERLAYMENT REQUIRED--yes; footnote h; FLOOD HAZARDS--yes; footnote g: (a), (b) July 2, 1979; AIR FREEZING INDEX--300; MEAN ANNUAL TEMPERATURE--55.

Sec. 121. Section R305.1, Exception 1. Delete the first occurrence of the word "required." Delete the phrase "with no portion of the required floor area less than 5 feet" and replace it with the phrase "Any floor area having less than 5 feet of ceiling height shall not be considered part of the room area and shall not be allowed to have any permanent fixtures or furnishings such as, but not limited to, cabinets, counters, and shelves." Sections R305.1.1 Delete.



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Sec. 122.	<u>Sections R307.1. Delete “and in accordance with the requirements of Section P2701.5”</u>
Sec. 123.	<u>Section R312.1. After the first occurrence of the phrase “floor or grade below” insert the phrase “and retaining walls with a difference in grade level on either side of the wall exceeding 30 inches (762 mm) and within 2 feet (610 mm) of a walk, path, parking lot, or driveway on the high side.”</u>
Sec. 124.	<u>Section R313.1.1. Replace Section P2904 with NFPA 13D.</u>
Sec. 125.	<u>Section R313.2. Delete “effective January 1, 2011”.</u>
Sec. 126.	<u>Section R313.2.1. Delete “Section P2904 or”.</u>
Sec. 127.	<u>Add new subsection R313.3. Rehabilitation work in one- and two- family dwellings and townhouses equipped with an approved sprinkler system. An approved automatic fire sprinkler system shall be maintained in areas undergoing rehabilitation work.</u>  <u>Add new subsection R313.4. Automatic sprinkler system for reconstruction. An approved automatic fire sprinkler system shall be installed when 50 percent or more of the gross floor area as defined in section 1002.1 of the IBC of the existing building is demolished.</u>
Sec. 128.	<u>Section R319.1 Change “4 inches (102 mm)” to “5 inches (122.5 mm).</u>
Sec. 129.	<u>Section 321.1 Add a new sentence. Walls and ceiling of elevator shafts shall be covered with by not less than 5/8-inch (15.9 mm) Type X gypsum board.</u>
Sec. 130.	<u>Section 321.3. Delete.</u>
Sec. 131.	<u>Section R322.1. To the first paragraph add the phrase “and the Floodplain District Requirements, Article III, Chapter 19, of the Montgomery County Code, and Executive Regulation 24-06 AM.”</u>
Sec. 132.	<u>Add a new section as follows: Section R401.5. Special conditions. Design and construction of all buildings and structures within 1000 feet of a known municipal solid waste (MSW) landfill site that does not currently have an operational land fill gas (LFG) monitoring and removal system, shall require special engineering of foundation systems, including walls and floor slabs, to provide for the safety of occupants against hazards from LFG concentration. Special subsurface investigations shall be conducted, at the owner’s expense, by an approved and qualified engineer or geologist to determine the extent of the potential hazard. The study must identify the potential hazards, and mitigation plans for the site must be incorporated into the construction documents and approved prior to issuance of a building permit. All buildings and structures within 1000 feet of the boundary of a</u>



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MSW landfill shall be equipped with a methane gas detector with an alarm activation level of 20% of the lower explosive limit (LEL-1% by volume).

- Sec. 133.      Section R403.1.4.1. Change the first exception to read: One-story detached accessory structures, excluding garages and carports, used as tool and storage sheds, playhouses and similar uses and not exceeding 400 square feet or less in floor area and an eave height of 10 feet (3048 mm) or less shall not be required to be protected. Delete second and third exceptions.
- Sec. 134.      Section R405.1. Add to the title "exterior drainage system". Delete the exception. Add new subsection R 405.1.1. Concrete or masonry foundation interior drainage system. Weep holes at least 2 inches (51 mm) in diameter, spaced at a maximum of 6 feet (1828 mm) on center shall be installed in the footing connecting into the interior drains. Weep-hole inlets shall have a minimum of 6 inches (153 mm) of gravel for the full perimeter of the foundation, extending at least 12 inches (306 mm) from the inlets and covered by a layer of approved filter membrane.
- Sec. 135.      Section R406.1. Delete.
- Sec. 136.      Section R406.2. Delete the first sentence and replace with the following: Exterior foundation walls retaining earth and enclosing usable spaces below grade must be waterproofed with an approved waterproofing system or a membrane extending from the top of the footings to finished grades. Delete items 1, 2, 3, and 4. Add. "Waterproofing system shall be installed as required in the current International Code Council Evaluation Service report for the product."
- Sec. 137.      Section R406.4. Delete.
- Sec. 138.      Section R506.2.3. Delete Exceptions 2 and 4.
- Sec. 139.      Section R612.2. Window sills. Replace 24 inches (610 mm) with 18" (457 mm).
- Sec. 140.      Section N1101.2. Add 2009 IECC after International Energy Conservation Code and delete the rest of the section.
- Sec. 141.      Section N1101.3 through Section N1104. Delete.
- Sec. 142.      Section M.1305.1.3. Add the following after the first sentence: Access to the attic opening shall be provided by a permanent or pull-down stairway in all new construction. In existing installations, portable ladders shall be acceptable.
- Sec. 143.      Section M1405.1. Replace the phrase "Chapters 34 through 43" with National Electric



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Offices of the County Executive, 101 Monroe Street, Rockville, Maryland 20850

<b>Subject:</b> Adoption of the 2009 IBC, IRC, IECC, IMC, IFGC	<b>Number:</b> 26-09 AM
<b>Originating Department:</b> Department of Permitting Services	<b>Effective Date:</b>

Code (NEC) 2008 adopted in Executive Regulation ER 15-09.

Sec. 144. Section M1406.2. Replace the phrase "Chapters 34 through 43" with National Electric Code (NEC) 2008 adopted in Executive Regulation ER 15-09.

Sec. 145. Section M1407.1 Replace the phrase "Chapters 34 through 43" with National Electric Code (NEC) 2008 adopted in Executive Regulation ER 15-09.

Sec. 146. Chapters 25 through 43. Delete

Sec. 147. Add new Chapter 45. Site Work and Safeguards.

Section R4501. Storage and placement. Construction equipment and materials shall be stored and placed so as not to endanger the public, the workers or adjoining property for the duration of the construction project.

1. Disposal of Construction Debris/Material. Construction debris and/or materials shall be stored and disposed in a suitable manner so as not to endanger the public and not spread onto the lot and adjoining properties.

Section R4502. Utility connections. Service utility connections shall be discontinued and capped in accordance with the approved rules and the requirements of the authority having jurisdiction.

Section R4503. Excavation and fill for buildings and structures shall be constructed or protected so as not to endanger life or property.

Section R4504. Fill supporting foundations. A building permit is required when fill is used to support the foundations of any building or structure. Special inspections of compacted fill shall be in accordance with Section 1704.7 of the International Building Code 2009.

Section R4505. Protection of Pedestrians

Section R4505.1. Protection required. Pedestrians shall be protected during construction, remodeling and demolition activities by a barrier when the distance from the construction to the lot line is 5 (1524 mm) feet or less.

Section R4505.2. Adjacent to excavations. Every excavation on a site located 5 feet (1524 mm) or less from the street lot line shall be enclosed with a barrier. Where located more than 5 feet (1524 mm) from the street lot line, a barrier shall be erected when and where required by the building official.

Section R4505.3. Barriers. Barriers shall be at least 42" high, have adequate strength, and shall be



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of a type which will warn of potential danger.

Section R4506. Protection of Adjoining Property. Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. Protection shall be provided for footings, foundations, party walls, chimneys, skylights and roofs.

Sec. 148. Appendix C. Appendix C is hereby adopted in its entirety.

Sec. 149. Appendix E. Appendix E is hereby adopted with the following modification: Delete all except subsections AE501 through AE605, with the following modification to Section AE502.3: In the last sentence, first paragraph, change 12 inches (305) to 24 inches (610).

Sec. 150. Appendix F. Appendix F is hereby adopted in its entirety.

Sec. 151. Appendix G. Appendix G is hereby adopted in its entirety, with the following modifications

Section AG101.1, add the following sentence at the end: Swimming pools, Spas and Hot Tubs shall also comply with Chapter 51 of the Montgomery County Code.

Section AG105.2: Item 1. Change 48 to 60 and 1219 to 1524; Item 9.3. Delete.

Sec. 152. Appendix K. Appendix K is hereby adopted in its entirety.

Isiah Leggett, County Executive

5/13/10  
Date

Approved as to form and legality  
Montgomery County, Md. County Attorney



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<b>Subject:</b> Adoption of the 2009 IBC, IRC, IECC, IMC, IFGC	<b>Number:</b> 26-09 AM
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Montgomery County Regulation on:

ADOPTION OF THE 2009 INTERNATIONAL BUILDING, ENERGY CONSERVATION,  
MECHANICAL, FUEL-GAS, AND RESIDENTIAL CODES

DEPARTMENT OF PERMITTING SERVICES

Issued by:

The County Executive  
Regulation No. 26-09

Authority: Code Sections 8-13 and 8-14

Supersedes: Regulations No. 28-07

Council Review: Method 2 under Code Section 2A-15

Register Vol. 26, Issue 12

Comment Deadline: January 15, 2010

Effective Date:

Sunset Date: None

**SUMMARY:** This regulation adopts the 2009 editions of the International Building Code (IBC), the International Energy Conservation Code (IECC), the International Fuel Gas Code (IFGC), the International Mechanical Code (IMC), and the International Residential Code (IRC) with amendments. It governs all buildings and structures within Montgomery County.

**ADDRESS:** Department of Permitting Services  
255 Rockville Pike, Second Floor  
Rockville, Maryland 20850-4166

**STAFF CONTACT:** Hadi Mansouri, Chief, Division of Building Construction 240/777-6233

**BACKGROUND INFORMATION:** Inasmuch as the International Code Council (ICC) publishes the international series (I-series) of construction standards every three years, and the State of Maryland adopts these standards and obligates its political subdivisions to adopt the standards within a specific time period. Montgomery County must adopt these standards within the prescribed period.



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- Sec. 1. This regulation is adopted pursuant to Sections 8-13 and 8-14 of the Montgomery County Code (MCC), 1994, as amended, and applies to the construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and/or maintenance of all buildings and structures, and their service equipment, within Montgomery County. It supersedes Executive Regulations 28-07, dated May 13, 2008, and all previous regulations adopting the BOCA and the International Code Council (ICC) standards. Its purpose is to adopt the 2009 editions of the IBC, the IECC, the IFGC, the IMC, and the IRC with amendments necessary to achieve uniformity and consistency with Maryland and Montgomery County laws and ordinances, as well as department/division policies and procedures. Where this regulation differs from the Montgomery County Fire Safety Code it does not preempt or negate any more restrictive provisions of that code.
- Sec. 2. Wherever the IBC references the ICC Electrical Code, replace the reference with Chapter 17 of the Montgomery County Code. Wherever the IBC references the ICC/ANSI A117.1, replace the reference with the Maryland Accessibility Code.
- AMENDMENTS TO THE 2009 INTERNATIONAL BUILDING CODE (IBC)
- Sec. 3. Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."
- Sec. 4. Section 101.2. Number the existing exception as #1 and add a second exception (#2) to read as follows: Existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code.
- Sec. 5. Sections 101.4.3, 101.4.4, and 101.4.5. Delete.
- Sec. 6. Section 101.4.1. Delete and replace as follows: The provisions of the International Fuel Gas Code shall apply to the installation of Liquefied Petroleum gas systems and appliances, fuel gas appliances and related accessories as covered in this code. These requirements apply to the inlet connections of appliances and to the installation and operation of residential and commercial gas appliances and related accessories. The provisions of the International Fuel Gas Code apply to the extent that they are adopted in this regulation.
- Sec. 7. Section 102.6. Replace the phrase "the International Property Maintenance Code or" with the phrase "the Montgomery County Fire Safety Code and".
- Sec. 8. Sections 103, 108, 111, and 113, except 113.2. Delete.



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- Sec. 9. Section 105.1. Add the following: A separate permit is required for each legal address and for each separate building at a legal address.
- Sec. 10. Section 105.2. Delete all except subsections 105.2.1, 105.2.2, and 105.2.3.
- Sec. 11. Sections 105.3, 105.4, 105.5, 105.6, and 105.7. Delete.
- Sec. 12. Section 109.1. Add a second sentence to read: Required fees shall be paid for each separate permit application.
- Sec. 13. Sections 109.2 through 109.6. Delete.
- Sec. 14. Section 110.3.10. Add the following: The final inspection must be requested and approved before a building (or portion thereof) including equipments and appliances are used or occupied, whether or not a valid certificate of use and occupancy exists.
- Sec. 15. Sections 114 and 115. Delete.
- Sec. 16. Section 305.2. Change 2½ to 2.
- Sec. 17. Section 308.2. Change the word “five” to “eight,” and the word “six” to “nine.”
- Sec. 18. Section 308.3.1. Change 2½ to 2 in the definition of Child Care Facilities.
- Sec. 19. Section 308.5.2. In code text and exception, change 2 ½ to 2.
- Sec. 20. Section 310.1. After the description for Group R-3 occupancies, add the following:  
  
 Exceptions:
  1. A family day care home, which is a dwelling in which child day care services are provided: a) in the home where the registrant is the provider and a resident, or where the registrant is not a resident, but more than half of the children cared for are residents; b) for not more than eight children, including the children of the provider, who are less than six years of age, and; c) where staffing complies with state and local regulations, but no more than two non-resident staff members are on site at any time, may be classified as Group R-3, or as a one- or two-family dwelling conforming to the IRC; or
  2. A group day care home, which is a dwelling in which child day care services are provided: a) in the home where the licensee is the provider and a resident; b) for nine to 12 children, including the children of the provider, and; c) where staffing complies with state and local regulations, but no more than three non-resident staff members are on site at any



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	time, may be classified as Group R-3, or as a one- or two-family dwelling conforming to the IRC.
	In the first sentence of Group R-4 change "five" to "eight".
Sec. 21.	Section 403.2.1.2. Delete.
Sec. 22.	Section 403.4.4. Delete the phrase "Section 510 of the International Fire Code" and replace with "the Montgomery County Fire Safety Code".
Sec. 23.	Section 411.1. Number the existing exception as #1 and add a second exception (#2) to read as follows: An amusement which is a multilevel play structure that is not more than 10 feet in height and has an aggregate horizontal projection not exceeding 160 square feet.
Sec. 24.	Section 419. Delete.
Sec. 25.	Section 422.3. Change "30" to "15". Change "2.8" to "1.4" and change "nonambulatory patient" to "occupant".
Sec. 26.	Chapter 4. Add a new section 424 Residential Occupancies.  424.1 All R occupancies shall have appropriate radon control features prescribed in Appendix F in the International Residential Code, 2009 edition.
Sec. 27.	Section 501.2. Delete "and existing" in the first line. In the second sentence, Change the phrase "4 inches (102 mm)" to "6 inches (153 mm), except R-3 occupancies which shall be permitted to be 5 inches (127 mm)."
Sec. 28.	Section 509.2. Add two more conditions as follows:  8. For purposes of determining the number of stories above grade, a story above the 3-hour horizontal assembly shall be considered a story above grade regardless of the location of the average grade plane.  9. A fire command center complying with Section 911 shall be provided.
Sec. 29.	Section 703.6. Amend item 3 to add a sentence as follows: "The sign or stenciling shall identify the fire resistance rating in hours."
Sec. 30.	Section 708.14.1. Add the following sentence at the end of the section: Where an enclosed elevator lobby is provided, exit access corridors shall not be interrupted by an elevator lobby.



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Sec. 31.	Section 716.5.3. Replace the first sentence of Exception 2 with the following: "In buildings, other than Group H occupancies, equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2, smoke dampers are not required where:"
Sec. 32.	Section 903.1.1. Delete and replace with the following: 903.1.1 Alternative Protection. Where water as an extinguishing agent is not compatible with the fire hazard, or is prohibited by a law, statute, or ordinance, the affected area must be protected by an approved automatic fire-extinguishing system utilizing an extinguishing agent that is compatible with the fire hazard.
Sec. 33.	Section 903.2.1.2. Add a fourth condition to read as follows:  4. The assembly occupancy is one of the following (1) Bars with live entertainment, (2) Dance halls, (3) Discotheques, (4) Nightclubs, or (5) Assembly occupancies with festival seating as defined in the Life Safety Code, 2009 edition.
Sec. 34.	Section 903.2.8. Add an exception to read as follows:  An automatic sprinkler system throughout the building is not required when all of the following conditions are met: <ol style="list-style-type: none"> <li>1. The building is a mixed use building, that is not otherwise required to be protected throughout by automatic sprinklers;</li> <li>2. There is only one dwelling unit in the building;</li> <li>3. The dwelling unit is separated from the remainder of the building by fire barriers in accordance with Section 707 and horizontal assemblies in accordance with Section 712 having a fire resistance rating not less than 2 hours;</li> <li>4. The means of egress from the dwelling unit is independent from the other occupancies; and,</li> <li>5. The dwelling unit is protected throughout with automatic sprinklers. The automatic sprinkler system installed for this exception shall be permitted to be designed in accordance with Section 903.3.1.3.</li> </ol>
Sec. 35.	Section 903.3.1.3. Add the following sentences at the end of the section: Automatic sprinkler systems in day care homes with 12 clients or less located in converted one and two family dwellings or townhouses shall be permitted to be installed in accordance with NFPA 13D. Unless specifically permitted by this Code, automatic sprinkler systems in occupancies, other than one and two family dwellings or townhouses, shall be installed in accordance with Section 903.3.1.1 or 903.3.1.2.
Sec. 36.	Section 905.3. After the section title add the following two sentences: In new installations where the code requires either Class II or III standpipes, Class I standpipes shall be installed. Occupant use hose is prohibited in new or existing buildings.



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Sec. 37.	Section 909.9. Add the following sentence at the end of the section: In all cases, the design fire size shall not be less than 5000 Btu/s (5275 kW) unless approved by the building official and the fire official.
Sec. 38.	Section 909.16. In the third sentence, replace the words "approved location adjacent to the fire alarm control panel" with "location approved by the building official and the fire official".
Sec. 39.	Section 911.1.1. Replace with the following, "The fire command center shall have a door directly to the exterior of the building on the address side. The exterior door to the fire command center shall be within 50 feet of a fire department access road. A fire department access box shall be provided within 6 feet of the exterior door to the fire command center. The exterior door to the fire command center shall be identified on the exterior face as the fire command center in a manner acceptable to the fire official."
Sec. 40.	Section 911.1.5.  Amend item 2 to read "The fire department communications system which may include a in-building public safety radio enhancement system monitoring panel."  Amend item 11 to read "Fire pump status indicators and remote starting."  Add an item 18 which reads, "A shunt trip device to disconnect the electrical service to the building."
Sec. 41.	Section 915.1. Replace with the following: Emergency responder radio coverage shall be assured in all newly constructed below ground floors of a building, all floors in buildings greater than 25000 ft <sup>2</sup> per floor, and to all floors of buildings greater than 3 stories in height.
Sec. 42.	Add Sections 915.2 and 915.3 as follows:  Section 915.2. Every floor area in a building or structure which can not achieve the required level of emergency responder radio coverage as established by Montgomery County Department of Technology Services shall be provided with an in-building public safety radio enhancement system in accordance with the Montgomery County Fire Safety Code.  Section 915.3. Inspection and Testing. Emergency responder radio coverage and in-building public safety radio enhancement system must be tested, and inspected by approved individuals. The results of the testing and inspection shall be certified to the code official prior to issuance of an occupancy permit.



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Sec. 43.	Table 1004.1.1. Add an entry for "Shell Office Spaces" with an occupant load factor of 65 gross square feet per person.
Sec. 44.	Section 1003.5. In exception #2, replace the phrase "a single riser or with two risers and a tread" to "three risers or less".
Sec. 45.	Section 1007.3. Delete Exceptions 1, 2, and 3.
Sec. 46.	Section 1007.4. Delete Exception 2.
Sec. 47.	Section 1008.1.2. Add a sentence at the end to read: "Doors in exit enclosures shall swing in the direction of egress travel unless the door opening serves an individual living unit that opens directly into an exit enclosure."
Sec. 48.	Section 1008.1.9.10. In Exception #3, delete all text after the phrase "...openable from the egress side".
Sec. 49.	Section 1009.13. At end of the section add the phrase "or ladder complying with Section 7.2.9 of the Life Safety Code, 2009 edition".
Sec. 50.	Section 1012.6. At the end of the last sentence add the phrase "unless, in the opinion of the AHJ, an extension in the same direction of the stair or ramp creates a hazard in the means of egress."
Sec. 51.	Section 1012.7. Change "1 ½" to "2 ¼".
Sec. 52.	Section 1013.1. After the phrase "equipment platforms," add the phrase "retaining walls,".
Sec. 53.	Section 1013.2. In exception #1 and #2, change "34 inches (864 mm)" to "36 inches (915 mm)". Add a fifth exception: Exception 5. In occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2, interior guards shall be permitted to be not less than 36 inches high.
Sec. 54.	Section 1013.3. Delete Exception #6.
Sec. 55.	Section 1015.2.1. Add the following exception: Exception 3. In buildings of Group R-2 four stories or less in height above the grade plane that are served by two required exterior stairways connected by an open-ended corridors in compliance with Section 1026.6, Exception 4 shall be provided with remoteness between the near edge of the required landings that are separated by a distance of at least one fourth the length of the maximum overall diagonal dimension of the area served.
Sec. 56.	Section 1018.1. Replace Exception 4 with the following: A fire resistance rating is not



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required for corridors within single-tenant Group B occupancies.

Sec. 57. Section 1020. Add a new section 1020.3 to read as follows:

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

Sec. 58. Section 1027.1, Exception 1, Item 1.1. Add two sentences at the end of the item that read as follows:

The door to the exterior of the building shall be in direct sight of the point of the termination of the exit. For the purposes of this section, the use of exit signs or other exit markings shall not be considered as making the way to the exterior "readily visible and identifiable".

Sec. 59. Chapter 11. Delete and replace with the Maryland Accessibility Code.

Sec. 60. Section 1405.13.2. Number the existing exception as #1 and add two exceptions (#2 and #3) to read as follows:

Exception #2: In buildings four stories or less, the lowest part of the clear opening of the window shall be permitted to be at a height not less than 18 inches (457mm) above the finished floor surface of the room in which the window is located.

Exception #3: In buildings four stories or less, glazing between the floor and a height of 18 inches (457mm) shall be fixed or have openings through which a 4-inch (102mm) sphere cannot pass.

Sec. 61. Table 1607.1 Item 29 Roofs. Modify the uniform live load value for "Ordinary flat, pitched and curved roofs" to 30 pounds per square foot, nonreducible.

Sec. 62. Add a new section as follows:

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

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



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accordance with NFPA 1901, Chapter 20.21.4.2) and the remaining two outriggers apply a force of zero (0) pounds. Outrigger pad dimensions are 2 feet 2 inches wide by 2 feet 6 inches long.

Sec. 63. Section 1608.2. After the title add the following sentence: "Design ground snow loads for Montgomery County shall be not less than 30 pounds per square foot."

Sec. 64. Section 1612.3. After the heading, delete the text and replace with the following: The flood hazard map of Montgomery County is established in Section 3 of Executive Regulation 24-06 AM, Floodplain Regulations, per the authority in Article III, Chapter 19 of the Montgomery County Code.

Sec. 65. Section 1704.4. Delete Exception 1.

Sec. 66. Section 1704.4. Delete Exception 2.3. Amend exception 2.1 by adding the word "or" after the semicolon. Amend exception 2.2 by deleting the word "or".

Sec. 67. Table 1704.4 Items 10 and 11. Modify the inspection frequency from "periodic" to "continuous".

Sec. 68. Table 1704.4 Item 11. Add the sentence to the first column, "The strength evaluation shall be demonstrated by field cured cylinders only."

Sec. 69. Add a new section as follows: Section 1801.3 Special conditions. Design and construction of all buildings and structures within 1000 feet of a known municipal solid waste (MSW) landfill site that does not currently have an operational land fill gas (LFG) monitoring and removal system, shall require special engineering of foundation systems, including walls and floor slabs, to provide for the safety of occupants against hazards from LFG concentration. Special subsurface investigations shall be conducted, at the owner's expense, by an approved and qualified engineer or geologist to determine the extent of the potential hazard. The study must identify the potential hazards, and mitigation plans for the site must be incorporated into the construction documents and approved prior to issuance of a building permit. All buildings and structures within 1000 feet of the boundary of a MSW landfill shall be equipped with a methane gas detector with an alarm activation level of 20% of the lower explosive limit (LEL 1% by volume).

Sec. 70. Section 1809.5. In item number 1, after the word "locality" insert: "Depth shall be a minimum of 24 inches below the adjacent finish grade."

Sec. 71. Add a new section as follows:

1901.2.1. For precast structures, in the case of a conflict between ACI 318 and PCI Design Handbook, the requirements of ACI 318 shall control the design.



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Sec. 72.	Chapter 29. Delete.
Sec. 73.	Sections 3001.2, 3001.3, and 3001.4. Delete and replace with the following: 3001.2 Standards. The Maryland Department of Labor, Licensing, and Regulation, Division of Labor and Industry, regulates the design, installation, inspection, and testing of all hoisting and conveying equipment.
Sec. 74.	Section 3107.1. Add the following at the end of the sentence: "and Chapter 59 of the Montgomery County Code, 1994, as amended."
Sec. 75.	Section 3109.3. Change "4 feet (1290 mm)" to "5 feet (1524 mm)".
Sec. 76.	Section 3109.4.1. Change "48 inches (1219 mm)" to "60 inches (1524 mm)".
Sec. 77.	Section 3302. Add a new section 3302.3 which reads "Construction safeguards shall also comply with NFPA 241, Standard for Safeguarding Construction, Alteration and Demolition Operations, 2004 edition."
Sec. 78.	Section 3401.1. Add the following at the end of the sentence: Existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code. Buildings undergoing repair, alterations, additions and change of occupancy shall also comply with the Montgomery County Fire Safety Code.
Sec. 79.	Appendix F. Appendix F is hereby adopted in its entirety.
Sec. 80.	Appendix G. Appendix G is hereby adopted in its entirety and amended as follows:  Section G102.1. Insert after International Building Code the phrase "and the provisions of Article III, Chapter 19 of the Montgomery County Code, and Executive Regulation 24-06 AM."  Section G102.2. Replace the parentheses and the phrase within the parentheses with the effective date of this regulation.
Sec. 81.	Appendix H. Appendix H is hereby adopted in its entirety and amended as follows:  Section H 101.1. Insert at the beginning of this section "The provisions of this chapter shall apply to signs that are permitted by the Montgomery County Zoning Ordinance".  Section H 101.2, Delete.  Section H102.1, Delete definitions for "Combination sign", "Display Sign", "Pole Sign",



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“Portable Display Surface”, and “Projecting Sign.”

Add definition of “Supported Sign” as follows: ‘A sign that is attached to a structure like a pole, column, frame, or brace, as its sole means of support, and is not a ground sign and is not attached to a building.

Delete and replace the definition of “sign” as follows: “Any device, fixture, placard, or structure that uses any color, form, graphics, illumination, symbol, or writing to attract attention or to communicate information”

Delete and replace the definition of “ground sign” as follows: “A sign erected on the ground or with its bottom edge within 12 inches of the ground, that has its support structure as an integral part of the sign, and where the dimensions closest to the ground is greater than height.

Delete and replace the definition of “wall sign” as follows: “Any sign that is attached to the wall of a building. There are two types of wall signs: Flat wall sign: A sign that is parallel to the wall of a building to which it is attached, but does not extend more than 12 inches from the building face; Projecting wall sign: A sign that is attached to a wall of a building and extends more than 12 inches from the building face.

Section H104, Delete.

Section H108, Delete.

Section H109. Add the words “and supported” between “ground” and “sign” in the title and in the first two sentences of H109.1

Section H109.2, Delete.

Section H110, Delete the text of H110.1 (including the exception) and replace with the following “Roof signs are prohibited.” Delete Sections H110.2 through H110.5.

Section H111.3. Add the word “wall” between “projecting” and “sign”.

Section H112. Add the word “wall” between “projecting” and “sign” in the title and first sentence.

Section H112.4. In the first sentence, delete all text starting with the word “except”.

Section H113. Delete.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive, 101 Monroe Street, Rockville, Maryland 20850

<b>Subject:</b> Adoption of the 2009 IBC, IRC, IECC, IMC, IFGC	<b>Number:</b> 26-09 AM
<b>Originating Department:</b> Department of Permitting Services	<b>Effective Date:</b>

## AMENDMENTS TO THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)

- Sec. 82. Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."
- Sec. 83. Section 101.2. Add exception to read as follows: Energy conservation systems and components in existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alteration or additions, and change of occupancy, shall be permitted to comply with the Maryland Building Rehabilitation Code.
- Sec. 83.1. Add Section 404.4.2.3. Notwithstanding the provisions of section 402.4.2 ten (10%) of all new one- and two-family dwellings constructed between July 1, 2010 and June 30, 2011 must be tested in accordance with section 402.4.2.1 and all test results must be reported to the Department.

## AMENDMENTS TO THE 2009 INTERNATIONAL MECHANICAL CODE (IMC)

- Sec. 84. Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."
- Sec. 85. Section 101.2. Add exception to read as follows: Mechanical systems in existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations, or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.
- Sec. 86. Sections 106.4.3, 106.4.4, 106.5, and 109. Delete.
- Sec. 87. Add new section 302.6 Supports and Anchorage. All appliances located on roofs shall rest on a manufacturer's standard perimeter support, self flashing roof curb, framed steel support, or 4 X 4 treated lumber as a minimum. The appliances shall be securely affixed in an approved manor to resist vibration and wind loads.
- Sec. 88. Add new section 306.1.1.1 Heating Appliances. Electric, fossil or solid fuel fired appliances shall not be installed under any stairway or landing.
- Sec. 89. Section 306.3. After the last sentence add the following: Access to the attic opening shall be provided by a permanent or pull-down stairway in all new construction. In existing installations, portable ladders shall be acceptable.
- Sec. 90. Table 403.3 under heading "Specialty Shops"  
Add Automotive service or repair garages- note b.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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<b>Subject:</b> Adoption of the 2009 IBC, IRC, IECC, IMC, IFGC	<b>Number:</b> 26-09 AM
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Sec. 91.	Section 506.1 Add the words “and NFPA 96.” To the end of the first sentence and the sentence “Where discrepancies occur the most astringent will apply.” after the first sentence.
Sec. 92.	Section 506.3.2.5 Change “100” to “300”.
Sec. 93.	Section 506.3.9 Add the words “vertical and” in the heading after the word duct. In the first sentence change 20 feet to “12 feet” and after the first sentence add “Vertical cleanouts shall be provided on each floor”. (NFPA96)
Sec. 94.	Section 506.3.12.2 After the last sentence add “Follow NFPA 96 section 7.8.3 for additional termination requirements.”
Sec. 95.	Section 606.2.1 Under the heading exception, add the words “Return air” to the beginning of the first sentence. After the last sentence add “Supply smoke detectors shall not be required for fan units whose sole purpose is to remove air from the inside of the building to the outside of the building. (NFPA90A)
Sec. 96.	Section 606.2.1 Add the words “Supply and” to the beginning of the heading. Add the words “supply and” after the word “in” in the first sentence and add “in the supply air duct or plenum downstream of the air filters and ahead of any branch connections,” after (0.9 m3/s) in the first sentence.
Sec. 97.	Section 607.5.5 exception 2 Replace the first sentence of Exception 2 with the following: “In buildings, other than Group H occupancies, equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2, smoke dampers are not required where:”
Sec. 98.	Add new section 608 Emergency and Standby Power Systems
Sec. 99.	Add new section [F] 608.1 Installation. Emergency and standby power systems required by the International Fire Code or the International Building Code shall be installed in accordance with NFPA 110 , NFPA 111 and the International Fire Code. Existing installations shall be maintained in accordance with the original approval.
Sec. 100.	Add new section [F] 608.1.1 Stationary Generators. Stationary emergency and standby power generators required by the International Building Code and the International Fire Code shall be listed in accordance with UL 2200.
Sec. 101.	Add new section [F] 608.2 Standby Power. Where the standby system is a generator set inside a building, the system shall be located in a separate room enclosed with a 2-hour fire barrier constructed in accordance with section 707 or horizontal assemblies constructed in accordance with section 712 of the International Building Code, or both. System



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	supervision with manual start and transfer features shall be provided at the fire command center.
Sec. 102.	Add new section 608.2.1 Ventilation Air. Ventilation air shall be supplied directly from a source outside the building by an exterior wall opening or from a source outside the building by a 2-hour fire rated air transfer system. (NFPA 110)
Sec. 103.	Add new section 608.2.2 Discharge air. Discharge air shall be directed outside the building by an exterior wall opening or to an exterior opening by a 2-hour rated air transfer system. (NFPA 110)
Sec. 104.	Add new section 608.2.3 Fire Dampers. Fire dampers, shutters or other self closing devices shall not be permitted in ventilation or discharge air openings or ductwork for standby power systems. (NFPA 110)
Sec. 105.	Add new section 608.2.4 Motor Operated Damper. Motor operated dampers, when used, shall be spring operated to open and motor closed. (NFPA 110)
	<u>AMENDMENTS TO THE 2009 INTERNATIONAL FUEL GAS CODE (IFGC)</u>
Sec. 106.	Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."
Sec. 107.	Section 102.2.1. Delete and replace to read as follows: As an alternative to the provisions of this code, fuel-gas piping systems, fuel-gas utilization equipment and related accessories in existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations, or additions, and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code.
Sec. 108.	Sections 106.5.3, 106.5.4, 106.6, and 109.2 to 109.7 Delete.
Sec. 109.	Chapter 4. Delete all except Sections 401.2, 402.6.1, 412, 413, and 414.
	<u>AMENDMENTS TO THE 2009 INTERNATIONAL RESIDENTIAL CODE (IRC)</u>
Sec. 110.	Section R101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."
Sec. 111.	Section R101.2. Add Exception to read as follows: Existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code.



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Sec. 112.	Section 102.7. Delete the phrase "the International Property Maintenance Code."
Sec. 113.	Section R105.2, Items 1 & 2. Delete. Item 3. Change 4 to 4 ½ and 1219 to 1372. Item 10, delete. Sections R105.3.1.1, R105.3.2, and R105.5. Delete.
Sec. 114.	Section 107. Delete.
Sec. 115.	Section R108.1. Replace the second sentence with the following: Required fees shall be paid for each separate permit application. Sections 108.2 through 108.5. Delete.
Sec. 116.	<p>Sections R109.1 through R109.1.6. Delete all except R109.1.2, R109.1.5, and R109.1.5.1 and replace with the following: R109.1 Types of inspections. The following inspections must be conducted for all buildings and structures:</p> <ol style="list-style-type: none"> <li>1. Sign: The sign must be posted on the property within 3 days after the permit issuance date and must remain posted on the property for 30 days. The sign must be located on the side of the lot/parcel, which provides principal access to the street or right-of-the-way. It must be conspicuously posted, not more than 5 feet from the front property line and mounted at least 30 inches, but not more than 60 inches, above the ground. <b>NO BUILDING INSPECTION WILL BE PERFORMED PRIOR TO THE APPROVAL OF THIS INSPECTION.</b></li> <li>2. Footings: Conducted prior to concrete placement and after excavations for all footings and thickened slabs are completed; after form work, reinforcing steel, concrete-encased electrode (for new dwellings), and grade stakes are in place; and after sediment control measures are installed according to the approved sediment control plan.</li> <li>3. Foundation/parging or back-fill: Conducted after the exterior walls have been waterproofed and the exterior drain tiles have been installed</li> <li>4. Concrete slab-on-ground floor: Conducted after the installation of the gravel base, vapor barrier, slab edge insulation, and required radon-control features prescribed in Appendix F. When a sump crock is used for radon venting, it must be in place at the time of this inspection.</li> <li>5. Wall check (house location survey): The owner must have a house location survey prepared and certified by a Maryland Registered Land Surveyor and must submit a copy to the building official for approval prior to erecting the framing. A wall check not identified by a premise address and permit number will not be accepted. <b>A FRAMING INSPECTION WILL NOT BE CONDUCTED WITHOUT AN APPROVED WALL CHECK.</b></li> <li>6. Masonry fireplace/flue: Conducted after the fireplace and first flue liner section are completed.</li> </ol>



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7. Factory-built fireplace/flue: Conducted at the framing inspection after installation of the unit.
8. Framing ("close-in"): Conducted after the completion of all framing, rough electrical/mechanical construction, sprinkler, plumbing and gas piping and just prior to concealment with insulation or interior finishing materials. The plumbing/gas inspection approval must have been granted by the Washington Suburban Sanitary Commission (WSSC) prior to the request for a framing inspection. Also, the sprinkler close-in inspection approval must have been granted by the Department of Fire & Rescue Services (DFRS) prior to the request for a framing inspection. The rough wiring and mechanical inspections must be requested at the same time. WHEN THE FLOOR FRAMING IS LESS THAN 36 INCHES (914 MM) ABOVE THE SURFACE BELOW, A FRAMING INSPECTION SHALL BE REQUESTED PRIOR TO INSTALLATION OF ANY FLOOR DECKING.
9. Insulation Inspection: Conducted after the completion of both floor and wall framing to verify that the installed insulation R-value matches the approved plans or specifications for the building.
10. Well and Septic Systems: Where a building is served by an on-site water system or an on-site sewage disposal system, prior to the final inspection, an "Interim Certificate of Portability" or "Certificate of Portability" and/or a "Certificate of Sewage Disposal", as appropriate, must be issued by the Department. Where a building is served by an on-site water system or an on-site sewage disposal system, any condition of the permits issued for those systems shall be satisfied prior to the final inspection.
11. Final and U/O: Conducted after the building is completed and ready for occupancy, but prior to settlement on the house, unless the contract owner waives the requirement for final inspection and provides the building official with a written copy of the waiver. For new construction, final electrical, mechanical, and sprinkler inspections must be requested with the final building inspection, and the address numbers must be displayed in accordance with the requirements of the fire code. Note: A final approval from WSSC shall be obtained for all plumbing/gas installations prior to requesting final building inspections from the County. Also, The Sprinkler final inspection approval must have been granted by the Department of Fire & Rescue Services (DFRS) prior to the request for a final inspection. If an owner refuses access within a reasonable time after a house is completed, the building official may close the permit file, but this action will not relieve the owner from any obligation to comply with applicable codes. The final inspection must be requested and approved before a building (or portion thereof) is used or occupied.
12. Re-inspection: Any of the above inspections disapproved twice for the same violation



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will be subject to a re-inspection fee, as established in the Schedule of Permit and License Fees, which must be paid before any further inspections will be performed at the building site.

- Sec. 117. Sections R110. Delete.
- Sec. 118. Sections R112. Delete except R112.2.
- Sec. 119. Section R202. To the definition dwelling unit add: A dwelling unit may contain a family day care home, group day care home, a home occupancy or home health care practitioner complying with Chapter 59, Montgomery County Code. Note: A certificate of use and occupancy is required before any space dedicated for home occupancy or home health care practitioner can be used or occupied. See Chapters 8 and 59, Montgomery County Code.
- Delete in the first paragraph of definition of Attic, Habitable, "or unfinished" and "not"
- Add definition for Storage, finished: A finished area having no more than two (2) 120V outlets and no other wiring methods (CATV, satellite, data communication, etc.), excluding lighting requirements.
- Sec. 120. Table R301.2(1). Under the headings indicated insert the appropriate criteria, as follows: GROUND SNOW LOAD--30 pounds per square foot (psf); WIND-Speed--90 miles per hour (mph); TOPOGRAPHIC EFFECTS--No; SEISMIC DESIGN CATEGORY--B; SUBJECT TO DAMAGE FROM-Weathering--severe, Frost line depth--24 inches (612 mm), Termite--moderate to heavy, and Decay--slight to moderate; WINTER DESIGN TEMP--13 degrees Fahrenheit (F); ICE SHIELD UNDERLAYMENT REQUIRED--yes; footnote h; FLOOD HAZARDS--yes; footnote g: (a), (b) July 2, 1979; AIR FREEZING INDEX--300; MEAN ANNUAL TEMPERATURE--55.
- Sec. 121. Section R305.1, Exception 1. Delete the first occurrence of the word "required." Delete the phrase "with no portion of the required floor area less than 5 feet" and replace it with the phrase "Any floor area having less than 5 feet of ceiling height shall not be considered part of the room area and shall not be allowed to have any permanent fixtures or furnishings such as, but not limited to, cabinets, counters, and shelves." Sections R305.1.1 Delete.
- Sec. 122. Sections R307.1. Delete "and in accordance with the requirements of Section P2701.5"
- Sec. 123. Section R312.1. After the first occurrence of the phrase "floor or grade below" insert the phrase "and retaining walls with a difference in grade level on either side of the wall exceeding 30 inches (762 mm) and within 2 feet (610 mm) of a walk, path, parking lot, or driveway on the high side."
- Sec. 124. Section R313.1.1. Replace Section P2904 with NFPA 13D.



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- Sec. 125.      Section R313.2. Delete “effective January 1, 2011”.
- Sec. 126.      Section R313.2.1. Delete “Section P2904 or”.
- Sec. 127.      Add new subsection R313.3. Rehabilitation work in one- and two- family dwellings and townhouses equipped with an approved sprinkler system. An approved automatic fire sprinkler system shall be maintained in areas undergoing rehabilitation work.  
  
Add new subsection R313.4. Automatic sprinkler system for reconstruction. An approved automatic fire sprinkler system shall be installed when 50 percent or more of the gross floor area as defined in section 1002.1 of the IBC of the existing building is demolished.
- Sec. 128.      Section R319.1 Change “4 inches (102 mm)” to “5 inches (122.5 mm).
- Sec. 129.      Section 321.1 Add a new sentence. Walls and ceiling of elevator shafts shall be covered with by not less than 5/8-inch (15.9 mm) Type X gypsum board.
- Sec. 130.      Section 321.3. Delete.
- Sec. 131.      Section R322.1. To the first paragraph add the phrase “and the Floodplain District Requirements, Article III, Chapter 19, of the Montgomery County Code, and Executive Regulation 24-06 AM.”
- Sec. 132.      Add a new section as follows: Section R401.5. Special conditions. Design and construction of all buildings and structures within 1000 feet of a known municipal solid waste (MSW) landfill site that does not currently have an operational land fill gas (LFG) monitoring and removal system, shall require special engineering of foundation systems, including walls and floor slabs, to provide for the safety of occupants against hazards from LFG concentration. Special subsurface investigations shall be conducted, at the owner’s expense, by an approved and qualified engineer or geologist to determine the extent of the potential hazard. The study must identify the potential hazards, and mitigation plans for the site must be incorporated into the construction documents and approved prior to issuance of a building permit. All buildings and structures within 1000 feet of the boundary of a MSW landfill shall be equipped with a methane gas detector with an alarm activation level of 20% of the lower explosive limit (LEL-1% by volume).
- Sec. 133.      Section R403.1.4.1. Change the first exception to read: One-story detached accessory structures, excluding garages and carports, used as tool and storage sheds, playhouses and similar uses and not exceeding 400 square feet or less in floor area and an eave height of 10 feet (3048 mm) or less shall not be required to be protected. Delete second and third exceptions.



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- Sec. 134. Section R405.1. Add to the title “exterior drainage system”. Delete the exception. Add new subsection R 405.1.1. Concrete or masonry foundation interior drainage system. Weep holes at least 2 inches (51 mm) in diameter, spaced at a maximum of 6 feet (1828 mm) on center shall be installed in the footing connecting into the interior drains. Weep-hole inlets shall have a minimum of 6 inches (153 mm) of gravel for the full perimeter of the foundation, extending at least 12 inches (306 mm) from the inlets and covered by a layer of approved filter membrane.
- Sec. 135. Section R406.1. Delete.
- Sec. 136. Section R406.2. Delete the first sentence and replace with the following: Exterior foundation walls retaining earth and enclosing usable spaces below grade must be waterproofed with an approved waterproofing system or a membrane extending from the top of the footings to finished grades. Delete items 1, 2, 3, and 4. Add. “Waterproofing system shall be installed as required in the current International Code Council Evaluation Service report for the product.”
- Sec. 137. Section R406.4. Delete.
- Sec. 138. Section R506.2.3. Delete Exceptions 2 and 4.
- Sec. 139. Section R612.2. Window sills. Replace 24 inches (610 mm) with 18” (457 mm).
- Sec. 140. Section N1101.2. Add 2009 IECC after International Energy Conservation Code and delete the rest of the section.
- Sec. 141. Section N1101.3 through Section N1104. Delete.
- Sec. 142. Section M.1305.1.3. Add the following after the first sentence: Access to the attic opening shall be provided by a permanent or pull-down stairway in all new construction. In existing installations, portable ladders shall be acceptable.
- Sec. 143. Section M1405.1. Replace the phrase “Chapters 34 through 43” with National Electric Code (NEC) 2008 adopted in Executive Regulation ER 15-09.
- Sec. 144. Section M1406.2. Replace the phrase “Chapters 34 through 43” with National Electric Code (NEC) 2008 adopted in Executive Regulation ER 15-09.
- Sec. 145. Section M1407.1 Replace the phrase “Chapters 34 through 43” with National Electric Code (NEC) 2008 adopted in Executive Regulation ER 15-09.



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Sec. 146. Chapters 25 through 43. Delete

Sec. 147. Add new Chapter 45. Site Work and Safeguards.

Section R4501. Storage and placement. Construction equipment and materials shall be stored and placed so as not to endanger the public, the workers or adjoining property for the duration of the construction project.

1. Disposal of Construction Debris/Material. Construction debris and/or materials shall be stored and disposed in a suitable manner so as not to endanger the public and not spread onto the lot and adjoining properties.

Section R4502. Utility connections. Service utility connections shall be discontinued and capped in accordance with the approved rules and the requirements of the authority having jurisdiction.

Section R4503. Excavation and fill for buildings and structures shall be constructed or protected so as not to endanger life or property.

Section R4504. Fill supporting foundations. A building permit is required when fill is used to support the foundations of any building or structure. Special inspections of compacted fill shall be in accordance with Section 1704.7 of the International Building Code 2009.

Section R4505. Protection of Pedestrians

Section R4505.1. Protection required. Pedestrians shall be protected during construction, remodeling and demolition activities by a barrier when the distance from the construction to the lot line is 5 (1524 mm) feet or less.

Section R4505.2. Adjacent to excavations. Every excavation on a site located 5 feet (1524 mm) or less from the street lot line shall be enclosed with a barrier. Where located more than 5 feet (1524 mm) from the street lot line, a barrier shall be erected when and where required by the building official.

Section R4505.3. Barriers. Barriers shall be at least 42" high, have adequate strength, and shall be of a type which will warn of potential danger.

Section R4506. Protection of Adjoining Property. Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. Protection shall be provided for footings, foundations, party walls, chimneys, skylights and roofs.

Sec. 148. Appendix C. Appendix C is hereby adopted in its entirety.

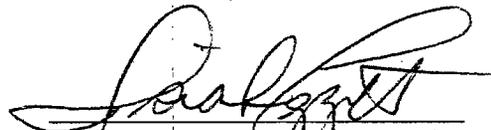


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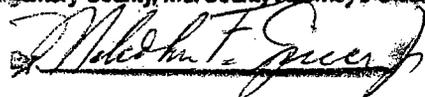
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- Sec. 149. Appendix E. Appendix E is hereby adopted with the following modification: Delete all except subsections AE501 through AE606, with the following modification to Section AE502.3: In the last sentence, first paragraph, change 12 inches (305) to 24 inches (610).
- Sec. 150. Appendix F. Appendix F is hereby adopted in its entirety.
- Sec. 151. Appendix G. Appendix G is hereby adopted in its entirety, with the following modifications  
  
Section AG101.1, add the following sentence at the end: Swimming pools, Spas and Hot Tubs shall also comply with Chapter 51 of the Montgomery County Code.  
  
Section AG105.2: Item 1. Change 48 to 60 and 1219 to 1524; Item 9.3. Delete.
- Sec. 152. Appendix K. Appendix K is hereby adopted in its entirety.

  
Isiah Leggett, County Executive

5/13/10  
Date

Approved as to form and legality  
Montgomery County, Md. County Attorney's Office





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## JUSTIFICATIONS ER 26-09AM

ER Section	Code Section	History / Rationale
International Building Code, IBC 2009		
3	101.1	Insert jurisdiction name.
4	101.2	Add an additional exception to allow the use of the Maryland Building Rehabilitation Code (MBRC).
5	101.4.3 – 101.4.5	Delete references to codes not adopted/enforced by Department of Permitting Services (DPS).
6	101.4.1	Revise the applicability of the International Fuel and Gas Code (IFGC)
7	102.6	Delete references to the International Property Maintenance Code (IPMC) and change the reference to the International Fire Code (IFC) to the Montgomery County Fire Safety Code.
8	103, 108, 111, 113	Delete administrative provisions that conflict with the requirements in Montgomery County Code (MCC) Chapter 8
9	105.1	Clarify that each building and each address needs a separate permit.
10	105.2	Delete administrative provisions that conflict with the requirements in Montgomery County Code Chapter 8
11	105.3 through 105.7	Delete administrative provisions that conflict with the requirements in Montgomery County Code Chapter 8
12	109.1	Clarify that permit fees are to be paid for each application.
13	109.2 through 109.6	Delete administrative provisions that conflict with the requirements in Montgomery County Code Chapter 8
14	110.3.10	Clarify that final inspections must be approved before spaces can be occupied.
15	114 & 115	Delete administrative provisions that conflict with the requirements in Montgomery County Code Chapter 8
16	305.2	Change the age of children to coordinate with Day Care Administration regulations.
17	308.2	Change the definition of small care facilities to coordinate with Day Care Administration regulations.
18	308.3.1	Change the age of children to coordinate with Day Care Administration regulations.
19	308.5.2	Change the age of children to coordinate with Day Care Administration regulations
20	310.1	Add definitions for family day care home and group day care home. Coordinated with Day Care Administration regulations.
21	403.2.1.2	Delete the permitted reduction in shaft rating to coordinate with requirements of the Montgomery County Fire Safety Code.
22	403.4.4	Change the reference for in building signal amplification from the IFC to the Montgomery County Fire Safety Code.
23	411.1	Add an exception to Special Amusement Structure for small play structures.
24	419	Delete provisions for Live/Work Units to eliminate conflicts with existing requirements for home occupations.
25	422.3	Change the required refuge area to be calculated on an per occupant basis (in lieu of per "nonambulatory patient" basis). Coordinates with the requirements with Ambulatory Health Care in the Life Safety Code.

ER Section	Code Section	History / Rationale
26	424	New section to require radon control features for all R use structures.
27	501.2	Delete the requirement for existing buildings. Modify the size of address numbers/letters to conform to Montgomery County Fire Safety Code.
28	509.2	Add two additional conditions for pedestal construction. Stories above the 3 hour horizontal assembly to be considered a story above grade. A fire command center to be provided for such structures.
29	703.6	Include in the signage the hourly rating of the wall.
30	708.14.1	Required elevator lobbies cannot interrupt the corridor system. Corridors must go directly to the exit without passing through the elevator lobby.
31	716.5.3	Expand the exception for smoke dampers to all uses and those protected with 13R sprinklers.
32	903.1.1	Requires that items that are incompatible with water to be protected with an appropriate extinguishing agent.
33	903.2.1.2	Match the sprinkler requirement for bars, discotheques, nightclubs, etc. of Life Safety Code (LSC)
34	903.2.8	Exception for single dwelling unit in an S-1 occupancy just dwelling unit A/S
35	903.3.1.3	Specify which occupancies can use 13D sprinklers.
36	905.3	Prohibit occupant hose standpipe systems. All standpipe systems will be Class I systems
37	909.9	Require that design fires for smoke management systems shall have a heat release rate not less than 5000 Btu/s
38	909.16	Change language regarding the location of the fire fighter smoke control panel. Not necessarily wanted at the fire alarm control panel.
39	911.1.1	Specify that a door to the exterior shall be provided in the fire command center.
40	911.1.5	Clarify and add to the list of items needed in a fire command center to coordinate with the requirements of the Montgomery County Fire Safety Code.
41	915.1	Modify language for In-Building Signal Amplification to coordinate with Montgomery County's previous requirements (previous 3110.1). Included all types of construction in the cases of buildings greater than 3 stories, due to field experience from MCFRS.
42	915.2 & 915.3	Inclusion of language for In-Building Signal Amplification (previous 3110.2 and 3110.3)
43	1004.1.1	Add occupant load factor for shell offices. 65 sf/person based on a weighted average of 10% assembly (15sf) and 90% office (100sf) load factors.
44	1003.5	Modify where 13 inch treads are required to coordinate with Montgomery County Fire Safety Code.

ER Section	Code Section	History / Rationale
45	1007.3	Delete exceptions for areas of refuge (and other accessible means of egress components) at stairs due to the presence of automatic sprinklers. Also delete exception for areas of refuge in R-2 occupancies. Montgomery County believes that a high level of protection is provided when sprinklers are installed. However, sprinklers do not relieve the obligation to have appropriate features to affect a safe egress for all occupants.
46	1007.4	Delete exceptions for areas of refuge at elevators due to the presence of automatic sprinklers. Also delete exception for areas of refuge in R-2 occupancies. Montgomery County believes that a high level of protection is provided when sprinklers are installed. However, sprinklers do not relieve the obligation to have appropriate features to affect a safe egress for all occupants.
47	1008.1.2	Clarify that doors in an exit enclosure swing in the direction of egress travel. Coordinates with requirements in the Montgomery County Fire Safety Code.
48	1008.1.9.10	Coordinate with requirements in the Montgomery County Fire Safety Code.
49	1009.13	Allow ladders to access unoccupied roofs.
50	1012.6	Add an exception to the run of the handrails when a hazard is created by such an extension.
51	1012.7	Modify clearance between the handrail and the wall to coordinate with the Montgomery County Fire Safety Code.
52	1013.1	Clarify that retaining walls with walkways within 3 feet on the high side need guards.
53	1013.2	Modify exceptions to guard height to coordinate with Montgomery County Fire Safety Code.
54	1013.3	Require guard pickets to meet 4 inch spheres. Coordinate with Montgomery County Fire Safety Code.
55	1015.2.1	Modify remoteness of exits for a breezeway apartment building condition.
56	1018.1	Clarify that corridors within a single tenant B occupancy space do not need fire resistance rating.
57	1020.3	Add requirement that a stair connecting all floors must be accessible by the fire department.
58	1027.1	Clarify that in an exterior exit condition, there needs to be a direct line of sight between the stair discharge door and the door to the outside.
59	Chapter 11	Replace with Maryland Accessibility Code.
60	1405.13.2	Add two new exceptions for four stories or less buildings to allow the window sill to be 18 inches from the finished floor.
61	Table 1607.1 Item 29	Specify that the uniform live load for roofs is nonreducible.
62	1607.14	Add specifications for structure required to support a fire department vehicle.
63	1608.2	Specify a ground snow load for the county.
64	1612.3	Identification of areas that require flood hazard evaluation.
65	1704.4	Require special inspections for spread concrete footings.
66	1704.4	Require special inspections for footings in low bearing soils.
67	Table 1704.4 Items 10 & 11	Modify the required inspection frequency.

ER Section	Code Section	History / Rationale
68	Table 1704.4 Item 11	Specify that strength evaluations be based on field cylinders only.
69	1801.3	For structures within 1000 feet of a landfill, special evaluation to mitigate any landfill gas accumulation.
70	1809.5	Specify a minimum frost line depth.
71	1901.2.1	Specify the controlling design document for precast structures in the case of a conflict.
72	Chapter 29	Delete the chapter on plumbing systems.
73	3001.2, 3001.3, 3001.4	Delete sections and provide pointer to the State of Maryland requirements.
74	3107.1	Insert pointer to sign requirements in Chapter 59 of the Montgomery County Code.
75	3109.3	Increase enclosure height for pools to 5 feet to coordinate with Health Department requirements.
76	3109.4.1	Increase gate height at pools to 5 feet to coordinate with Health Department requirements.
77	3302	Specify that construction safeguards in accordance with NFPA 241 shall be provided. Coordinates with Montgomery County Fire Safety Code.
78	3401.1	Specify that the MBRC is an option when dealing with existing buildings. Also require compliance with the Montgomery County Fire Safety Code.
79	Appendix F	Rodentproofing requirements adopted.
80	Appendix G	Flood resistant construction provisions adopted with amendments based on appropriate Montgomery County Executive Regulations.
81	Appendix H	Sign regulations adopted with amendments to conform to the requirements of Chapter 59.
International Energy Conservation Code, IECC 2009		
82	101.1	Insert jurisdiction name.
83	101.2	Add exception to allow the use of the Maryland Building Rehabilitation Code (MBRC).
83.1	402.4.2.3	Ten (10%) of all new one- and two- family dwellings constructed between July 1, 2010 and June 30, 2011 must be blower door tested
International Mechanical Code, IMC 2009		
84	101.1	Insert jurisdiction name.
85	101.2	Add an additional exception to allow the use of the Maryland Building Rehabilitation Code (MBRC).
86	106.4.3 – 106.4.4 106.5 109	Delete references to codes not adopted/enforced by DPS. Covered in the County ER 11-08 (Fees) and also Chapter 8 of MCC. Covered in Chapter 8 of MCC.
87	302.6	Section added due to vague manufacturers' installation recommendations and no specific code guidelines for roof equipment support and anchorage.
88	306.1.1.1	Section added to expand upon unacceptable locations of appliance locations to help ensure a clear path of exit in the event of an appliance fire within a dwelling unit.
89	306.3	This addition will add greater accessibility then is currently provided for service and inspection of appliances located in attics.

ER Section	Code Section	History / Rationale
90	Table 403.3 under heading "Specialty Shops"	Too often repair garages or body shops claim natural ventilation as a means of controlling the level of air born contaminants. While this method may be marginally effective depending on building orientation and weather conditions, it only works when the doors and windows are open. The 2009 IMC does not list automotive service/ repair garages under table 404.3 for ventilation air requirements. This addition will require mechanical ventilation reducing the possibility of personal injury due to the inhalation of contaminants.
91	506.1	State mandates Montgomery County to enforce the NFPA and IMC. These additions will help clarify the code requirements and what to do in case of discrepancies within the two codes.
92	506.3.2.5	It has been discovered through inspection that a 100 watt light bulb is ineffective and time consuming when testing large grease duct systems. The change to a higher wattage bulb will greatly increase the effectiveness of the inspection and ultimately lead to a safer grease duct system.
93	506.3.9	Clarify and ensure consistency between the two adopted codes.
94	506.3.12.2	National Fire Protection Association (NFPA) has additional guidelines for side discharge commercial kitchen exhaust fans. This addition will direct design professional to appropriate requirements.
95	606.2.1	Addition ensures consistency between IMC and NFPA requirements.
96	606.2.1	Addition ensures consistency between IMC and NFPA requirements.
97	607.5.5	Addition brings IMC in line with the IBC as an option for design professionals to forgo the required combination fire smoke dampers and use sub ducts and an Emergency Standby Power System
98-105	608	New added sections are new to the IMC and are directly derived from the International Fire Code and NFPA 110 for the installation of Emergency & Standby Power Systems. They are intended to give mechanical designers and installers more direction in complying with codes.
International Fuel Gas Code, IFGC 2009		
106	101.1	Insert jurisdiction name.
107	101.2.1	Allows the use of the provisions Maryland Building Rehabilitation Code (MBRC).
108	106.5.3, 106.5.4, 106.6, and 109.2 to 109.7	Delete references to codes not adopted/enforced by DPS. Covered in the County ER 11-08 (Fees) and also Chapter 8 of MCC. Covered in Chapter 8 of MCC.
109	Chapter 4	Requirements covered by other codes, such as NFPA codes, or other jurisdictions, such as Washington Suburban sanitary Commission (WSSC) for piping construction.
International Residential Code, IRC 2009		
110	R101.1	To insert jurisdiction name.
111	R101.2	Add an additional exception to allow the use of the MBRC.

ER Section	Code Section	History / Rationale
112	R102.7	County did not adopt the IPC
113	R105.2 <i>Item 1</i>	Due to zoning ordinance requirements, it can not be exempted.
	<i>Item 2</i>	To be consistent with the zoning ordinance requirements for fences
	<i>Item 3</i>	Total height of the wall determined based on the frost depth (24") plus the over 30" difference in surface elevations requiring guardrails. Same amendment since 2000.
	<i>Item 10</i>	Deck construction and in particular its connections are critical for life safety. Therefore, any deck needs to be designed and inspected to ensure safety of occupants.
	R105.3.1.1	County does not allow this in flood zone.
	R105.3.2	Covered in Chapter 8 of Montgomery County Code (MCC).
	R105.5	Covered in Chapter 8 of MCC.
114	R107	Covered in Chapter 59 of MCC.
115	R108.1, R108.2 through 108.5	Covered in the County ER 11-08 (Fees) and also Chapter 8 of MCC.
116	R109.1	Applicable inspection types as have been required in the county to address local concerns.
117	R110	Covered in Chapter 59 of MCC.
118	R112.2	Covered in Chapter 8 of MCC.
119	R202 <i>1<sup>st</sup> definition</i>	Consistent with Chapters 8 and 59 MCC.
	<i>2<sup>nd</sup> definition</i>	Avoid building a 4 story above grade dwelling unit (structure) under IRC 2010. Consistent with zoning Chapter 59 of MCC.
	<i>3<sup>rd</sup> definition</i>	Ensure storage space is used only for storage and protects occupants from using non-complying habitable space.
120	Table R301.2(1)	Specify design criteria applicable in the county.
121	R305.1	Consider ceiling height over the entire room and not portion of it.
	R305.1.1	To allow future remodeling of an existing basement having adequate ceiling heights.
122	R307.1	Department of Permitting Services (DPS) does not enforce plumbing code.
123	R312.1	Consistent with code requirements for fall protection.
124	R313.1.1	DPS does not enforce plumbing code but the National Fire Protection Association (NFPA) 13D. Requirement has been enforced for over 20 years for attached dwelling units (townhouses).
125	R313.2	Requirement has been enforced since 2004 for single- or two-family detached dwellings.
126	R313.2.1	DPS does not enforce plumbing code but the National Fire Protection Association (NFPA) 13D.
127	R313.4	Coordinate with Chapter 8 of MCC requirements for residential fire sprinklers.
128	R319.1	Consistent with Montgomery County Fire Code Section 22-97 requires new single family dwellings.
129	R321.1	Ensure fire protection of elevator shaft. Same requirement in International Building Code (IBC) 2010.
130	R321.3	Consistent with state requirements for accessibility.
131	R322.1	Consistent with other requirements of MCC regarding flood resistant construction.

ER Section	Code Section	History / Rationale
132	R401.5	For structures within 1000 feet of a landfill, special evaluation to mitigate any landfill gas accumulation.
133	R403.1.4.1	400 sq ft limitation based on DPS experience for these types of structures. To save cost of footing for non habitable structures and
134	R405.1	Allow new drainage system because of predominance of clay soil in this area. DPS enforced this requirement for many years.
135	R406.1	DPS's experience is that requirement is not adequate due to high water table in this area.
136	R406.2	Ensure materials and methods used are adequate for waterproofing.
137	R406.4	DPS's experience is that requirement is not adequate due to high water table in this area.
138	R506.2.3	Ensure that entire floor areas are protected and also comply with radon mitigation requirements.
139	R612.2	Consistent with emergency exit requirements without increase in story height.
140	N1101.2	Eliminate inconsistent requirements between Chapter 11 and International energy Conservation Code (IECC). Consistent with energy state code.
141	Chapter N1101.3 thru N1104	Eliminate inconsistent requirements between Chapter 11 and International energy Conservation Code (IECC). Consistent with energy state code.
142	M1305.1.3	Facilitate maintenance and service of equipment located in attic.
143	M1405.1	Consistent with ER 15-09 and other electrical requirements of MCC.
144	M1406.2	Consistent with ER 15-09 and other electrical requirements of MCC.
145	M1407.1	Consistent with ER 15-09 and other electrical requirements of MCC.
146	Chapter 25 thru 43	Washington Suburban Sanitary Commission (WSSC) is responsible enforcement of plumbing and gas codes in the county. Consistent with ER 15-09 and other electrical requirements of MCC.
147	Chapter 45	Enables DPS to address construction concerns and safety at construction sites.
148	Appendix C	To clarify requirements for mechanical draft systems.
149	Appendix E AE501 thru AE606	Covered by state legislation and other sections of MCC.
	AE502.3	Ensure compliance with the frost depth adopted in county.
150	Appendix F	To address requirement for radon mitigation.
151	Appendix G AG101.1	Ensure that safety requirements for pools, spas, etc. are consistent with other MCC regulations.
	AG105.2	Consistent with other MCC regulations.
	Item 9.3	Consistent enforcement.
152	Appendix K	Ensure adequate sound insulation.

EXEC REG



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OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

March 25, 2010

Method 2

TO: Nancy Floreen, President  
Montgomery County Council

FROM: Isiah Leggett, County Executive

SUBJECT: Executive Regulation 26-09  
"Adoption of the 2009 International Building, Energy Conservation, Mechanical, Fuel-Gas, and Residential Codes"

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The purpose of this memorandum is to transmit Executive Regulation 26-09, "Adoption of the 2009 International Building, Energy Conservation, Mechanical, Fuel-Gas, and Residential Codes," for review and consideration by the County Council. Executive Regulation 26-09 adopts the 2009 editions of the International Building, Energy Conservation, Mechanical, Fuel-Gas, and Residential Codes. These editions are the most up-to-date versions of the model codes and will keep Montgomery County in conformance with the Maryland Building Performance Standard. This regulation applies to the construction of public and private structures within the County, and would supersede Executive Regulation 28-07.

The regulation was advertised in the December 2009 issue of the Montgomery County Register with a comment deadline of January 15, 2010. The comments that were received are attached. A public hearing was held on December 17, 2009. Two people presented testimony during the hearing: Mr. John Stovall and Mr. Randy Melvin, both representing the Codes and Standards Committee for the Maryland National Capital Building Industry Association (MNCBIA). The testimony was primarily favorable to the adoption of the 2009 International Building, Energy Conservation, Mechanical, Fuel-Gas, and Residential Codes. However, they requested additional clarification or justification for several items, which were also included in MNCBIA's written comments. The Department reviewed all the comments and addressed each of the concerns expressed directly with those who commented, to their satisfaction.

A Fiscal Impact Statement is also attached.

If there are any questions, please call Hadi Mansouri, Division Chief at 240-777-6233.

Attachments



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive, 101 Monroe Street, Rockville, Maryland 20850

<b>Subject:</b> Adoption of the 2009 IBC, IRC, IECC, IMC, IFGC	<b>Number:</b> 26-09
<b>Originating Department:</b> Department of Permitting Services	<b>Effective Date:</b>

Montgomery County Regulation on:

ADOPTION OF THE 2009 INTERNATIONAL BUILDING, ENERGY CONSERVATION, MECHANICAL, FUEL-GAS, AND RESIDENTIAL CODES

DEPARTMENT OF PERMITTING SERVICES

Issued by:

The County Executive

Regulation No. [28-07] 26-09

Authority: Code Sections 8-13 and 8-14

Supersedes: Regulations No. [24-4] 28-07

Council Review: Method 2 under Code Section 2A-15

Register Vol. 26, Issue 12

Comment Deadline: January 15, 2010

Effective Date:

Sunset Date: None

**SUMMARY:**

This regulation adopts the [2006] 2009 editions of the International Building Code (IBC), the International Energy Conservation Code (IECC), the International Fuel Gas Code (IFGC), the International Mechanical Code (IMC), and the International Residential Code (IRC) with amendments. It governs all buildings and structures within Montgomery County.

**ADDRESS:**

Department of Permitting Services  
255 Rockville Pike, Second Floor  
Rockville, Maryland 20850-4166

**STAFF CONTACT:**

Hadi Mansouri, Chief, Division of Building Construction 240-777-6233

**BACKGROUND INFORMATION:**

Inasmuch as the International Code Council (ICC) publishes the international series (I-series) of construction standards every three years, and the State of Maryland adopts these standards and obligates its political subdivisions to adopt the standards within a specific time period. Montgomery County must adopt these standards within the prescribed period.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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<b>Originating Department:</b> Department of Permitting Services	<b>Effective Date:</b>

Sec. 1. This regulation is adopted pursuant to Sections 8-13 and 8-14 of the Montgomery County Code (MCC), 1994, as amended, and applies to the construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and/or maintenance of all buildings and structures, and their service equipment, within Montgomery County. It supersedes Executive Regulations [24-04]28-07, dated [April 1, 2005]May 13, 2008, and all previous regulations adopting the BOCA and the International Code Council (ICC) standards. Its purpose is to adopt the [2006]2009 editions of the IBC, the IECC, the IFGC, the IMC, and the IRC with amendments necessary to achieve uniformity and consistency with Maryland and Montgomery County laws and ordinances, as well as department/division policies and procedures. Where this regulation differs from the Montgomery County Fire Safety Code it does not preempt or negate any more restrictive provisions of that code.

Sec. 2. Wherever the IBC references the ICC Electrical Code, replace the reference with Chapter 17 of the Montgomery County Code. Wherever the IBC references the ICC/ANSI A117.1, replace the reference with the Maryland Accessibility Code.

## AMENDMENTS TO THE [2006]2009 INTERNATIONAL BUILDING CODE (IBC)

Sec. 3. Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."

Sec. 4. Section 101.2. Number the existing exception as #1 and add a second exception (#2) to read as follows: Existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code.

Sec. 5. Sections 101.4.3, 101.4.4, and 101.4.5. Delete.

Sec. 6. Section 101.4.[2]1. Delete and replace as follows: The provisions of the International Fuel Gas Code shall apply to the installation of Liquefied Petroleum gas systems and appliances, fuel gas appliances and related accessories as covered in this code. These requirements apply to the inlet connections of appliances and to the installation and operation of residential and commercial gas appliances and related accessories. The provisions of the International Fuel Gas Code apply to the extent that they are adopted in this regulation.

Sec. 7. Section 102.6. [Delete]Replace the phrase "the International Property Maintenance Code or" with the phrase "the Montgomery County Fire Safety Code and".

Sec. 8. Sections 103, [107]108, [110]111, and [112]113, except [112.2]113.2. Delete.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive. 101 Monroe Street. Rockville, Maryland 20850

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<b>Originating Department:</b> Department of Permitting Services	<b>Effective Date:</b>

- Sec. 9. Section 105.1. Add the following: A separate permit is required for each legal address and for each separate building at a legal address.
- Sec. 10. Section 105.2. Delete all except subsections 105.2.1, 105.2.2, and 105.2.3.
- Sec. 11. Sections [105]105.3, 105.4, 105.5, 105.6, and 105.7. Delete.
- Sec. 12. Section 10[8]9.1. Add a second sentence to read: Required fees shall be paid for each separate permit application.
- Sec. 13. Sections 10[8]9.2 through 10[8]9.6. Delete.
- Sec. 14. Section 11[9]0.3.10. Add the following: The final inspection must be requested and approved before a building (or portion thereof) including equipments and appliances are used or occupied, whether or not a valid certificate of use and occupancy exists.
- Sec. 15. [Section 305.2. Change 2½ to 2] Sections 114 and 115. Delete.
- Sec. 16. [Section 308.2. Change the word "five" to "eight," and the word "six" to "nine."] Section 305.2. Change 2½ to 2.
- Sec. 17. [Section 308.3.1. Change 2½ to 2] Section 308.2. Change the word "five" to "eight," and the word "six" to "nine."
- Sec. 18. [Section 308.5.2. In code text and exception, change 2 ½ to 2]. Section 308.3.1. Change 2½ to 2 in the definition of Child Care Facilities.
- Sec. 19. [Section 310.1. After the description for Group R-3 occupancies, add the following:  
  
Exceptions:  
  
1. A family day care home, which is a dwelling in which child day care services are provided: a) in the home where the registrant is the provider and a resident, or where the registrant is not a resident, but more than half of the children cared for are residents; b) for not more than eight children, including the children of the provider, who are less than six years of age, and; c) where staffing complies with state and local regulations, but no more than two non-resident staff members are on site at any time, may be classified as Group R-3, or as a one- or two-family dwelling conforming to the IRC; or



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive. 101 Monroe Street. Rockville, Maryland 20850

<b>Subject:</b> Adoption of the 2009 IBC, IRC, IECC, IMC, IFGC	<b>Number:</b> 26-09
<b>Originating Department:</b> Department of Permitting Services	<b>Effective Date:</b>

2. A group day care home, which is a dwelling in which child day care services are provided: a) in the home where the licensee is the provider and a resident; b) for nine to 12 children, including the children of the provider, and; c) where staffing complies with state and local regulations, but no more than three non-resident staff members are on site at any time, may be classified as Group R-3, or as a one- or two-family dwelling conforming to the IRC.

In the first sentence of Group R-4 change "five" to "eight".]Section 308.5.2. In code text and exception, change 2 ½ to 2.

Sec. 20. [Section 509.2. In the third condition, add the following sentence:" For the purposes of determining the number of stories above grade, a story above the 3-hour horizontal assembly shall be considered a story above grade regardless of the location of the average grade plane]Section 310.1. After the description for Group R-3 occupancies, add the following:

Exceptions:

1. A family day care home, which is a dwelling in which child day care services are provided: a) in the home where the registrant is the provider and a resident, or where the registrant is not a resident, but more than half of the children cared for are residents; b) for not more than eight children, including the children of the provider, who are less than six years of age, and; c) where staffing complies with state and local regulations, but no more than two non-resident staff members are on site at any time, may be classified as Group R-3, or as a one- or two-family dwelling conforming to the IRC; or

2. A group day care home, which is a dwelling in which child day care services are provided: a) in the home where the licensee is the provider and a resident; b) for nine to 12 children, including the children of the provider, and; c) where staffing complies with state and local regulations, but no more than three non-resident staff members are on site at any time, may be classified as Group R-3, or as a one- or two-family dwelling conforming to the IRC.

In the first sentence of Group R-4 change "five" to "eight".

Sec. 21. [Section 509.2. Add a sixth condition to read as follows:"6. A fire command center complying with section 911 shall be provided."]Section 403.2.1.2. Delete.

Sec. 22. [Section 707.14.1. Add the following sentence at the end of the section: Where an enclosed elevator lobby is provided, exit access corridors shall not be interrupted by an elevator lobby] Section 403.4.4. Delete the phrase "Section 510 of the International Fire



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<b>Originating Department:</b> Department of Permitting Services	<b>Effective Date:</b>

Code” and replace with “the Montgomery County Fire Safety Code”.

Sec. 23. [Section 716.5.3. Replace the first sentence of Exception 2 with the following: “In buildings, other than Group H occupancies, equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2, smoke dampers are not required where:” In Exception 2, paragraph 2.1, add the word “Domestic” in front of the word “Kitchen.”]Section 411.1. Number the existing exception as #1 and add a second exception (#2) to read as follows: An amusement which is a multilevel play structure that is not more than 10 feet in height and has an aggregate horizontal projection not exceeding 160 square feet.

Sec. 24. [Section 903.1.1. Delete and replace with the following: 903.1.1 Alternative Protection. Where water as an extinguishing agent is not compatible with the fire hazard, or is prohibited by a law, statute, or ordinance, the affected area must be protected by an approved automatic fire-extinguishing system utilizing an extinguishing agent that is compatible with the fire hazard.]Section 419. Delete.

Sec. 25. [Section 903.1.3. Add the following sentence at the end of the section: Unless specifically permitted by this Code, automatic sprinkler systems in occupancies other than one and two family dwellings shall be installed in accordance with Section 903.3.1.1 or 903.3.1.2.]Section 422.3. Change “30” to “15”. Change “2.8” to “1.4” and change “nonambulatory patient” to “occupant”.

Sec. 26. [Section 905.3. After the section title add the following two sentences: In new installations where the code requires either Class II or III standpipes, Class I standpipes shall be installed. Occupant use hose is prohibited in new or existing buildings]Chapter 4. Add a new section 424 Residential Occupancies.

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

Sec. 27. [Section 907.3.3. Delete.]Section 501.2. Delete “and existing” in the first line. In the second sentence, Change the phrase “4 inches (102 mm)” to “6 inches (153 mm), except R-3 occupancies which shall be permitted to be 5 inches (127 mm).”

Sec. 28. [Section 909.9. Add the following sentence at the end of the section: In all cases, the design fire size shall not be less than 5000 Btu/s (5275 kW) unless approved by the building official and the fire official.]Section 509.2. Add two more conditions as follows:

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



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9. A fire command center complying with Section 911 shall be provided.

Sec. 29. [Section 909.16. In the third sentence, replace the words “approved location adjacent to the fire alarm control panel” with “location approved by the building official and the fire official”.] Section 703.6. Amend item 3 to add a sentence as follows: “The sign or stenciling shall identify the fire resistance rating in hours.”

Sec. 30. [Section 911. Replace the second sentence with the following, “The fire command center shall have a door directly to the exterior of the building on the address side. The exterior door to the fire command center shall be within 50 feet of a fire department access road. A fire department access box shall be provided within 6 feet of the exterior door to the fire command center. The exterior door to the fire command center shall be identified on the exterior face as the fire command center in a manner acceptable to the fire official.”] Section 708.14.1. Add the following sentence at the end of the section: Where an enclosed elevator lobby is provided, exit access corridors shall not be interrupted by an elevator lobby.

Sec. 31. [Table 1004.1.1. Add an entry for “Shell Office Spaces” with an occupant load factor of 65 gross square feet per person.] Section 716.5.3. Replace the first sentence of Exception 2 with the following: “In buildings, other than Group H occupancies, equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2, smoke dampers are not required where:”

Sec. 32. [Section 1009.3, Exception 4. Change 7.75 to 8.25 and in both occurrences Change 10 to 9] Section 903.1.1. Delete and replace with the following: 903.1.1 Alternative Protection. Where water as an extinguishing agent is not compatible with the fire hazard, or is prohibited by a law, statute, or ordinance, the affected area must be protected by an approved automatic fire-extinguishing system utilizing an extinguishing agent that is compatible with the fire hazard.

Sec. 33. [Section 1013.1. After the first occurrence of the phrase “floor or grade below” insert the phrase “and retaining walls with a difference in grade level on either side of the wall exceeding 30 inches (762 mm) and within 2 feet (610 mm) of a walk, path, parking lot, or driveway on the high side.”] Section 903.2.1.2. Add a fourth condition to read as follows:  
  
4. The assembly occupancy is one of the following (1) Bars with live entertainment, (2) Dance halls, (3) Discotheques, (4) Nightclubs, or (5) Assembly occupancies with festival seating as defined in the Life Safety Code, 2009 edition.

Sec. 34. [Section 1013.2. Add a third exception: Exception 3. In occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2, interior guards shall be permitted to be not less than 36 inches high.] Section 903.2.8. Add an exception to read as follows:



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive, 101 Monroe Street, Rockville, Maryland 20850

<b>Subject:</b> Adoption of the 2009 IBC, IRC, IECC, IMC, IFGC	<b>Number:</b> 26-09
<b>Originating Department:</b> Department of Permitting Services	<b>Effective Date:</b>

An automatic sprinkler system throughout the building is not required when all of the following conditions are met:

1. The building is a mixed use building, that is not otherwise required to be protected throughout by automatic sprinklers;
2. There is only one dwelling unit in the building;
3. The dwelling unit is separated from the remainder of the building by fire barriers in accordance with Section 707 and horizontal assemblies in accordance with Section 712 having a fire resistance rating not less than 2 hours;
4. The means of egress from the dwelling unit is independent from the other occupancies; and,
5. The dwelling unit is protected throughout with automatic sprinklers. The automatic sprinkler system installed for this exception shall be permitted to be designed in accordance with Section 903.3.1.3.

Sec. 35. [Section 1015.2.1. Add the following exception: Exception 3. In buildings of Group R-2 four stories or less in height above the grade plane that are served by two required exterior stairways connected by an open-ended corridors shall be in compliance with Section 1023.6, Exception 4, and shall be provided with remoteness between the near edge of the required landings that are separated by a distance of at least one fourth the length of the maximum overall diagonal dimension of the area served.]Section 903.3.1.3. Add the following sentences at the end of the section: Automatic sprinkler systems in day care homes with 12 clients or less located in converted one and two family dwellings or townhouses shall be permitted to be installed in accordance with NFPA 13D. Unless specifically permitted by this Code, automatic sprinkler systems in occupancies, other than one and two family dwellings or townhouses, shall be installed in accordance with Section 903.3.1.1 or 903.3.1.2.

Sec. 36. [Section 1017.1 Replace Exception 4 with the following: A fire resistance rating is not required for corridors within single-tenant Group B occupancies.]Section 905.3. After the section title add the following two sentences: In new installations where the code requires either Class II or III standpipes, Class I standpipes shall be installed. Occupant use hose is prohibited in new or existing buildings.

Sec. 37. [Section 1018. Add a new section 1018.3 to read as follows:  
  
Section 1018.3. Fire Department Access to Floors. Not less than one exit stair which serves all stories of the building shall be accessible by an internal corridor from the main entrance of the building or the fire department response location.]Section 909.9. Add the following sentence at the end of the section: In all cases, the design fire size shall not be less than 5000 Btu/s (5275 kW) unless approved by the building official and the fire official.



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- Sec. 38. [Section 1024.1, Exception 1, Item 1.1. Add two sentences at the end of the item that read as follows:
- The door to the exterior of the building shall be in direct sight of the point of the termination of the exit. For the purposes of this section, the use of exit signs or other exit markings shall not be considered as making the way to the exterior “readily visible and identifiable”.]Section 909.16. In the third sentence, replace the words “approved location adjacent to the fire alarm control panel” with “location approved by the building official and the fire official”.
- Sec. 39. [Chapter 11. Delete and replace with the Maryland Accessibility Code.]Section 911.1.1. Replace with the following, “The fire command center shall have a door directly to the exterior of the building on the address side. The exterior door to the fire command center shall be within 50 feet of a fire department access road. A fire department access box shall be provided within 6 feet of the exterior door to the fire command center. The exterior door to the fire command center shall be identified on the exterior face as the fire command center in a manner acceptable to the fire official.”
- Sec. 40. [Table 1607.1 Item 30 Roofs. Modify the uniform live load value for “Ordinary flat, pitched and curved roofs” to 30 pounds per square foot.]Section 911.1.5.
- Amend item 2 to read “The fire department communications system which may include an in-building public safety radio enhancement system monitoring panel.”
- Amend item 11 to read “Fire pump status indicators and remote starting.”
- Add an item 18 which reads, “A shunt trip device to disconnect the electrical service to the building.”
- Sec. 41. [Section 1608.2. After the title add the following sentence: “Design ground snow loads for Montgomery County shall be not less than 30 pounds per square foot.”]Section 915.1. Replace with the following: Emergency responder radio coverage shall be assured in all newly constructed below ground floors of a building, all floors in buildings greater than 25000 ft² per floor, and to all floors of buildings greater than 3 stories in height.
- Sec. 42. [Section 1612.3. After the heading, delete the text and replace with the following: The Floodplain District in Montgomery County is established in Section 3 of Executive Regulation 108-92 AM, Floodplain Regulations, per the authority in Article III, Chapter 19 of the Montgomery County Code.]Add Sections 915.2 and 915.3 as follows:
- Section 915.2. Every floor area in a building or structure which can not achieve the required level of emergency responder radio coverage as established by Montgomery County Department of Technology Services shall be provided with an in-building public



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safety radio enhancement system in accordance with the Montgomery County Fire Safety Code.

Section 915.3. Inspection and Testing. Emergency responder radio coverage and in-building public safety radio enhancement system must be tested, and inspected by approved individuals. The results of the testing and inspection shall be certified to the code official prior to issuance of an occupancy permit.

- Sec. 43. [Add a new section as follows: Section 1801.2.2 Special conditions. Design and construction of all buildings and structures within 1000 feet of a known municipal solid waste (MSW) landfill site that does not currently have an operational land fill gas (LFG) monitoring and removal system, shall require special engineering of foundation systems, including walls and floor slabs, to provide for the safety of occupants against hazards from LFG concentration. Special subsurface investigations shall be conducted, at the owner's expense, by an approved and qualified engineer or geologist to determine the extent of the potential hazard. The study must identify the potential hazards, and mitigation plans for the site must be incorporated into the construction documents and approved prior to issuance of a building permit. All buildings and structures within 1000 feet of the boundary of a MSW landfill shall be equipped with a methane gas detector with an alarm activation level of 20% of the lower explosive limit (LEL 1% by volume).] Table 1004.1.1. Add an entry for "Shell Office Spaces" with an occupant load factor of 65 gross square feet per person.
- Sec. 44. [Section 1805.2.1. After the word "locality", in method number 1, insert (Depth shall be a minimum of 24 inches below the adjacent finish grade).] Section 1003.5. In exception #2, replace the phrase "a single riser or with two risers and a tread" to "three risers or less".
- Sec. 45. [Chapter 29. Delete.] Section 1007.3. Delete Exceptions 1, 2, and 3.
- Sec. 46. [Sections 3001.2, 3001.3, and 3001.4. Delete and replace with the following: 3001.2 Standards. The Maryland Department of Labor, Licensing, and Regulation, Division of Labor and Industry, regulates the design, installation, inspection, and testing of all hoisting and conveying equipment.] Section 1007.4. Delete Exception 2.
- Sec. 47. [Section 3107.1. Add the following at the end of the sentence: and Chapter 59 of the Montgomery County Code, 1994, as amended.] Section 1008.1.2. Add a sentence at the end to read: "Doors in exit enclosures shall swing in the direction of egress travel unless the door opening serves an individual living unit that opens directly into an exit enclosure."
- Sec. 48. [Add a new Section 3110 to read as follows:
- Section 3110. In-Building Signal Amplification System.
- Section 3110.1. General. The provisions of this Section shall apply to all newly



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constructed below ground floors of a building, all floors in buildings greater than 25000 ft<sup>2</sup> per floor, and to all floors of buildings greater than 3 stories in height of Type I and II constructions. Exception: The requirements of this section shall not apply to areas within an individual dwelling unit.

Section 3110.2. Where Required. Every floor area in a building or structure which can not achieve the required level of radio coverage as established by Montgomery County Department of Technology Services shall be provided with an in-building signal amplification system.

Section 3110.3. Inspection and Testing. Radio coverage and in-building signal amplification systems must be tested, and inspected by approved individuals. The results of the testing and inspection shall be certified to the code official prior to issuance of an occupancy permit.]Section 1008.1.9.10. In Exception #3, delete all text after the phrase "...openable from the egress side".

Sec. 49. [Section 3401.2. Add the following at the end of the first sentence: Existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code]Section 1009.13. At end of the section add the phrase "or ladder complying with Section 7.2.9 of the Life Safety Code, 2009 edition".

Sec. 50. [Appendix F. Appendix F is hereby adopted in its entirety.]Section 1012.6. At the end of the last sentence add the phrase "unless, in the opinion of the AHJ, an extension in the same direction of the stair or ramp creates a hazard in the means of egress."

Sec. 51. [Appendix G. Appendix G is hereby adopted in its entirety and amended as follows:  
Section G102.1. Insert after International Building Code the phrase "and the provisions of Article III, Chapter 19 of the Montgomery County Code, and Executive Regulation 108-92 AM."

Section G102.2. Replace the parentheses and the phrase within the parentheses with the effective date of this regulation.]Section 1012.7. Change "1 1/2" to "2 1/4".

Sec. 52. [Appendix H. Appendix H is hereby adopted in its entirety and amended as follows:

Section H 101.1. Insert at the beginning of this section "The provisions of this chapter shall apply to signs that are permitted by the Montgomery County Zoning Ordinance".

Section H 101.2, Delete.

Section H102.1, Delete definitions for "Combination sign", "Pole Sign", and "Projecting



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Sign.”

Add definition of “Supported Sign” as follows: ‘A sign that is attached to a structure like a pole, column, frame, or brace, as its sole means of support, and is not a ground sign and is not attached to a building.

Delete and replace the definition of “sign” as follows: “Any device, fixture, placard, or structure that uses any color, form, graphics, illumination, symbol, or writing to attract attention or to communicate information”.

Delete and replace the definition of “ground sign” as follows: “A sign erected on the ground or with its bottom edge within 12 inches of the ground, that has its support structure as an integral part of the sign, and where the dimensions closest to the ground is greater than height.

Delete and replace the definition of “wall sign” as follows: “Any sign that is attached to the wall of a building. There are two types of wall signs: Flat wall sign: A sign that is parallel to the wall of a building to which it is attached, but does not extend more than 12 inches from the building face; Projecting wall sign: A sign that is attached to a wall of a building and extends more than 12 inches from the building face.

Section H104, Delete.

Section H108, Delete.

Section H109. Add the words “and supported” between “ground” and “sign” in the title and in the first two sentences of H109.1

Section H109.2, Delete.

Section H112. Add the word “wall” between “projecting” and “sign” in the title and first sentence. Section 1013.1. After the phrase “equipment platforms,” add the phrase “retaining walls.”

Sec. 53. [Appendix I. Appendix I is hereby adopted in its entirety] Section 1013.2. In exception #1 and #2, change “34 inches (864 mm)” to “36 inches (915 mm)”. Add a fifth exception: Exception 5. In occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2, interior guards shall be permitted to be not less than 36 inches high.

Sec. 54. [Section 101.1. Replace the parentheses and the phrase in the parentheses with “Montgomery County, Maryland.”] Section 1013.3. Delete Exception #6.



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Sec. 55. [Section 101.2. Add exception to read as follows: Energy conservation systems and components in existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alteration or additions, and change of occupancy, shall be permitted to comply with the Maryland Building Rehabilitation Code.]Section 1015.2.1. Add the following exception: Exception 3. In buildings of Group R-2 four stories or less in height above the grade plane that are served by two required exterior stairways connected by an open-ended corridors in compliance with Section 1026.6, Exception 4 shall be provided with remoteness between the near edge of the required landings that are separated by a distance of at least one fourth the length of the maximum overall diagonal dimension of the area served.

Sec. 56. [AMENDMENTS TO THE 2006 INTERNATIONAL MECHANICAL CODE (IMC) Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."]Section 1018.1. Replace Exception 4 with the following: A fire resistance rating is not required for corridors within single-tenant Group B occupancies.

Sec. 57. [Section 101.2. Add exception to read as follows: Mechanical systems in existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations, or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.]Section 1020. Add a new section 1020.3 to read as follows:

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

Sec. 58. [Sections 106.4.3, 106.4.4, 106.5, and 109. Delete.]Section 1027.1, Exception 1, Item 1.1. Add two sentences at the end of the item that read as follows:

The door to the exterior of the building shall be in direct sight of the point of the termination of the exit. For the purposes of this section, the use of exit signs or other exit markings shall not be considered as making the way to the exterior "readily visible and identifiable".

Sec. 59. [Section 306.3. After the first sentence add the following: Access to the attic opening shall be provided by a permanent or pull-down stairway in all new construction. In existing installations, portable ladders shall be acceptable.]Chapter 11. Delete and replace with the Maryland Accessibility Code.

Sec. 60. [AMENDMENTS TO THE 2006 INTERNATIONAL FUEL GAS CODE (IFGC) Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."]Section 1405.13.2. Number the existing exception as #1 and add two



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exceptions (#2 and #3) to read as follows:

Exception #2: In buildings four stories or less, the lowest part of the clear opening of the window shall be permitted to be at a height not less than 18 inches (457mm) above the finished floor surface of the room in which the window is located.

Exception #3: In buildings four stories or less, glazing between the floor and a height of 18 inches (457mm) shall be fixed or have openings through which a 4-inch (102mm) sphere cannot pass.

Sec. 61. [Section 102.2.1. Delete and replace to read as follows: As an alternative to the provisions of this code, fuel-gas piping systems, fuel-gas utilization equipment and related accessories in existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations, or additions, and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code.]Table 1607.1 Item 29 Roofs. Modify the uniform live load value for "Ordinary flat, pitched and curved roofs" to 30 pounds per square foot, nonreducible.

Sec. 62. [Sections 106.4.3, 106.4.4, 106.5, and 109. Delete.]Add a new section as follows:  
  
Section 1607.14. Fire Truck Loading. Structural members subject to fire truck loading shall be designed for the concentrated loads applied by the vehicle to the structure as described below:

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

Sec. 63. [Chapter 4. Delete all except Sections 401.2, 402.6.1, 412, 413, and 414.]Section 1608.2. After the title add the following sentence: "Design ground snow loads for Montgomery County shall be not less than 30 pounds per square foot."

Sec. 64. [AMENDMENTS TO THE 2006 INTERNATIONAL RESIDENTIAL CODE (IRC)  
Section R101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."]Section 1612.3. After the heading, delete the text and replace with the following: The flood hazard map of Montgomery County is established in Section 3 of Executive Regulation 24-06 AM, Floodplain Regulations, per the authority in Article III, Chapter 19 of the Montgomery County Code.



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Sec. 65. [Section r101.2. Add Exception to read as follows: Existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code.]Section 1704.4. Delete Exception 1.

Sec. 66. [Section 102.7. Delete the phrase “the International Property Maintenance Code.”]Section 1704.4. Delete Exception 2.3. Amend exception 2.1 by adding the word “or” after the semicolon. Amend exception 2.2 by deleting the word “or”.

Sec. 67. [Section R105.2, Items 1 & 2. Delete. Item 3. Change 4 to 4 ½ and 1219 to 1372. Sections R105.3.1.1, R105.3.2, and R105.5. Delete.]Table 1704.4 Items 10 and 11. Modify the inspection frequency from “periodic” to “continuous”.

Sec. 68. [Section 107. Delete.]Table 1704.4 Item 11. Add the sentence to the first column, “The strength evaluation shall be demonstrated by field cured cylinders only.”

Sec. 69. [Section R108.1. Replace the second sentence with the following: Required fees shall be paid for each separate permit application. Sections 108.2 through 108.5. Delete.]Add a new section as follows: Section 1801.3 Special conditions. Design and construction of all buildings and structures within 1000 feet of a known municipal solid waste (MSW) landfill site that does not currently have an operational land fill gas (LFG) monitoring and removal system, shall require special engineering of foundation systems, including walls and floor slabs, to provide for the safety of occupants against hazards from LFG concentration. Special subsurface investigations shall be conducted, at the owner’s expense, by an approved and qualified engineer or geologist to determine the extent of the potential hazard. The study must identify the potential hazards, and mitigation plans for the site must be incorporated into the construction documents and approved prior to issuance of a building permit. All buildings and structures within 1000 feet of the boundary of a MSW landfill shall be equipped with a methane gas detector with an alarm activation level of 20% of the lower explosive limit (LEL 1% by volume).

Sec. 70. [Sections R109.1 through R109.1.6. Delete all except R109.1.2, R109.1.5, and R109.1.5.1 and replace with the following: R109.1 Types of inspections. The following inspections must be conducted for all buildings and structures:

1. Sign: The sign must be posted on the property within 3 days after the permit issuance date and must remain posted on the property for 30 days. The sign must be located on the side of the lot/parcel, which provides principal access to the street or right-of-the-way. It must be conspicuously posted not more than 5 feet from the front property line and mounted at least 30 inches, but not more than 60 inches, above the ground. NO BUILDING INSPECTION WILL BE PERFORMED PRIOR TO THE APPROVAL OF THIS INSPECTION.



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2. Footings: Conducted prior to concrete placement and after excavations for all footings and thickened slabs are completed; after form work, reinforcing steel, concrete-encased electrode (for new dwellings), and grade stakes are in place; and after sediment control measures are installed according to the approved sediment control plan.
3. Foundation/parging or back-fill: Conducted after the exterior walls have been waterproofed and the exterior drain tiles have been installed
4. Concrete slab-on-ground floor: Conducted after the installation of the gravel base, vapor barrier, slab edge insulation, and required radon-control features prescribed in Appendix F. When a sump crock is used for radon venting, it must be in place at the time of this inspection.
5. Wall check (house location survey): The owner must have a house location survey prepared and certified by a Maryland Registered Land Surveyor and must submit a copy to the building official for approval prior to erecting the framing. A wall check not identified by a premise address and permit number will not be accepted. A FRAMING INSPECTION WILL NOT BE CONDUCTED WITHOUT AN APPROVED WALL CHECK.
6. Masonry fireplace/flue: Conducted after the fireplace and first flue liner section are completed.
7. Factory-built fireplace/flue: Conducted at the framing inspection after installation of the unit.
8. Framing ("close-in"): Conducted after the completion of all framing, rough electrical/mechanical construction, sprinkler, plumbing and gas piping and just prior to concealment with insulation or interior finishing materials. The plumbing/gas inspection approval must have been granted by the Washington Suburban Sanitary Commission (WSSC) prior to the request for a framing inspection. Also, the sprinkler close-in inspection approval must have been granted by the Department of Fire & Rescue Services (DFRS) prior to the request for a framing inspection. The rough wiring and mechanical inspections must be requested at the same time. WHEN THE FLOOR FRAMING IS LESS THAN 36 INCHES (914 MM) ABOVE THE SURFACE BELOW, A FRAMING INSPECTION SHALL BE REQUESTED PRIOR TO INSTALLATION OF ANY FLOOR DECKING.
9. Well and Septic Systems: Where a building is served by an on-site water system or an on-site sewage disposal system, prior to the final inspection, an "Interim Certificate of Potability" or "Certificate of Potability" and/or a "Certificate of Sewage Disposal", as appropriate, must be issued by the Department. Where a building is served by an on-



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site water system or an on-site sewage disposal system, any condition of the permits issued for those systems shall be satisfied prior to the final inspection.

- 10. Final: Conducted after the building is completed and ready for occupancy, but prior to settlement on the house, unless the contract owner waives the requirement for final inspection and provides the building official with a written copy of the waiver. For new construction, final electrical, mechanical, and sprinkler inspections must be requested with the final building inspection, and the address numbers must be displayed in accordance with the requirements of the fire code. Note: A final approval from WSSC shall be obtained for all plumbing/gas installations prior to requesting final building inspections from the County. Also, The Sprinkler final inspection approval must have been granted by the Department of Fire & Rescue Services (DFRS) prior to the request for a final inspection. If an owner refuses access within a reasonable time after a house is completed, the building official may close the permit file, but this action will not relieve the owner from any obligation to comply with applicable codes. The final inspection must be requested and approved before a building (or portion thereof) is used or occupied.
- 11. Re-inspection: Any of the above inspections disapproved twice for the same violation will be subject to a re-inspection fee, as established in the Schedule of Permit and License Fees, which must be paid before any further inspections will be performed at the building site.]Section 1809.5. In item number 1, after the word "locality" insert: "Depth shall be a minimum of 24 inches below the adjacent finish grade."

Sec. 71. [Sections R110. Delete.]Add a new section as follows:

1901.2.1. For precast structures, in the case of a conflict between ACI 318 and PCI Design Handbook, the requirements of ACI 318 shall control the design.

Sec. 72. [Sections R112. Delete except R112.2.]Chapter 29. Delete.

Sec. 73. [Section R202. To the definition dwelling unit add: A dwelling unit may contain a family day care home, group day care home, a home occupancy or home health care practitioner complying with Chapter 59, Montgomery County Code. Note: A certificate of use and occupancy is required before any space dedicated for home occupancy or home health care practitioner can be used or occupied. See Chapters 8 and 59, Montgomery County Code.]Sections 3001.2, 3001.3, and 3001.4. Delete and replace with the following: 3001.2 Standards. The Maryland Department of Labor, Licensing, and Regulation, Division of Labor and Industry, regulates the design, installation, inspection, and testing of all hoisting and conveying equipment.

Sec. 74. [Table R301.2(1). Under the headings indicated insert the appropriate criteria, as follows: GROUND SNOW LOAD--30 pounds per square foot (psf); WIND-Speed--90 miles per



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hour (mph); SEISMIC DESIGN CATEGORY—B; SUBJECT TO DAMAGE FROM-Weathering—severe, Frost line depth—24 inches (612 mm), Termite—moderate to heavy, and Decay—slight to moderate; WINTER DESIGN TEMP—13 degrees Fahrenheit (F); ICE SHIELD UNDERLAYMENT REQUIRED—yes; footnote i; FLOOD HAZARDS—yes; footnote h: (a), (b) July 2, 1979; AIR FREEZING INDEX—300; MEAN ANNUAL TEMPERATURE—55.]Section 3107.1. Add the following at the end of the sentence: “and Chapter 59 of the Montgomery County Code, 1994, as amended.”

- Sec. 75. [Sections R302.1. Delete the second Exception.]Section 3109.3. Change “4 feet (1290 mm)” to “5 feet (1524 mm)”.
- Sec. 76. [Section R305.1, Exception 2. Delete. Exception 3. Delete the first occurrence of the word “required.” Delete the phrase “with no portion of the required floor area less than 5 feet” and replace it with the phrase “Any floor area having less than 5 feet of ceiling height shall not be considered part of the room area and shall not be allowed to have any permanent fixtures or furnishings such as, but not limited to, cabinets, counters, and shelves.”]Section 3109.4.1. Change “48 inches (1219 mm)” to “60 inches (1524 mm)”.
- Sec. 77. [Sections R311.4.3. Exceptions 2 and 3 change 7¼ to 8¼.]Section 3302. Add a new section 3302.3 which reads “Construction safeguards shall also comply with NFPA 241, Standard for Safeguarding Construction, Alteration and Demolition Operations, 2004 edition.”
- Sec. 78. [Section R311.5.3.1. Change 7¼ to 8¼, 196 to 209.]Section 3401.1. Add the following at the end of the sentence: Existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code. Buildings undergoing repair, alterations, additions and change of occupancy shall also comply with the Montgomery County Fire Safety Code.
- Sec. 79. [Section R311.5.3.2. Change 10 to 9 and 254 to 229 in both occurrences.]Appendix F. Appendix F is hereby adopted in its entirety.
- Sec. 80. [Section R312.1. After the first occurrence of the phrase “floor or grade below” insert the phrase “and retaining walls with a difference in grade level on either side of the wall exceeding 30 inches (762 mm) and within 2 feet (610 mm) of a walk, path, parking lot, or driveway on the high side.”]Appendix G. Appendix G is hereby adopted in its entirety and amended as follows:

Section G102.1. Insert after International Building Code the phrase “and the provisions of Article III, Chapter 19 of the Montgomery County Code, and Executive Regulation 24-06 AM.”



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

Sec. 81. [Section R313. To the title add: AND AUTOMATIC SPRINKLER SYSTEMS.

Section R 313.2.1. Delete all from “as required” to “hard wired”, and insert “in accordance with Montgomery County Department of Permitting Services, Division of Building Construction Policy 06-7.” Exceptions 1 and 2 delete.

Add a new subsection: R313.4. Automatic sprinkler system required. An approved automatic sprinkler system must be installed in detached one- and two-family dwellings and townhouses. The sprinkler system design, installation, inspection, and testing must be in accordance with the requirements of the fire code.

Add new subsection R313.5 Additions to one- and two- family dwellings and townhouses equipped with an approved sprinkler system. An approved automatic fire sprinkler system must be installed in additions to dwellings equipped with automatic sprinkler systems.

Add new subsection R313.6. Rehabilitation work in one- and two- family dwellings and townhouses equipped with an approved sprinkler system. An approved automatic fire sprinkler system shall be maintained or upgraded in areas undergoing rehabilitation work.

Add new subsection R313.7. Automatic sprinkler system for reconstruction. An approved automatic fire sprinkler system shall be installed when 50 percent or more of the gross floor area as defined in section 1002.1 of the IBC of the existing building is demolished.]Appendix H. Appendix H is hereby adopted in its entirety and amended as follows:

Section H 101.1. Insert at the beginning of this section “The provisions of this chapter shall apply to signs that are permitted by the Montgomery County Zoning Ordinance”.

Section H 101.2. Delete.

Section H102.1, Delete definitions for “Combination sign”, “Display Sign”, “Pole Sign”, “Portable Display Surface”, and “Projecting Sign.”

Add definition of “Supported Sign” as follows: ‘A sign that is attached to a structure like a pole, column, frame, or brace, as its sole means of support, and is not a ground sign and is not attached to a building.

Delete and replace the definition of “sign” as follows: “Any device, fixture, placard, or structure that uses any color, form, graphics, illumination, symbol, or writing to attract attention or to communicate information”.



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Delete and replace the definition of "ground sign" as follows: "A sign erected on the ground or with its bottom edge within 12 inches of the ground, that has its support structure as an integral part of the sign, and where the dimensions closest to the ground is greater than height.

Delete and replace the definition of "wall sign" as follows: "Any sign that is attached to the wall of a building. There are two types of wall signs: Flat wall sign: A sign that is parallel to the wall of a building to which it is attached, but does not extend more than 12 inches from the building face; Projecting wall sign: A sign that is attached to a wall of a building and extends more than 12 inches from the building face.

Section H104, Delete.

Section H108, Delete.

Section H109. Add the words "and supported" between "ground" and "sign" in the title and in the first two sentences of H109.1

Section H109.2, Delete.

Section H110, Delete the text of H110.1 (including the exception) and replace with the following "Roof signs are prohibited." Delete Sections H110.2 through H110.5.

Section H111.3. Add the word "wall" between "projecting" and "sign".

Section H112. Add the word "wall" between "projecting" and "sign" in the title and first sentence.

Section H112.4. In the first sentence, delete all text starting with the word "except".

Section H113. Delete.

## AMENDMENTS TO THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)

Sec. 82. [Section 323.1 Add a new sentence. Walls and ceiling of elevator shafts shall be covered with by not less than 5/8-inch (15.9 mm) Type X gypsum board.]Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."

Sec. 83. [Section R324.1. To the first paragraph add the phrase "and the Floodplain District Requirements, Article III, Chapter 19, of the Montgomery County Code, and Executive Regulation 108-92 AM." ]Section 101.2. Add exception to read as follows: Energy conservation systems and components in existing buildings, as defined by the Maryland



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Building Rehabilitation Code, undergoing repair, alteration or additions, and change of occupancy, shall be permitted to comply with the Maryland Building Rehabilitation Code.

## AMENDMENTS TO THE 2009 INTERNATIONAL MECHANICAL CODE (IMC)

- Sec. 84. [Add a new section as follows: Section R401.5. Special conditions. Design and construction of all buildings and structures within 1000 feet of a known municipal solid waste (MSW) landfill site that does not currently have an operational land fill gas (LFG) monitoring and removal system, shall require special engineering of foundation systems, including walls and floor slabs, to provide for the safety of occupants against hazards from LFG concentration. Special subsurface investigations shall be conducted, at the owner's expense, by an approved and qualified engineer or geologist to determine the extent of the potential hazard. The study must identify the potential hazards, and mitigation plans for the site must be incorporated into the construction documents and approved prior to issuance of a building permit. All buildings and structures within 1000 feet of the boundary of a MSW landfill shall be equipped with a methane gas detector with an alarm activation level of 20% of the lower explosive limit (LEL-1% by volume).] Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."
- Sec. 85. [Section R403.1.4.1. Change the first exception to read: One-story detached accessory structures, excluding garages and carports, used as tool and storage sheds, playhouses and similar uses and not exceeding 400 square feet or less in floor area and an eave height of 10 feet (3048 mm) or less shall not be required to be protected. Delete second exception.] Section 101.2. Add exception to read as follows: Mechanical systems in existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations, or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.
- Sec. 86. [Section R404.1. Delete second paragraph except items 1 and 4. Add "The wood sole plate at exterior walls on monolithic slabs and wood sill plate shall be anchored to the foundation with anchor bolts spaced a maximum of 4 feet (1220 mm) on center. 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. Bolts shall be at least 1/2 inch (12.7 mm) in diameter and shall extend a minimum of 7 inches (178 mm) into masonry or concrete. Interior bearing wall sole plates on monolithic slab foundations shall be positively anchored with approved fasteners. A nut and washer shall be tightened on each bolt to the plate. Sills and sole plates shall be protected against decay and termites where required by Sections R319 and R320. Cold-formed steel framing systems shall be fastened to the wood sill plates or anchored directly to the foundation as required in Section R505.3.1 or R603.1.1." ] Sections 106.4.3, 106.4.4, 106.5, and 109. Delete.
- Sec. 87. [Section R405.1. Add to the title "exterior drainage system". Delete the exception. Add



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new subsection R 405.1.1. Concrete or masonry foundation interior drainage system. Weep holes at least 2 inches (51 mm) in diameter, spaced at a maximum of 6 feet (1828 mm) on center shall be installed in the footing connecting into the interior drains. Weep-hole inlets shall have a minimum of 6 inches (153 mm) of gravel for the full perimeter of the foundation, extending at least 12 inches (306 mm) from the inlets and covered by a layer of approved filter membrane.]Add new section 302.6 Supports and Anchorage. All appliances located on roofs shall rest on a manufacturer’s standard perimeter support, self flashing roof curb, framed steel support, or 4 X 4 treated lumber as a minimum. The appliances shall be securely affixed in an approved manor to resist vibration and wind loads.

Sec. 88. [Section R406.1. Delete.]Add new section 306.1.1.1 Heating Appliances. Electric, fossil or solid fuel fired appliances shall not be installed under any stairway or landing.

Sec. 89. [Section R406.2. Delete the first sentence and replace with the following: Exterior foundation walls retaining earth and enclosing usable spaces below grade must be waterproofed with an approved waterproofing system or a membrane extending from the top of the footings to finished grades. Delete items 1, 2, 3, and 4. Add. “Waterproofing system shall be installed as required in the current International Code Council Evaluation Service report for the product.”]Section 306.3. After the last sentence add the following: Access to the attic opening shall be provided by a permanent or pull-down stairway in all new construction. In existing installations, portable ladders shall be acceptable.

Sec. 90. [Section R506.2.3. Delete Exception 3.]Table 403.3 under heading “Specialty Shops“ Add Automotive service or repair garages- note b.

Sec. 91. [Section R602.10.1. At the end of first paragraph, add the following sentence: Variation in or combination of bracing methods from story to story, from braced wall line to brace wall line within a story, and within braced wall line is permitted if a registered design professional in the state of Maryland certifies that the wind bracing system is adequate for all loads likely to be imposed on it.]Section 506.1 Add the words “and NFPA 96.” To the end of the first sentence and the sentence “Where discrepancies occur the most astringent will apply.” after the first sentence.

Sec. 92. [Add new section R602.10.3.1. Braced wall panel interior finish material. Braced wall panels shall have gypsum wall board installed on the side of the wall opposite the bracing material. Gypsum wall board shall be not less than ½ inch (12.7 mm) in thickness and be fastened in accordance with Table R702.3.5 for interior gypsum wall board.

Exceptions:

1. Wall panels that are braced in accordance with Method 5.
2. Wall panels that are braced in accordance with Section R602.10.6
3. When an approved interior finish material with an in-plane shear resistance equivalent to gypsum board is installed.
4. For Methods 2, 3, 4, 6, 7, and 8, gypsum wall board is permitted to be omitted provided the



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percentage of bracing in Table R602.10.1 is multiplied by a factor of 1.5.]Section 506.3.2.5 Change "100" to "300".

- Sec. 93. [Delete foot notes b and c from Table R602.10.5.]Section 506.3.9 Add the words "vertical and" in the heading after the word duct. In the first sentence change 20 feet to "12 feet" and after the first sentence add "Vertical cleanouts shall be provided on each floor". (NFPA96)
- Sec. 94. [Add new subsection R602.10.5.1. Only full-height braced wall panels shall be used for calculating braced wall amount in accordance with Table R602.10.1.]Section 506.3.12.2 After the last sentence add "Follow NFPA 96 section 7.8.3 for additional termination requirements."
- Sec. 95. [Add new subsection R602.10.5.2. Braced wall panel location. A braced wall panel shall be located at each end of a continuously sheathed braced wall line. A minimum 24-inch wood structural panel corner return shall be provided at both ends of a continuously-sheathed braced wall line. Exception: The first braced wall panel shall be permitted to begin 12 feet 6 inches from each end of the braced wall line provided a minimum 24-inch full-height wood structural panel is provided at both sides of a corner constructed in accordance with Figure R602.10.5 at the braced wall line ends.] Section 606.2.1 Under the heading exception, add the words "Return air" to the beginning of the first sentence. After the last sentence add "Supply smoke detectors shall not be required for fan units whose sole purpose is to remove air from the inside of the building to the outside of the building. (NFPA90A)
- Sec. 96. [Add new subsection R602.10.5.3. Aspect ratio segments at garage door openings used with continuous structural panel sheathing. A 4:1 aspect ratio shall be permitted for full-height sheathed wall segments on either side of garage openings that support light frame roofs only, with roof covering dead loads of 3 psf (0.14 kN/m2) or less. For purposes of calculating the percentage of panel bracing required by Table R602.10.1, the length of the full height sheathing segment shall be equal to its measured length. This option is limited to one wall of the garage.]Section 606.2.1 Add to the words "Supply and" to the beginning of the heading. Add the words "supply and" after the word "in" in the first sentence and add "in the supply air duct or plenum downstream of the air filters and ahead of any branch connections," after (0.9 m3/s) in the first sentence.
- Sec. 97. [Add new subsection R602.10.5.4. Aspect ratio segments used with continuous structural panel sheathing. Wall segments having a maximum 6:1 height to width ratio shall be permitted to be built in accordance with Figure R602.10.4.6 of the 2007 Supplement to IRC. The maximum 6:1 height-to-width ratio is based on height being measured from top of header to the bottom of the wall segment bottom-plate. For purposes of calculating the percentage of panel bracing required by Table R602.10.1, the width of the full-height sheathing segment shall be equal to its measured width. Corners at the ends of walls using this option shall be constructed in accordance with Figure R602.10.5. The number of wall segments having a maximum 6:1 height to width ratio in a wall line shall not exceed four. In multi-story buildings, wall segments having a maximum 6:1 height to width ratio are not permitted to be directly stacked vertically. For purposes of resisting



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wind pressures acting perpendicular to the wall, in accordance with Section R301.2, the minimum requirements of Figure R602.10.4.6 of the 2007 Supplement to IRC shall be sufficient for wind speeds less than 110 mph in Exposure Category B. For Exposure Categories C and D, the header to jack stud strap requirements and the number of additional jack studs shall be in accordance with Table R602.10.4.6 of the 2007 Supplement to IRC.]Section 607.5.5 exception 2 Replace the first sentence of Exception 2 with the following: "In buildings, other than Group H occupancies, equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2, smoke dampers are not required where."

- Sec. 98. [Section 602.10.8. Connections. Delete all except first two sentences. Add
1. Where joists are perpendicular to braced wall lines above or below, blocking shall be provided between the joists at braced wall panel locations to permit fastening of wall plates in accordance with Table R602.3(1).
  2. Where joists are parallel to braced wall lines above or below, a rim joist or other parallel framing member shall be provided at the wall to permit fastening of wall plates in accordance with Table R602.3(1).
  3. Elevated post or pier foundations supporting braced wall panels shall be designed in accordance with accepted engineering practice.]Add new section 608 Emergency and Standby Power Systems
- Sec. 99. [Section R613.2. Window sills. Replace 24 inches (610 mm) with 18" (457 mm).]Add new section [F] 608.1 Installation. Emergency and standby power systems required by the International Fire Code or the International Building Code shall be installed in accordance with NFPA 110, NFPA 111 and the International Fire Code. Existing installations shall be maintained in accordance with the original approval.
- Sec. 100. [Section M.1305.1.3. Add the following after the first sentence: Access to the attic opening shall be provided by a permanent or pull-down stairway in all new construction. In existing installations, portable ladders shall be acceptable.]Add new section [F] 608.1.1 Stationary Generators. Stationary emergency and standby power generators required by the International Building Code and the International Fire Code shall be listed in accordance with UL 2200.
- Sec. 101. [Chapters 25 through 42. Delete.]Add new section [F] 608.2 Standby Power. Where the standby system is a generator set inside a building, the system shall be located in a separate room enclosed with a 2-hour fire barrier constructed in accordance with section 707 or horizontal assemblies constructed in accordance with section 712 of the International Building Code, or both. System supervision with manual start and transfer features shall be provided at the fire command center.
- Sec. 102. [Add new Chapter 43. Site Work and Safeguards.

Section R4301. Storage and placement. Construction equipment and materials shall be stored and



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placed so as not to endanger the public, the workers or adjoining property for the duration of the construction project.

Section R4302. Utility connections. Service utility connections shall be discontinued and capped in accordance with the approved rules and the requirements of the authority having jurisdiction.

Section R4303. Excavation and fill for buildings and structures shall be constructed or protected so as not to endanger life or property.

Section R4304. Fill supporting foundations. A building permit is required when fill is used to support the foundations of any building or structure. Special inspections of compacted fill shall be in accordance with Section 1704.7 of the International Building Code 2006.

Section R4305. Protection of Pedestrians

Section R4305.1. Protection required. Pedestrians shall be protected during construction, remodeling and demolition activities by a barrier when the distance from the construction to the lot line is 5 (1524 mm) feet or less.

Section R4305.2. Adjacent to excavations. Every excavation on a site located 5 feet (1524 mm) or less from the street lot line shall be enclosed with a barrier. Where located more than 5 feet (1524 mm) from the street lot line, a barrier shall be erected when and where required by the building official.

Section R4305.3. Barriers. Barriers shall be at least 42" high, have adequate strength, and shall be of a type which will warn of potential danger.

Section R4306. Protection of Adjoining Property. Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. Protection shall be provided for footings, foundations, party walls, chimneys, skylights and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities. Add new section 608.2.1 Ventilation Air. Ventilation air shall be supplied directly from a source outside the building by an exterior wall opening or from a source outside the building by a 2-hour fire rated air transfer system. (NFPA 110)

Sec. 103. [Appendix E. Appendix E is hereby adopted with the following modification: Delete all except subsections AE501 through AE606, with the following modification to Section AE502.3: In the last sentence, first paragraph, change 12 inches (305) to 24 inches (610).] Add new section 608.2.2 Discharge air. Discharge air shall be directed outside the building by an exterior wall opening or to an exterior opening by a 2-hour rated air transfer system. (NFPA 110)

Sec. 104. [Appendix F. Appendix F is hereby adopted in its entirety.] Add new section 608.2.3 Fire



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Dampers. Fire dampers, shutters or other self closing devices shall not be permitted in ventilation or discharge air openings or ductwork for standby power systems. (NFPA 110)

Sec. 105. [Appendix G. Appendix G is hereby adopted in its entirety, with the following modifications: Section AG101.1, add the following sentence at the end: Swimming pools, Spas and Hot Tubs shall also comply with Chapter 51 of the Montgomery County Code. Section AG105.2: Item 1. Change 48 to 60 and 1219 to 1524; Item 9.2. Delete and substitute the following: 9.2. All doors with direct access to the pool through that wall must be equipped with an alarm that produces an audible warning when the door and its screen, if present, are opened. The alarm must be audible throughout the house during normal household activities. The alarm system may be equipped with a manual means to temporarily deactivate the system for a single opening. The deactivation switch(es) must be located at least 54 inches (1372 mm) above the threshold of the door; Item 9.3. Delete.]Add new section 608.2.4 Motor Operated Damper. Motor operated dampers, when used, shall be spring operated to open and motor closed. (NFPA 110)

### AMENDMENTS TO THE 2009 INTERNATIONAL FUEL GAS CODE (IFGC)

Sec. 106. [Appendix H. Appendix H is hereby adopted in its entirety.]Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."

Sec. 107. [Appendix K. Appendix K is hereby adopted in its entirety.]Section 102.2.1. Delete and replace to read as follows: As an alternative to the provisions of this code, fuel-gas piping systems, fuel-gas utilization equipment and related accessories in existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations, or additions, and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code.

Sec. 108. [This regulation is effective on ]Sections 106.5.3, 106.5.4, 106.6, and 109.2 to 109.7 Delete.

Sec. 109. Chapter 4. Delete all except Sections 401.2, 402.6.1, 412, 413, and 414.

### AMENDMENTS TO THE 2009 INTERNATIONAL RESIDENTIAL CODE (IRC)

Sec. 110. Section R101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."

Sec. 111. Section R101.2. Add Exception to read as follows: Existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the Maryland Building



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Rehabilitation Code.

- Sec. 112.      Section 102.7. Delete the phrase "the International Property Maintenance Code."
- Sec. 113.      Section R105.2, Items 1 & 2. Delete. Item 3. Change 4 to 4 ½ and 1219 to 1372. Item 10, delete. Sections R105.3.1.1, R105.3.2, and R105.5. Delete.
- Sec. 114.      Section 107. Delete.
- Sec. 115.      Section R108.1. Replace the second sentence with the following: Required fees shall be paid for each separate permit application. Sections 108.2 through 108.5. Delete.
- Sec. 116.      Sections R109.1 through R109.1.6. Delete all except R109.1.2, R109.1.5, and R109.1.5.1 and replace with the following: R109.1 Types of inspections. The following inspections must be conducted for all buildings and structures:
1. Sign: The sign must be posted on the property within 3 days after the permit issuance date and must remain posted on the property for 30 days. The sign must be located on the side of the lot/parcel, which provides principal access to the street or right-of-the-way. It must be conspicuously posted not more than 5 feet from the front property line and mounted at least 30 inches, but not more than 60 inches, above the ground. NO BUILDING INSPECTION WILL BE PERFORMED PRIOR TO THE APPROVAL OF THIS INSPECTION.
  2. Footings: Conducted prior to concrete placement and after excavations for all footings and thickened slabs are completed; after form work, reinforcing steel, concrete-encased electrode (for new dwellings), and grade stakes are in place; and after sediment control measures are installed according to the approved sediment control plan.
  3. Foundation/parging or back-fill: Conducted after the exterior walls have been waterproofed and the exterior drain tiles have been installed
  4. Concrete slab-on-ground floor: Conducted after the installation of the gravel base, vapor barrier, slab edge insulation, and required radon-control features prescribed in Appendix F. When a sump crock is used for radon venting, it must be in place at the time of this inspection.
  5. Wall check (house location survey): The owner must have a house location survey prepared and certified by a Maryland Registered Land Surveyor and must submit a copy to the building official for approval prior to erecting the framing. A wall check not identified by a premise address and permit number will not be accepted. A FRAMING INSPECTION WILL NOT BE CONDUCTED WITHOUT AN APPROVED WALL CHECK.



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6. Masonry fireplace/flue: Conducted after the fireplace and first flue liner section are completed.
7. Factory-built fireplace/flue: Conducted at the framing inspection after installation of the unit.
8. Framing ("close-in"): Conducted after the completion of all framing, rough electrical/mechanical construction, sprinkler, plumbing and gas piping and just prior to concealment with insulation or interior finishing materials. The plumbing/gas inspection approval must have been granted by the Washington Suburban Sanitary Commission (WSSC) prior to the request for a framing inspection. Also, the sprinkler close-in inspection approval must have been granted by the Department of Fire & Rescue Services (DFRS) prior to the request for a framing inspection. The rough wiring and mechanical inspections must be requested at the same time. WHEN THE FLOOR FRAMING IS LESS THAN 36 INCHES (914 MM) ABOVE THE SURFACE BELOW, A FRAMING INSPECTION SHALL BE REQUESTED PRIOR TO INSTALLATION OF ANY FLOOR DECKING.
9. Insulation Inspection: Conducted after the completion of both floor and wall framing to verify that the installed insulation R-value matches the approved plans or specifications for the building.
10. Well and Septic Systems: Where a building is served by an on-site water system or an on-site sewage disposal system, prior to the final inspection, an "Interim Certificate of Portability" or "Certificate of Portability" and/or a "Certificate of Sewage Disposal", as appropriate, must be issued by the Department. Where a building is served by an on-site water system or an on-site sewage disposal system, any condition of the permits issued for those systems shall be satisfied prior to the final inspection.
11. Final and U/O: Conducted after the building is completed and ready for occupancy, but prior to settlement on the house, unless the contract owner waives the requirement for final inspection and provides the building official with a written copy of the waiver. For new construction, final electrical, mechanical, and sprinkler inspections must be requested with the final building inspection, and the address numbers must be displayed in accordance with the requirements of the fire code. Note: A final approval from WSSC shall be obtained for all plumbing/gas installations prior to requesting final building inspections from the County. Also, the Sprinkler final inspection approval must have been granted by the Department of Fire & Rescue Services (DFRS) prior to the request for a final inspection. If an owner refuses access within a reasonable time after a house is completed, the building official may close the permit file, but this action will not relieve the owner from any obligation to comply with applicable codes. The final inspection must be requested and approved before a



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building (or portion thereof) is used or occupied.

12. Re-inspection: Any of the above inspections disapproved twice for the same violation will be subject to a re-inspection fee, as established in the Schedule of Permit and License Fees, which must be paid before any further inspections will be performed at the building site.

Sec. 117. Sections R110. Delete.

Sec. 118. Sections R112. Delete except R112.2.

Sec. 119. Section R202. To the definition dwelling unit add: A dwelling unit may contain a family day care home, group day care home, a home occupancy or home health care practitioner complying with Chapter 59, Montgomery County Code. Note: A certificate of use and occupancy is required before any space dedicated for home occupancy or home health care practitioner can be used or occupied. See Chapters 8 and 59, Montgomery County Code.

Delete in the first paragraph of definition of Attic, Habitable, "or unfinished" and "not"

Add definition for Storage, finished: A finished area having no more than two (2) 120V outlets and no other wiring methods (CATV, satellite, data communication, etc.), excluding lighting requirements.

Sec. 120. Table R301.2(1). Under the headings indicated insert the appropriate criteria, as follows: GROUND SNOW LOAD--30 pounds per square foot (psf); WIND-Speed--90 miles per hour (mph); TOPOGRAPHIC EFFECTS--No; SEISMIC DESIGN CATEGORY--B; SUBJECT TO DAMAGE FROM-Weathering--severe, Frost line depth--24 inches (612 mm), Termite--moderate to heavy, and Decay--slight to moderate; WINTER DESIGN TEMP--13 degrees Fahrenheit (F); ICE SHIELD UNDERLAYMENT REQUIRED--yes; footnote h; FLOOD HAZARDS--yes; footnote g: (a), (b) July 2, 1979; AIR FREEZING INDEX--300; MEAN ANNUAL TEMPERATURE--55.

Sec. 121. Section R305.1, Exception 1. Delete the first occurrence of the word "required." Delete the phrase "with no portion of the required floor area less than 5 feet" and replace it with the phrase "Any floor area having less than 5 feet of ceiling height shall not be considered part of the room area and shall not be allowed to have any permanent fixtures or furnishings such as, but not limited to, cabinets, counters, and shelves." Sections R305.1.1 Delete.

Sec. 122. Sections R307.1. Delete "and in accordance with the requirements of Section P2701.5"

Sec. 123. Section R312.1. After the first occurrence of the phrase "floor or grade below" insert the phrase "and retaining walls with a difference in grade level on either side of the wall exceeding 30 inches (762 mm) and within 2 feet (610 mm) of a walk, path, parking lot, or



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driveway on the high side.”

Sec. 124. Section R313.1.1. Replace Section P2904 with NFPA 13D.

Sec. 125. Section R313.2. Delete “effective January 1, 2011”.

Sec. 126. Section R313.2.1. Delete “Section P2904 or”.

Sec. 127. Add new subsection R313.3. Rehabilitation work in one- and two- family dwellings and townhouses equipped with an approved sprinkler system. An approved automatic fire sprinkler system shall be maintained in areas undergoing rehabilitation work.

Add new subsection R313.4. Automatic sprinkler system for reconstruction. An approved automatic fire sprinkler system shall be installed when 50 percent or more of the gross floor area as defined in section 1002.1 of the IBC of the existing building is demolished.

Sec. 128. Section R319.1 Change “4 inches (102 mm)” to “5 inches (122.5 mm).”

Sec. 129. Section 321.1 Add a new sentence. Walls and ceiling of elevator shafts shall be covered with by not less than 5/8-inch (15.9 mm) Type X gypsum board.

Sec. 130. Section 321.3. Delete.

Sec. 131. Section R322.1. To the first paragraph add the phrase “and the Floodplain District Requirements, Article III, Chapter 19, of the Montgomery County Code, and Executive Regulation 24-06 AM.”

Sec. 132. Add a new section as follows: Section R401.5. Special conditions. Design and construction of all buildings and structures within 1000 feet of a known municipal solid waste (MSW) landfill site that does not currently have an operational land fill gas (LFG) monitoring and removal system, shall require special engineering of foundation systems, including walls and floor slabs, to provide for the safety of occupants against hazards from LFG concentration. Special subsurface investigations shall be conducted, at the owner’s expense, by an approved and qualified engineer or geologist to determine the extent of the potential hazard. The study must identify the potential hazards, and mitigation plans for the site must be incorporated into the construction documents and approved prior to issuance of a building permit. All buildings and structures within 1000 feet of the boundary of a MSW landfill shall be equipped with a methane gas detector with an alarm activation level of 20% of the lower explosive limit (LEL-1% by volume).

Sec. 133. Section R403.1.4.1. Change the first exception to read: One-story detached accessory structures, excluding garages and carports, used as tool and storage sheds, playhouses and similar uses and not exceeding 400 square feet or less in floor area and an eave height of 10



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive. 101 Monroe Street. Rockville, Maryland 20850

<b>Subject:</b> Adoption of the 2009 IBC, IRC, IECC, IMC, IFGC	<b>Number:</b> 26-09
<b>Originating Department:</b> Department of Permitting Services	<b>Effective Date:</b>

feet (3048 mm) or less shall not be required to be protected. Delete second and third exceptions.

Sec. 134. Section R405.1. Add to the title "exterior drainage system". Delete the exception. Add new subsection R 405.1.1. Concrete or masonry foundation interior drainage system. Weep holes at least 2 inches (51 mm) in diameter, spaced at a maximum of 6 feet (1828 mm) on center shall be installed in the footing connecting into the interior drains. Weep-hole inlets shall have a minimum of 6 inches (153 mm) of gravel for the full perimeter of the foundation, extending at least 12 inches (306 mm) from the inlets and covered by a layer of approved filter membrane.

Sec. 135. Section R406.1. Delete.

Sec. 136. Section R406.2. Delete the first sentence and replace with the following: Exterior foundation walls retaining earth and enclosing usable spaces below grade must be waterproofed with an approved waterproofing system or a membrane extending from the top of the footings to finished grades. Delete items 1, 2, 3, and 4. Add, "Waterproofing system shall be installed as required in the current International Code Council Evaluation Service report for the product."

Sec. 137. Section R406.4. Delete.

Sec. 138. Section R506.2.3. Delete Exceptions 2 and 4.

Sec. 139. Section R612.2. Window sills. Replace 24 inches (610 mm) with 18" (457 mm).

Sec. 140. Section N1101.2. Add 2009 IECC after International Energy Conservation Code and delete the rest of the section.

Sec. 141. Section N1101.3 through Section N1104. Delete.

Sec. 142. Section M.1305.1.3. Add the following after the first sentence: Access to the attic opening shall be provided by a permanent or pull-down stairway in all new construction. In existing installations, portable ladders shall be acceptable.

Sec. 143. Section M1405.1. Replace the phrase "Chapters 34 through 43" with National Electric Code (NEC) 2008 adopted in Executive Regulation ER 15-09.

Sec. 144. Section M1406.2. Replace the phrase "Chapters 34 through 43" with National Electric Code (NEC) 2008 adopted in Executive Regulation ER 15-09.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive, 101 Monroe Street, Rockville, Maryland 20850

<b>Subject:</b> Adoption of the 2009 IBC, IRC, IECC, IMC, IFGC	<b>Number:</b> 26-09
<b>Originating Department:</b> Department of Permitting Services	<b>Effective Date:</b>

- Sec. 145. Section M1407.1 Replace the phrase "Chapters 34 through 43" with National Electric Code (NEC) 2008 adopted in Executive Regulation ER 15-09.
- Sec. 146. Chapters 25 through 43. Delete
- Sec. 147. Add new Chapter 45. Site Work and Safeguards.
- Section R4501. Storage and placement. Construction equipment and materials shall be stored and placed so as not to endanger the public, the workers or adjoining property for the duration of the construction project.
1. Disposal of Construction Debris/Material. Construction debris and/or materials shall be stored and disposed in a suitable manner so as not to endanger the public and not spread onto the lot and adjoining properties.
- Section R4502. Utility connections. Service utility connections shall be discontinued and capped in accordance with the approved rules and the requirements of the authority having jurisdiction.
- Section R4503. Excavation and fill for buildings and structures shall be constructed or protected so as not to endanger life or property.
- Section R4504. Fill supporting foundations. A building permit is required when fill is used to support the foundations of any building or structure. Special inspections of compacted fill shall be in accordance with Section 1704.7 of the International Building Code 2009.
- Section R4505. Protection of Pedestrians
- Section R4505.1. Protection required. Pedestrians shall be protected during construction, remodeling and demolition activities by a barrier when the distance from the construction to the lot line is 5 (1524 mm) feet or less.
- Section R4505.2. Adjacent to excavations. Every excavation on a site located 5 feet (1524 mm) or less from the street lot line shall be enclosed with a barrier. Where located more than 5 feet (1524 mm) from the street lot line, a barrier shall be erected when and where required by the building official.
- Section R4505.3. Barriers. Barriers shall be at least 42" high, have adequate strength, and shall be of a type which will warn of potential danger.
- Section R4506. Protection of Adjoining Property. Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. Protection shall be provided for footings, foundations, party walls, chimneys, skylights and roofs.

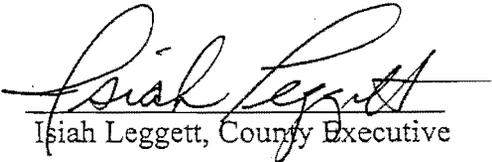


# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive. 101 Monroe Street. Rockville, Maryland 20850

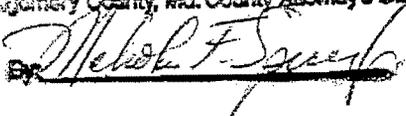
<b>Subject:</b> Adoption of the 2009 IBC, IRC, IECC, IMC, IFGC	<b>Number:</b> 26-09
<b>Originating Department:</b> Department of Permitting Services	<b>Effective Date:</b>

- Sec. 148.      Appendix C. Appendix C is hereby adopted in its entirety.
- Sec. 149.      Appendix E. Appendix E is hereby adopted with the following modification: Delete all except subsections AE501 through AE606, with the following modification to Section AE502.3: In the last sentence, first paragraph, change 12 inches (305) to 24 inches (610).
- Sec. 150.      Appendix F. Appendix F is hereby adopted in its entirety.
- Sec. 151.      Appendix G. Appendix G is hereby adopted in its entirety, with the following modifications
- Section AG101.1, add the following sentence at the end: Swimming pools, Spas and Hot Tubs shall also comply with Chapter 51 of the Montgomery County Code.
- Section AG105.2: Item 1. Change 48 to 60 and 1219 to 1524; Item 9.3. Delete.
- Sec. 152.      Appendix K. Appendix K is hereby adopted in its entirety.

  
Isiah Leggett, County Executive

3/25/10  
Date

Approved as to form and legality  
Montgomery County, Md. County Attorney's Office





MARYLAND-NATIONAL CAPITAL BUILDING INDUSTRY ASSOCIATION  
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Whittington DesignBuild

CAPTER WILSON

Carter Inc.

Via E-Mail  
 January 14, 2010

Mr. Hadi Mansouri  
 Montgomery County Department of Permitting Services  
 Division of Building Construction  
 255 Rockville Pike, 2nd Floor  
 Rockville, Maryland 20850

Subj: MCER 26-09, Adoption of the 2009 International Building, Energy Conservation, Mechanical, Fuel-Gas, and Residential Codes

Dear Hadi:

The Maryland-National Capital Building Industry Association (MNCBIA) is pleased to provide you with additional comments on the proposed Montgomery County Executive Regulation No. 26-09. As we noted at the December 17 public hearing, the comments we presented (enclosed) were based on an earlier version of the proposed regulation. The MNCBIA's Codes & Standards Committee has reviewed all the amendments proposed by the County as it adopts the 2009 International Building, Residential and Energy Conservation Codes; our comments are below:

**International Building Code**

**Sec. 45, 46, & 51.**

Sections 1007.3 and 1007.4 deleted exceptions. Section 1012.7. Change "1 1/4" to "2 1/4".

The Association recommends that Sec. 45, 46 & 51 be removed from the County's regulations.

The ICC has determined that, when buildings are equipped with an approved automatic sprinkler system in accordance with Section 903.3.1.1. or 903.3.1.2., there is no need for 'areas of refuge and 48 inch wide stairs' and therefore they are not required. Sec. 51 would further increase the width of stairs. Since new buildings in the County are mandated to have sprinkler systems, there is no reason for the County to exceed the ICC determination, without cause or rationale. The MNCBIA, therefore, sees no justification for approving Sec. 45, 46, and 51.

It is important to note that these changes, if adopted, would have a profound effect on the cost and efficiency of buildings. In addition, projects that have been placed on hold, due to the economic downturn, would be required to be redesigned at considerable expense. The proposed increase

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Representing the Building and Development industry in Calvert, Charles, Montgomery, Prince George's and St. Mary's Counties and Washington, D.C.  
 Affiliated with the Maryland State Builders Association and the National Association of Home Builders

is not under consideration in other Maryland jurisdictions, nor in Virginia and the District of Columbia.

**Sec. 28.**

Section 509.2, Added condition 9: requires that a 'fire command center' complying with Section 911 be provided.

Sec. 28 covers both high-rise and mid-rise buildings. The County has not provided any rationale for requiring a 'fire command center' in mid-rise buildings. The Building Industry Association can find no justification for a 'fire command center' in mid-rise buildings. The International Code does not require this condition for mid-rise buildings nor do the surrounding jurisdictions in the Washington Metro Area. The BIA recognizes that, on a rare occasion, there may exist the need to require a fire command center.

An amendment that removes mid-rise buildings from complying with this condition would not preclude requiring a fire command center under certain circumstances such as the "Texas doughnut design". Therefore, MNCBIA recommends that Sec. 28 be amended to remove mid-rise buildings from this requirement.

**International Residential Code**

**Sec. 130 & 132.**

Section R313.1.1. Design and installation of townhouse automatic fire sprinkler systems.

Section R313.2.1 Design and installation of one- and two-family dwellings automatic sprinkler systems.

For the first time, the ICC has added residential automatic sprinkler systems requirement in the main body of the code. The code (Section R313.2.1) allows design and installation of one- and two-family dwelling automatic sprinkler systems with either Section P2904 or NFPA 13D. The Code, through an oversight (that the ICC code process is expected to correct), allowed townhouse sprinkler systems to be designed and installed using Section P2904 but did not mention NFPA 13D as an alternative. The BIA supports the use of P2904 or NFPA 13 D to design sprinklers systems; the option will offer consumers a choice as well as cost savings when using P2904.

The Association therefore recommends that Sec. 132 not be approved as written in order to leave the choice of P2904 or NFPA 13D in the residential code (Section R313.2.1). Sec. 130 should be amended to read "...in accordance with Section P2904 or NFPA 13D."

Previous Testimony: Our previous recommendations and comments (refer to enclosed December 17 Testimony) remain the same regarding IBC 1009.4.2 and IRC Wall Bracing, as well as IECC, Chapter 11 of the IRC and the alternative to ENERGY STAR.

Effective Date: Given the complexity of the amended 2009 Code proposed for adoption by Montgomery County, the Association requests that DPS provide 2-3 public forums on MCER 26-09 to brief the affected stakeholders on the new requirements, and that the 90-day transition period begin after the briefings occur on the new code. This will provide the opportunity and time for the industry, reviewers and inspectors to become familiar with the new requirements, additional DPS inspections and to transition the necessary construction documents, contracts, and subcontractors.

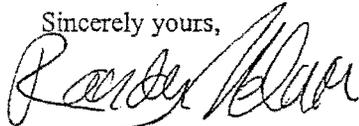
The Building Industry anticipates that the adoption of the County's proposed amended version of the 2009 I-Codes will cumulatively continue to drive up the hard cost of designing and constructing a dwelling unit by several thousand dollars. Some of this additional cost can be mitigated while concurrently maintaining the integrity of the model codes; the BIA believes this can be accomplished by:

- amending the County's currently proposed above-2009 International Code requirements (Refer to this letter's reference to Sec. 45, 46, 51 and 28),
- allowing the more cost effective P2904 residential fire sprinkler systems as provided for in the 2009 IRC (Refer to this letter Sec. 130 and 132), and
- allowing the use of the 2009 IECC with more energy efficient equipment, which is an energy neutral tradeoff (Refer to enclosure).

In these fragile and challenging economic conditions, we believe that cost containment/reductions are essential to the county, its citizens and the building community.

We appreciate the County's careful consideration of industry's comments, and look forward to answering any question you may have regarding them.

Sincerely yours,



Randy Melvin, Chair  
Codes & Standards Committee

Enclosure



**MARYLAND-NATIONAL CAPITAL BUILDING INDUSTRY  
 ASSOCIATION  
 TESTIMONY ON  
 MONTGOMERY COUNTY ADOPTION OF THE 2009 IBC,  
 IRC and IECC WITH AMENDMENTS  
 PUBLIC HEARING  
 2:30 PM, THURSDAY, DECEMBER 17, 2009  
 255 Rockville Pike,  
 2nd Floor, Seneca Conference Room  
 Rockville, Maryland 20850**

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 Carter Inc.

My name is John Stovall. I am the Chairman of the Codes & Standards Committee of the Maryland-National Capital Building Industry Association, and an architect with NS Architects in Rockville.

The Committee has reviewed the County's proposed amendments to the 2009 International Building Code (IBC), International Residential Code (IRC), and International Energy Conservation Code (IECC) as announced in the Montgomery County Register of December 1, 2009. Based on our review, the Association is here today to support, in principle, Executive Regulation No. 26-09 with the following additional comments and recommendations that need your attention. In addition, we are providing the building industry's views in anticipation of the County's acceptance of the 2009 IECC as an alternative to Energy Star.

**International Building Code**

**1009.4.2.** Four story townhouses can be constructed under the R-2 and R-3 Use Groups of the IBC. For consistency between the IBC and IRC, we recommend that the following amendment be added:

1009.4.2, Exception 5. Change 7.75 to 8.25 and in both occurrences Change 10 to 9.

**Sec. 45 & 46. Sections 1007.3 and 1007.4 deleted exceptions.**  
 The Association would like to understand what information led to the deletion of these exceptions. If adopted, this modification will have a profound effect on the cost and efficiency of buildings. The ICC has determined that areas of refuge at stair landings and 48" wide stairs are not required if the buildings are provided with an approved automatic

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sprinkler system. We recommend that this amendment not be adopted.

- Sec. 51.**      **Section 1012.7. Change "1 ½" to "2 ¼".**  
The Association would appreciate understanding why this change was made to 1012.7 Clearance. What information supports this change? If Section 45 is enacted, this will further increase the required width of stairs.

### International Residential Code

- Sec. 81**      The changes proposed in Sec. 81 may be already incorporated in the 2009 Code Section R313 Automatic Sprinkler Systems. Note the effective date January 1, 2011 in R313.2 may need to be changed. Since the Plumbing code is cited in R313.2.1 of the 2009 code, WSSC should be requested to retain relevant sections of the 2009 International Plumbing Code as the Commission adopts and amends the Plumbing Code.

- IRC Nos.**      Some of the Code numbers referenced in the IRC part of MCER 26-09 appear to be 2006 Code numbers rather than the 2009 Code numbers; for example:

- Sec. 77.      R311.4.3 should be 2009 IRC R311.7.4.1.  
Sec. 78.      R311.5.3.1 should be 2009 IRC R311.7.4.2.  
Sec. 79.      R613.2 should be 2009 IRC R612.2.

- Wall Bracing** The Association will be making some preliminary oral comments on the relevant sections of the 2009 IRC and may submit additional comments. Due to complications posed by the wall bracing sections of the 2009 code, we hope that DPS will be amenable to variances requested based on the ICC publication, *A Guide to the 2009 IRC® Wood Wall Bracing Provisions*.

### IECC and Chapter 11 of IRC and the Energy Star Alternative

The Association supports the anticipated Montgomery County recommendation to adopt the 2009 IECC requirements as an equivalent to Energy Star.

IRC Energy    Since Chapter 11 of the 2009 IRC is essentially identical to the prescriptive compliance portion of Chapter 4 of the 2009 IECC, MNCBIA recommends that Chapter 11 of the 2009 IRC be accepted as an equivalent alternative.

IRC

Equipment    The Association proposes that the County adopt an amendment to the IECC to allow more energy efficient equipment trade-offs. This amendment would be energy neutral. At the recent ICC code hearings, an equipment trade-offs amendment to IRC Chapter 11 received a positive vote.

The attached document addresses these recommendations as well as testing and inspection issues. Please consider the attachment part of the hearing record.

The Building Industry looks forward to continuing to work constructively with the Department of Permitting Services. We may provide additional comments if needed by the January 15<sup>th</sup> deadline.

Attachment: Montgomery County Energy Star Equivalent Desirable Regulatory Components

## Montgomery County Energy Star Equivalent Desirable Regulatory Components

The Maryland-National Capital Building Industry Association (MNCBIA) advocates for the following critical components to be contained within the Department of Permitting Services (DPS) Energy Star Equivalent.

- The 2009 International Energy Conservation Code (IECC), with one energy neutral amendment, which reinstates more efficient equipment trade-offs, should be used as the Energy Star Equivalent. As Chapter 11 of the 2009 International Residential Code (IRC) is essentially identical to the prescriptive compliance portion of Chapter 4, of the 2009 IECC, it should, by default, also be acceptable.

### Rational:

- The 2009 IECC was published after the original Montgomery County Energy Star Legislation was passed. The 2009 IECC is the energy savings equivalent of Energy Star as verified by the County's Department of Environmental Protection (DEP).
  - The one amendment proposed by the building industry allows more energy efficient equipment trade-offs and is an energy neutral change. Recognizing this deficiency in the 2009 IRC energy chapter, the more efficient equipment trade-offs were voted to be restored in the first round of ICC code hearings.
  - The 2009 IECC and the Energy Chapter, Chapter 11, of the IRC are in the traditional International Code Council format that both the builder and DPS are already familiar with. This will maintain continuity and minimize the unnecessary stress and cost of transitioning.
  - As County access to some American Recovery and Reinvestment Act of 2009 (ARRA) funds are tied to adopting the 2009 IECC or equivalent, the adopting of the 2009 IECC with only one energy neutral amendment directly and clearly illustrates compliance with the requirements of the ARRA.
- In accordance with the provisions of the 2009 IECC, accept either county conducted visual or approved third party blower door testing as an acceptable means of verifying the homes air sealing, rather than just accepting third party blower door testing.

### Rational:

- A visual air sealing inspection alone fully complies with the requirements of the 2009 IECC.

- Allowing only the blower door option is problematic in that it cannot be done until the home is completed. If a problem is identified at completion, the necessary repairs will likely delay settlement. Delayed settlements usually set off an adverse chain of events, including, but not limited to, the potential expiration of financing terms, departure residence sales and occupancy, and moving plans and peoples lives are disrupted, thus creating unnecessary hardships. Routinely paying for blower door tests on every home is costly and unnecessary as visual inspections can reliably insure properly air-sealed homes.
  - The most critical aspects of a visual air sealing inspections occur much earlier in the construction process than the blower door test. Thus, any deficiencies can be identified and resolved at a time that is much less disruptive to buyers and builders schedules and at a reduced cost.
  - It is wasteful and counter productive to unnecessarily require independent third party testing for something that can efficiently and cost effectively be visually verified via normal inspection processes.
- DPS completes timely, air sealing, at “low framing” inspection and insulation inspection at “close-in” inspection as part of their normal/established inspection program.

Rational:

- Follows already well-established and proven inspection processes. Eliminates the complication and expense of having to bring in a third party inspector for these inspections.
- As provided for under the 2009 IECC, measuring leakage for ductwork and air handlers located outside of the building envelope shall be allowed at either rough or final stages.

Rational:

- Allowing testing of ductwork at “rough install” will allow any problems to be identified and addressed at an earlier stage of construction where they are more easily and cost effectively corrected and less likely to cause disruptive delays. However, the second code compliant opportunity for testing at “post construction” remains an essential option. If there are scheduling problems with getting the ductwork testing at the “rough install” or the test should identify deficiencies at “rough install”, having this second opportunity to test at “post construction” will enable work to continue on the balance of the system while repairs are being made to any deficiencies found.

## IRC HEARING TRANSCRIPT

Mohammad Siddique:

Today is December 17, 2009, and the time is 2:50pm, and we are assembling in the Seneca Conference room for the Montgomery County Department of Permitting Services, on second floor, 255 Rockville Pike, Rockville Md. I am Mohammad siddique, Manager of special projects in the office of County Executive, and assigned to conduct this public hearing. Subject of this hearing, is to obtain comments for the purposed regulations of the 2009 International Code Council Standards, Including International Building, Energy Conservation, Mechanical Fuel/Gas, and Residential Codes. The proposed amendments will bring Montgomery County into conformance with the required 3 years state cycle, state code adoption. The council must adopt, the county must adopt these standards within press ..... period. The hearing is being held in pursuant to section 18-3 and 18-4 of the Montgomery County Code. Executive Order 26-09, effective from the date of approval, will supersede executive order number 28-07. The purpose of the hearing is to obtain public comments on the purposed amendment, provide department director with full benefit of citizen, community imput, in the decision making process. Any interested person is entitled to be heard at this hearing. At the conclusion of the hearing input will be compiled for the director. Here with me is Mr. Hadi Mansouri from the Department of Permitting Services, who will collect your comments afterwards. Please note, that January 15, is the date of to which you can provide your original comments to Mr. Mansouri. I have names of four people here, what we'll do, We'll let you speak, one by one, and at the end, what you'll do, in the beginning what you'll do, is tell your name, your affiliation, if you're an individual tell your address, and then go from there, because everything is being recording right now. So with that I will ask Mr. John Stoval, would you please start.

John Stoval: Alright good afternoon, is this working?

Mahammad Siddique: Yes

John Stoval:

Excellent, my name is John Stoval, I'm chairman of the Codes and Standards Committee, for the Maryland National Capital Building Industry Association. We have, we have reviewed the amendments that were sent to us, it seems that we have reviewed an earlier version. I think the comments that we are going to make are still pertinent, to it. On the whole what we have seen, I think is an excellent response. We have a few comments we want to make, and what a, what I would appreciate, is that once we've given our comments, and given you time to think about them, that we can have a further dialog before the final comments are published. In our reading there are a number of things, of course we understood, what was being said, but we did not understand why the particular amendments or comments were being made. So, I think, in some parts education is needed on our part as to what you were intending, and then in another part, come up with what we have to say. I think a we'll need some further study on your part. So with that in mind here with me today, as I am the current chairman for the Codes and Standards Committee, as of the end of this meeting, I'll be the past chair, and the new chairman of Codes and Standards with me, Randy Melvin, is sitting on the left of me, he and I basically have comments for this meeting. In the International Building Code, we really have limited our selves to three comments. First of all, somewhere after section 46, in your comments we would, we would like to see another amendment added to the list. Four story town houses, currently can be an R constructed under the R-2 and R-3 use group in the International Building Code. For consistency between the IBC and the IRC, we recommend that the following amendment be added, Section 1009.4.2 exception 5, change 7.75 inches to 8.25 inches, and in both occurrences

change 10 to 9. This is an amendment that is similar to what is being offered under the IRC, and certainly town homes whether they were built under the IBC or the IRC should have the same requirement for treads and risers. Also in R-2 you can have apartments that are two stories, that have an interior stair, that should have a residential profile to them. Next, under your amendments section 45 and 46, we note that certain sections have been deleted, which would require the use, which would require stairs, and excuse me just a moment, and area of refuge, would require stairs to be widened to 48 inches between the rails, and to require areas of refuge to be placed in those buildings. I sit on the Means of Egress Committee for the ICC, I have done so for the past three code cycles. We have not seen any change similar to this brought before the ICC. The ICC has determined that areas of refuge, and wider stairs are not required when building with sprinklers. We do not understand why these sections were being deleted, and we would recommend that these two sections be removed from the amendments. Next, under section 51 this is a small item we do not understand, why the code has been changed to require 2 1/4" between a railing and as wall proposed to 1 1/2" inches. Certainly if the previous comment is adopted and the 48" is required between railings, this change from 1 to 2 1/4" inches would be a further widening requirement for the stairs beyond what is shown in the IBC code. For the following comments, I would like to turn the microphone over to Randy Melvin, to talk about the International Residential Code in items of concern in that area. Randy if you would.

Mohammad Siddique:

Would you please identify yourself clearly, and what organization you belong to, and there address if any.

Randy Melvin:

Certainly, thank you John, Randy Melvin with Winchester Homes, Bethesda, Md. Thank you for the opportunity to testify today. The first item is regarding sprinklers, residential sprinklers, and while we had a chance to study the prior version, we haven't had a lot of time to look at the current versions. So, my comments will be more general rather than to absolute specific sections. In the new section it would be item number, section 130 and 132, and that is with the residential sprinklers. We would as an industry, like to be able to have them installed by the Plummer, per the plumbing code under P2904, and look forward to further dialog with the department on this. I'm not currently clear if the current version of NFA, NFPA 13D, will allow that. In addition, we all also think its important as per the IRC code, to be able to do the combination or multi use system, combines both sprinkler and plumbing system on the same system, so we look forward to having more dialog with you on that. The second item, we have, is regarding wall bracing, and as we understand, the 2009 wall bracing section has imperfection, and confusing sections in it, and even some marrata We'd like to reference the document from the International Code Council, called a guide to 2009 IRC, wood wall bracing provisions. Perhaps to help clear up some of those gaps in the existing wall bracing section of the 2009 IRC, and would also like to submit here a copy of the 2012 changes to this section, which were just unanimously approved in Baltimore at the code hearings. So, again, we'll look forward to having some additional dialog with you on that section. The next section we'd like to talk about, is the International Energy Conservation Code, and chapter 11 the energy chapter, of the 2009 IRC. The association supports the anticipated, the Montgomery County recommendation to adopt the 2009 IECC requirements, as an equivalent to energy star. However, there are, there is, one specific item or amendment with the 2009 IECC, and that is the energy efficient equipment trade off which should be cable 405.5.2.1, and what that has to do with, is if you put a more efficient piece of heating cooling water heating equipment in your home, that produces the same BTU's with less energy, you know longer get any credit for that, in every prior version of the energy codes we have, and in the hearings in Baltimore for the 2012 code under the IRC, that was recently reinstated, because the recognized

that it was a short coming in the 2009 IECC. Now why do we feel this is so important, if you take that tool away it adds cost, it reduces choices, and adds cost to the consumer, and it's an energy neutral change. So, whether you save the energy through additional insulation, or better fenestration ratings, or more efficient combustion equipment, you would still save the same amount of energy, its just giving you another choice. If builders are forced in not being able to use the more efficient equipment trade off, we will have to make improvements in the envelope only, which gives us no incentive to put more efficient equipment in, which means we will be putting, be putting natualling convected equipment in B vent equipment, and by putting B vent equipment in we've more or less condem that house for the future to staying with the less efficient equipment, because of the venting system we've put in. As for the less efficient equipment not the more, and in addition as we're building tighter houses, the more efficient equipment would also be desired to help for air quality. So we feel, we feel strongly, that that's an amendment that should be accepted, it is a energy neutral amendment. As far as specific as regulatory aspects of adopting the 2009 energy code, as a comproable energy efficient savings to energy star, we have a number of specific items I'd like to run through very briefly here. The first, would be that we would also like to see chapter 11 of the International Residential Code, that's the energy chapter, recognizes the equivalent, and our rasional for that is its esenually identical, if not entirely identical, to the residential chapter of the International Energy Conservation Code, so by default, it should be acceptable. The other aspect, is the Department of Environmental Protection did in fact eqate the two energy star, and the International Energy Conservation Code, there was some questions on blower door tasks being required, which is not in the code, it's a one in seven requirement for energy star, but there is no reason for a good visual inspection which occurs earlier in the process, and is less likely to cause problems at settlement. It can't be an adequate means of, you know, identifying and ceiling a home appropriately, and we have found through our Camberly Division, which currently does energy star, that basically, we never have problems in failing a blower door task, which effectively says all the timing cost that goes into doing that is redundant, and unnecessary, and you know we would look forward to the, you know, Department of Permitting Services, you know, as part of there inspections, including the air ceiling inspection of the home, and for the duck blaster test, we are fine with that, but we feel that its important that we would be given, the industry would be given a choice of doing it as per stated in the code book, either at rough stage, or at completion. Most builders, I believe, would do it at rough stage, because if there is a deficiency it can be found and fixed, with out at the easiest time, and most likely without disrupting the overall schedule on the home. However, if there was a deficiency, it didn't pass, construction could continue, and it could be done at final stage of construction, and showing you know, to be adequate at that stage as well to provide that flexibility. Thank you.

Mohammad Siddique:

Thank you very much, next person listed here is Meral Iskir, you want to speak?

John Stoval:

Yes, we took this as a sign up list not as

Mohammad Siddipue:

That's ok, that's alright, but I'm just going through this in case somebody wants to speak, everybody that wants to speak must have the opportunity to speak. That's all then.

John Stoval: yeap

Mammad: No one else showed up here, I guess, ah you know, that you can submit your detail comments in n writing, by January 15. Alright, thank you very much, we appreciate you coming here.

## JUSTIFICATIONS ER 26-09

ER Section	Code Section	History / Rationale
International Building Code, IBC 2009		
3	101.1	Insert jurisdiction name.
4	101.2	Add an additional exception to allow the use of the Maryland Building Rehabilitation Code (MBRC).
5	101.4.3 – 101.4.5	Delete references to codes not adopted/enforced by Department of Permitting Services (DPS).
6	101.4.1	Revise the applicability of the International Fuel and Gas Code (IFGC)
7	102.6	Delete references to the International Property Maintenance Code (IPMC) and change the reference to the International Fire Code (IFC) to the Montgomery County Fire Safety Code.
8	103, 108, 111, 113	Delete administrative provisions that conflict with the requirements in Montgomery County Code (MCC) Chapter 8
9	105.1	Clarify that each building and each address needs a separate permit.
10	105.2	Delete administrative provisions that conflict with the requirements in Montgomery County Code Chapter 8
11	105.3 through 105.7	Delete administrative provisions that conflict with the requirements in Montgomery County Code Chapter 8
12	109.1	Clarify that permit fees are to be paid for each application.
13	109.2 through 109.6	Delete administrative provisions that conflict with the requirements in Montgomery County Code Chapter 8
14	110.3.10	Clarify that final inspections must be approved before spaces can be occupied.
15	114 & 115	Delete administrative provisions that conflict with the requirements in Montgomery County Code Chapter 8
16	305.2	Change the age of children to coordinate with Day Care Administration regulations.
17	308.2	Change the definition of small care facilities to coordinate with Day Care Administration regulations.
18	308.3.1	Change the age of children to coordinate with Day Care Administration regulations.
19	308.5.2	Change the age of children to coordinate with Day Care Administration regulations
20	310.1	Add definitions for family day care home and group day care home. Coordinated with Day Care Administration regulations.
21	403.2.1.2	Delete the permitted reduction in shaft rating to coordinate with requirements of the Montgomery County Fire Safety Code.
22	403.4.4	Change the reference for in building signal amplification from the IFC to the Montgomery County Fire Safety Code.
23	411.1	Add an exception to Special Amusement Structure for small play structures.
24	419	Delete provisions for Live/Work Units to eliminate conflicts with existing requirements for home occupations.
25	422.3	Change the required refuge area to be calculated on an per occupant basis (in lieu of per "nonambulatory patient" basis). Coordinates with the requirements with Ambulatory Health Care in the Life Safety Code.

(108)

ER Section	Code Section	History / Rationale
26	424	New section to require radon control features for all R use structures.
27	501.2	Delete the requirement for existing buildings. Modify the size of address numbers/letters to conform to Montgomery County Fire Safety Code.
28	509.2	Add two additional conditions for pedestal construction. Stories above the 3 hour horizontal assembly to be considered a story above grade. A fire command center to be provided for such structures.
29	703.6	Include in the signage the hourly rating of the wall.
30	708.14.1	Required elevator lobbies cannot interrupt the corridor system. Corridors must go directly to the exit without passing through the elevator lobby.
31	716.5.3	Expand the exception for smoke dampers to all uses and those protected with 13R sprinklers.
32	903.1.1	Requires that items that are incompatible with water to be protected with an appropriate extinguishing agent.
33	903.2.1.2	Match the sprinkler requirement for bars, discotheques, nightclubs, etc. of Life Safety Code (LSC)
34	903.2.8	Exception for single dwelling unit in an S-1 occupancy just dwelling unit A/S
35	903.3.1.3	Specify which occupancies can use 13D sprinklers.
36	905.3	Prohibit occupant hose standpipe systems. All standpipe systems will be Class I systems
37	909.9	Require that design fires for smoke management systems shall have a heat release rate not less than 5000 Btu/s
38	909.16	Change language regarding the location of the fire fighter smoke control panel. Not necessarily wanted at the fire alarm control panel.
39	911.1.1	Specify that a door to the exterior shall be provided in the fire command center.
40	911.1.5	Clarify and add to the list of items needed in a fire command center to coordinate with the requirements of the Montgomery County Fire Safety Code.
41	915.1	Modify language for In-Building Signal Amplification to coordinate with Montgomery County's previous requirements (previous 3110.1). Included all types of construction in the cases of buildings greater than 3 stories, due to field experience from MCFRS.
42	915.2 & 915.3	Inclusion of language for In-Building Signal Amplification (previous 3110.2 and 3110.3)
43	1004.1.1	Add occupant load factor for shell offices. 65 sf/person based on a weighted average of 10% assembly (15sf) and 90% office (100sf) load factors.
44	1003.5	Modify where 13 inch treads are required to coordinate with Montgomery County Fire Safety Code.

ER Section	Code Section	History / Rationale
45	1007.3	Delete exceptions for areas of refuge (and other accessible means of egress components) at stairs due to the presence of automatic sprinklers. Also delete exception for areas of refuge in R-2 occupancies. Montgomery County believes that a high level of protection is provided when sprinklers are installed. However, sprinklers do not relieve the obligation to have appropriate features to affect a safe egress for all occupants.
46	1007.4	Delete exceptions for areas of refuge at elevators due to the presence of automatic sprinklers. Also delete exception for areas of refuge in R-2 occupancies. Montgomery County believes that a high level of protection is provided when sprinklers are installed. However, sprinklers do not relieve the obligation to have appropriate features to affect a safe egress for all occupants.
47	1008.1.2	Clarify that doors in an exit enclosure swing in the direction of egress travel. Coordinates with requirements in the Montgomery County Fire Safety Code.
48	1008.1.9.10	Coordinate with requirements in the Montgomery County Fire Safety Code.
49	1009.13	Allow ladders to access unoccupied roofs.
50	1012.6	Add an exception to the run of the handrails when a hazard is created by such an extension.
51	1012.7	Modify clearance between the handrail and the wall to coordinate with the Montgomery County Fire Safety Code.
52	1013.1	Clarify that retaining walls with walkways within 3 feet on the high side need guards.
53	1013.2	Modify exceptions to guard height to coordinate with Montgomery County Fire Safety Code.
54	1013.3	Require guard pickets to meet 4 inch spheres. Coordinate with Montgomery County Fire Safety Code.
55	1015.2.1	Modify remoteness of exits for a breezeway apartment building condition.
56	1018.1	Clarify that corridors within a single tenant B occupancy space do not need fire resistance rating.
57	1020.3	Add requirement that a stair connecting all floors must be accessible by the fire department.
58	1027.1	Clarify that in an exterior exit condition, there needs to be a direct line of sight between the stair discharge door and the door to the outside.
59	Chapter 11	Replace with Maryland Accessibility Code.
60	1405.13.2	Add two new exceptions for four stories or less buildings to allow the window sill to be 18 inches from the finished floor.
61	Table 1607.1 Item 29	Specify that the uniform live load for roofs is nonreducible.
62	1607.14	Add specifications for structure required to support a fire department vehicle.
63	1608.2	Specify a ground snow load for the county.
64	1612.3	Identification of areas that require flood hazard evaluation.
65	1704.4	Require special inspections for spread concrete footings.
66	1704.4	Require special inspections for footings in low bearing soils.
67	Table 1704.4 Items 10 & 11	Modify the required inspection frequency.

ER Section	Code Section	History / Rationale
68	Table 1704.4 Item 11	Specify that strength evaluations be based on field cylinders only.
69	1801.3	For structures within 1000 feet of a landfill, special evaluation to mitigate any landfill gas accumulation.
70	1809.5	Specify a minimum frost line depth.
71	1901.2.1	Specify the controlling design document for precast structures in the case of a conflict.
72	Chapter 29	Delete the chapter on plumbing systems.
73	3001.2, 3001.3, 3001.4	Delete sections and provide pointer to the State of Maryland requirements.
74	3107.1	Insert pointer to sign requirements in Chapter 59 of the Montgomery County Code.
75	3109.3	Increase enclosure height for pools to 5 feet to coordinate with Health Department requirements.
76	3109.4.1	Increase gate height at pools to 5 feet to coordinate with Health Department requirements.
77	3302	Specify that construction safeguards in accordance with NFPA 241 shall be provided. Coordinates with Montgomery County Fire Safety Code.
78	3401.1	Specify that the MBRC is an option when dealing with existing buildings. Also require compliance with the Montgomery County Fire Safety Code.
79	Appendix F	Rodentproofing requirements adopted.
80	Appendix G	Flood resistant construction provisions adopted with amendments based on appropriate Montgomery County Executive Regulations.
81	Appendix H	Sign regulations adopted with amendments to conform to the requirements of Chapter 59.
International Energy Conservation Code, IECC 2009		
82	101.1	Insert jurisdiction name.
83	101.2	Add exception to allow the use of the Maryland Building Rehabilitation Code (MBRC).
International Mechanical Code, IMC 2009		
84	101.1	Insert jurisdiction name.
85	101.2	Add an additional exception to allow the use of the Maryland Building Rehabilitation Code (MBRC).
86	106.4.3 – 106.4.4 106.5 109	Delete references to codes not adopted/enforced by DPS. Covered in the County ER 11-08 (Fees) and also Chapter 8 of MCC. Covered in Chapter 8 of MCC.
87	302.6	Section added due to vague manufacturers' installation recommendations and no specific code guidelines for roof equipment support and anchorage.
88	306.1.1.1	Section added to expand upon unacceptable locations of appliance locations to help ensure a clear path of exit in the event of an appliance fire within a dwelling unit.
89	306.3	This addition will add greater accessibility than is currently provided for service and inspection of appliances located in attics.

ER Section	Code Section	History / Rationale
90	Table 403.3 under heading "Specialty Shops"	Too often repair garages or body shops claim natural ventilation as a means of controlling the level of air born contaminants. While this method may be marginally effective depending on building orientation and weather conditions, it only works when the doors and windows are open. The 2009 IMC does not list automotive service/ repair garages under table 404.3 for ventilation air requirements. This addition will require mechanical ventilation reducing the possibility of personal injury due to the inhalation of contaminants.
91	506.1	State mandates Montgomery County to enforce the NFPA and IMC. These additions will help clarify the code requirements and what to do in case of discrepancies within the two codes.
92	506.3.2.5	It has been discovered through inspection that a 100 watt light bulb is ineffective and time consuming when testing large grease duct systems. The change to a higher wattage bulb will greatly increase the effectiveness of the inspection and ultimately lead to a safer grease duct system.
93	506.3.9	Clarify and ensure consistency between the two adopted codes.
94	506.3.12.2	National Fire Protection Association (NFPA) has additional guidelines for side discharge commercial kitchen exhaust fans. This addition will direct design professional to appropriate requirements.
95	606.2.1	Addition ensures consistency between IMC and NFPA requirements.
96	606.2.1	Addition ensures consistency between IMC and NFPA requirements.
97	607.5.5	Addition brings IMC in line with the IBC as an option for design professionals to forgo the required combination fire smoke dampers and use sub ducts and an Emergency Standby Power System
98-105	608	New added sections are new to the IMC and are directly derived from the International Fire Code and NFPA 110 for the installation of Emergency & Standby Power Systems. They are intended to give mechanical designers and installers more direction in complying with codes.
International Fuel Gas Code, IFGC 2009		
106	101.1	Insert jurisdiction name.
107	101.2.1	Allows the use of the provisions Maryland Building Rehabilitation Code (MBRC).
108	106.5.3, 106.5.4, 106.6, and 109.2 to 109.7	Delete references to codes not adopted/enforced by DPS. Covered in the County ER 11-08 (Fees) and also Chapter 8 of MCC. Covered in Chapter 8 of MCC.
109	Chapter 4	Requirements covered by other codes, such as NFPA codes, or other jurisdictions, such as Washington Suburban sanitary Commission (WSSC) for piping construction.
International Residential Code, IRC 2009		
110	R101.1	To insert jurisdiction name.
111	R101.2	Add an additional exception to allow the use of the MBRC.

ER Section	Code Section	History / Rationale
112	R102.7	County did not adopt the IPC
113	R105.2 <i>Item 1</i>	Due to zoning ordinance requirements, it can not be exempted.
	<i>Item 2</i>	To be consistent with the zoning ordinance requirements for fences
	<i>Item 3</i>	Total height of the wall determined based on the frost depth (24") plus the over 30" difference in surface elevations requiring guardrails. Same amendment since 2000.
	<i>Item 10</i>	Deck construction and in particular its connections are critical for life safety. Therefore, any deck needs to be designed and inspected to ensure safety of occupants.
	R105.3.1.1	County does not allow this in flood zone.
	R105.3.2	Covered in Chapter 8 of Montgomery County Code (MCC).
	R105.5	Covered in Chapter 8 of MCC.
114	R107	Covered in Chapter 59 of MCC.
115	R108.1, R108.2 through 108.5	Covered in the County ER 11-08 (Fees) and also Chapter 8 of MCC.
116	R109.1	Applicable inspection types as have been required in the county to address local concerns.
117	R110	Covered in Chapter 59 of MCC.
118	R112.2	Covered in Chapter 8 of MCC.
119	R202 <i>1<sup>st</sup> definition</i>	Consistent with Chapters 8 and 59 MCC.
	<i>2<sup>nd</sup> definition</i>	Avoid building a 4 story above grade dwelling unit (structure) under IRC 2010. Consistent with zoning Chapter 59 of MCC.
	<i>3<sup>rd</sup> definition</i>	Ensure storage space is used only for storage and protects occupants from using non-complying habitable space.
120	Table R301.2(1)	Specify design criteria applicable in the county.
121	R305.1	Consider ceiling height over the entire room and not portion of it.
	R305.1.1	To allow future remodeling of an existing basement having adequate ceiling heights.
122	R307.1	Department of Permitting Services (DPS) does not enforce plumbing code.
123	R312.1	Consistent with code requirements for fall protection.
124	R313.1.1	DPS does not enforce plumbing code but the National Fire Protection Association (NFPA) 13D. Requirement has been enforced for over 20 years for attached dwelling units (townhouses).
125	R313.2	Requirement has been enforced since 2004 for single- or two-family detached dwellings.
126	R313.2.1	DPS does not enforce plumbing code but the National Fire Protection Association (NFPA) 13D.
127	R313.4	Coordinate with Chapter 8 of MCC requirements for residential fire sprinklers.
128	R319.1	Consistent with Montgomery County Fire Code Section 22-97 requires new single family dwellings.
129	R321.1	Ensure fire protection of elevator shaft. Same requirement in International Building Code (IBC) 2010.
130	R321.3	Consistent with state requirements for accessibility.
131	R322.1	Consistent with other requirements of MCC regarding flood resistant construction.

ER Section	Code Section	History / Rationale
132	R401.5	For structures within 1000 feet of a landfill, special evaluation to mitigate any landfill gas accumulation.
133	R403.1.4.1	400 sq ft limitation based on DPS experience for these types of structures. To save cost of footing for non habitable structures and
134	R405.1	Allow new drainage system because of predominance of clay soil in this area. DPS enforced this requirement for many years.
135	R406.1	DPS's experience is that requirement is not adequate due to high water table in this area.
136	R406.2	Ensure materials and methods used are adequate for waterproofing.
137	R406.4	DPS's experience is that requirement is not adequate due to high water table in this area.
138	R506.2.3	Ensure that entire floor areas are protected and also comply with radon mitigation requirements.
139	R612.2	Consistent with emergency exit requirements without increase in story height.
140	N1101.2	Eliminate inconsistent requirements between Chapter 11 and International energy Conservation Code (IECC). Consistent with energy state code.
141	Chapter N1101.3 thru N1104	Eliminate inconsistent requirements between Chapter 11 and International energy Conservation Code (IECC). Consistent with energy state code.
142	M1305.1.3	Facilitate maintenance and service of equipment located in attic.
143	M1405.1	Consistent with ER 15-09 and other electrical requirements of MCC.
144	M1406.2	Consistent with ER 15-09 and other electrical requirements of MCC.
145	M1407.1	Consistent with ER 15-09 and other electrical requirements of MCC.
146	Chapter 25 thru 43	Washington Suburban Sanitary Commission (WSSC) is responsible enforcement of plumbing and gas codes in the county. Consistent with ER 15-09 and other electrical requirements of MCC.
147	Chapter 45	Enables DPS to address construction concerns and safety at construction sites.
148	Appendix C	To clarify requirements for mechanical draft systems.
149	Appendix E AE501 thru AE606	Covered by state legislation and other sections of MCC.
	AE502.3	Ensure compliance with the frost depth adopted in county.
150	Appendix F	To address requirement for radon mitigation.
151	Appendix G AG101.1	Ensure that safety requirements for pools, spas, etc. are consistent with other MCC regulations.
	AG105.2	Consistent with other MCC regulations.
	Item 9.3	Consistent enforcement.
152	Appendix K	Ensure adequate sound insulation.



OFFICE OF MANAGEMENT AND BUDGET

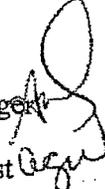
Isiah Leggett  
County Executive

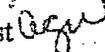
Joseph F. Beach  
Director

MEMORANDUM

March 11, 2010

TO: Joseph F. Beach, Director  
Office of Management and Budget

VIA: Angela Dizelos, Management and Budget Manager 

FROM: Amy Wilson, Management and Budget Specialist 

SUBJECT: Executive Regulation 26-9, 2009 International Code Council (ICC) Standards

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**REGULATION SUMMARY**

The International Code Council (ICC) publishes the international series (I-series) of construction standards every three years, and the State of Maryland adopts these standards and obligates its political subdivisions to adopt the standards within a specific time period.

This regulation is adopted pursuant to Sections 8-13 and 8-14 of the County Code, as amended, and applies to the construction, alteration, addition, repair, removal, demolition, use, location occupancy, and/or maintenance of all buildings and structures, and their service equipment, within Montgomery County. It supersedes Executive Regulation 28-07, dated May 13, 2008, and all previous regulations adopting the BOCA and the ICC standards.

The purpose of the regulation is to adopt the 2009 editions of the International Building Code (IBC), the International Energy Conservation Code (IECC), the International Fuel Gas Code (IFGC), the International Mechanical Code (IMC), and the International Residential Code (IRC) with amendments necessary to achieve uniformity and consistency with Maryland and Montgomery County laws and ordinances, as well as department/division policies and procedures.

**FISCAL SUMMARY**

This regulation has no fiscal or economic impact on the County. Under Maryland law the County is obligated to adopt the building code standards that are set by the State, and therefore this regulation, in and of itself, imposes, nor causes any additional expenses to be incurred by those parties affected by the building code and does not require additional County resources.

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Office of the Director

101 Monroe Street, 14th Floor • Rockville, Maryland 20850 • 240-777-2800  
www.montgomerycountymd.gov

Hadi Mansouri and Alicia Thomas of the Department of Permitting Services and Mike Coveyou of the Department of Finance contributed to and concur with this analysis.

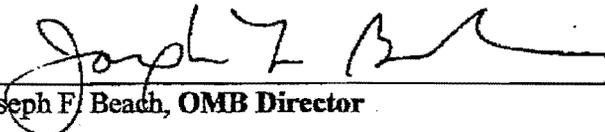
jb:agw

c: Kathleen Boucher, Assistant Chief Administrative Officer  
Carla Reid, Director, Department of Permitting Services  
Mike Coveyou, Department of Finance  
John Cuff, Office of Management and Budget  
Amy Wilson, Office of Management and Budget

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OMB REVIEW

Fiscal Impact Statement approved

  
\_\_\_\_\_  
Joseph F. Beach, OMB Director

Fiscal Impact Statement not approved, OMB will contact department to remedy.

Resolution No.: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY MARYLAND**

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By: County Council

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**SUBJECT:** Executive Regulation 26-09AM, Adoption of the 2009 International Building, Energy Conservation, Mechanical, Fuel-Gas, and Residential Codes

**Background**

1. On March 26, 2010 the Council received Executive Regulation 26-09, Adoption of the 2009 International Building, Energy Conservation, Mechanical, Fuel-Gas, and Residential Codes.
2. This regulation would adopt the 2009 editions of the International Building, Energy Conservation, Mechanical, Fuel-Gas, and Residential Codes. These editions are the most up-to-date versions of the model codes and will keep the County in conformance with the Maryland Building Performance Standard.
3. The Council reviewed the regulation under Method (2) of §2A-15 of the County Code.
4. Under Method (2), if the Council does not approve or disapprove a regulation within 60 days after the Council receives the regulation, the regulation automatically takes effect.
5. On April 28, the Transportation, Infrastructure, Energy & Environment Committee reviewed Executive Regulation 26-09, Adoption of the 2009 International Building, Energy Conservation, Mechanical, Fuel-Gas, and Residential Codes and recommended (2-1) approval of the regulation with amendments.
6. On May 13, the Executive resubmitted the regulation as Executive Regulation 26-09AM, Adoption of the 2009 International Building, Energy Conservation, Mechanical, Fuel-Gas, and Residential Codes.

**Action**

The County Council for Montgomery County, Maryland approves the following regulation:

Executive Regulation 26-09AM, Adoption of the 2009 International Building, Energy Conservation, Mechanical, Fuel-Gas, and Residential Codes is  
{*approved/disapproved*}