

MEMORANDUM

July 9, 2015

TO: Planning, Housing, and Economic Development Committee

FROM: Jeff Zyontz, ^{JZ} Senior Legislative Analyst

SUBJECT: Executive Regulation 4-15AMII, Adoption of the 2015 International Building, Energy Conservation, Mechanical, Fuel-Gas, Residential Code, Swimming Pool and Spa Codes, and the 2012 International Existing Building Code

On June 9, 2015, the Committee (3-0) recommended approval of Executive Regulation 4-15AM. Before the Council acted on those recommendations, building industry representatives complained about the Regulation's effect on townhouses. In their opinion, the approval would dramatically increase the common wall and structural requirements for all new townhouses. The Council President postponed Council action on the regulation until DPS had an opportunity to hear the newly-presented concerns and to amend the regulation as it deemed necessary.

On June 30, DPS staff convened a meeting of concerned parties. Staff explained their thinking and how the new proposed building code related to current requirements.¹ The result of that meeting was agreement on amendments to ER 4-15AM. Those amendments were transmitted to the Council as ER 4-15AMII on July 10, 2015.

Issues

Common walls for townhouses

The International Construction Code treats townhouses constructed on a single lot differently from townhouses that are attached but on separate lots. Townhouses on a single lot fall under the commercial code and, depending on the number of stories, townhouses that are attached but separated by property lines are governed by the International Residential Code. This results in important differences, including fire separation, electrical feeds, types of sprinkler requirements, and stability of each unit in the event of the catastrophic destruction of an adjacent unit.

¹ Staff was a phone participant in the June 30 meeting. The conversation was dominated by builders and engineers. Staff's engineering and construction experience consists of playing with Lincoln Logs and Erector Sets decades ago. In the immortal words of the late George Gobel, "Did you ever get the feeling that the world was a tuxedo, and you were a brown pair of shoes?"

The Codes account for the fact that ownership has a relationship to responsibility and control for restoration. Townhouses on a single lot would be under a single ownership entity as to the overall building with accountability for restoration in the event of a fire or other disaster. On the other hand, townhouses on separate lots are usually under separate ownership, and an owner of a townhome next to a unit that was destroyed has no control over the restoration of the adjoining property and the ultimate protection over the exposed areas of the remaining townhome. Similarly, individually owned homes have separate electrical feeds, and the certainty as to some of these requirements is important to life safety and for the protection of emergency responders.

Townhouses that are owned in common (without a property line separating each unit) are required to have common walls between the units rated for one hour where there is a group electrical feed. Individually owned townhouses, or townhouses with individual electrical feeds, are required to have 2-hour rated common walls. All new townhouses are required to have fire suppression systems (sprinklers). Older townhouses may not have sprinkler systems.

Industry representatives were confused by the townhouse common wall amendments originally proposed by the Department. They established 2 categories of townhouse, each with 2 conditions: 1) with and without sprinkler systems; and 2) with and without property lines between townhouses. The original Regulation only gave direction to two combinations of those characteristics.² It did not provide for all possibilities.

The following revision, now proposed by the Executive and acceptable to building industry representatives, reads as follows:

Section R302.2. Where a fire sprinkler system in accordance with Section P2904 is provided, the common wall shall be not less than a 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263; however where there are lot lines between townhouses or separate electrical services are provided, the common wall shall be not less than 2-hour-fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL263. Electrical service for the townhouses shall comply with Article 230 of the National Electrical Code.³

Townhouses as independent buildings

Section 302.2 of the 2012 IRC provides that each *townhouse* shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls. DPS and the Building Industry have engaged in discussions about how this extends to wind loading. In the view of the Department, the proposed building code regulation does not represent a change to their application of building code requirements. Building industry representatives strongly objected to the independent building wind loading requirement.

The IRC imposes requirements for wind loads that DPS indicates are reviewed relative to the location and circumstances of the townhouse design. The Building Industry asserts that if party walls must be engineered

² Executive regulation 4-15AM without further amendment would have read as follows:

- Where there are no property lines between townhouses, and where a fire sprinkler system in accordance with Section P2904 is provided, the common wall shall be not less than a 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263; Electrical service for the building shall comply with Article 230 of the NEC.

- where a fire sprinkler system in accordance with Section P2904 is not provided, the common wall shall be not less than a 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263. Electrical service for the buildings shall comply with Article 230 of the NEC.

³ See ©21.

to withstand a 115 mph wind load, this wind standard would add thousands of dollars in cost and force the building industry to alter its designs by eliminating or reducing windows or doors, adding interior partition walls, and adding structural panels (moment frames) that cost at least \$5,000 each. Further, commenters have objected that additional interior walls to add structural stability would be counter to the open concept layout that some customers prefer. In the opinion of building industry engineers, the independent building status for each townhouse would only add costs without adding benefits.

ER 4-15AMII reflects a compromise position as follows:

Section R602.10 Add the following new sentence to the end of this section “As used in this section, the term building or buildings includes a row of townhouses.”⁴

Effective Date

The Council is scheduled to consider the Committee’s recommendation concerning Executive Regulation 4-15AMII on July 21, 2015. Assuming Council approval, the amended regulation has an August 3, 2015 effective date.

Background

On May 29, 2015, the Executive transmitted Executive Regulation 4-15—concerning the approval of the 2015 international building codes—to the Council for approval.⁵ It would govern all buildings and structures in the County. These regulations were published in the April 2015 Montgomery County Register and were subject to a hearing on April 9, 2015. The regulation was to have a July 1, 2015 effective date. Regulation 4-15AM, transmitted on June 16, 2015, corrected an editorial error in Regulation 4-15 without any change in content. The Executive’s response to the comments on that regulation resulted in Executive Regulation 4-15AMII. The signed transmittal letter will be circulated as an addendum once the Council receives it.

Regulation 4-15AM is a method 2 regulation.⁶ The Council by resolution may approve or disapprove the proposed regulation within 60 days after receiving it (July 28). If the Council does not approve or disapprove the proposed regulation by July 28, or by any later deadline set by resolution, the regulation is automatically approved. If the Council does not approve the proposed regulation, the current building code

⁴ See © 24.

⁵ The 2015 International Building Codes are not freely available. The code itself is owned by the International Code Council. Copies must be purchase through them. The 2012 IRC can be accessed online at <http://publicecodes.cyberregs.com/icod/irc/index.htm>. The Executive Regulations only address how the international code would be amended and approves the code for use in the County by reference.

⁶ Method (2)

- (A) The issuer must send a copy of the proposed regulation to the County Council after the deadline for comments published in the Register.
- (B) The Council by resolution may approve or disapprove the proposed regulation within 60 days after receiving it.
- (C) If necessary to assure complete review, the Council by resolution may extend the deadline set under subparagraph (B).
- (D) If the Council approves the regulation, the regulation takes effect upon adoption of the resolution approving it or on a later date specified in the regulation.
- (E) If the Council does not approve or disapprove the proposed regulation within 60 days after receiving it, or by any later deadline set by resolution, the regulation is automatically approved.
- (F) If a regulation is automatically approved under this method, the regulation takes effect the day after the deadline for approval or on a later date specified in the regulation.

regulations remain in force. Although the Council may not directly amend a proposed regulation, the Executive may amend a regulation if faced with the prospect of Council disapproval.

State Law

Maryland's law related to building codes requires each jurisdiction in the State to use the same edition of the International Building Code (IBC), the International Residential Code (IRC), and the International Energy Conservation Code (IECC).⁷ The State has modified the IBC and the IRC to coincide with other Maryland laws. The IBC, the IRC, and IECC—with modifications by the State—constitute the Maryland Building Performance Standards (MBPS). The State did not approve the 2015 International **Existing** Building code but requires the use of the 2012 code.

The County may modify these codes to suit local conditions, with the exceptions of the 2015 International Energy Conservation Code (IECC - The Energy Code) and the Maryland Accessibility Code (MAC - The Accessibility Code). The Energy Code and the Accessibility Code can be made more stringent—but not less—by the local jurisdictions. The attached regulation includes the Executive's modifications to the code. To a great degree, they are identical to the modifications made by the County to the 2012 codes.

This packet contains

Regulation 4-15AMII (in legislative format)
Draft Resolution approving Regulation 4-15AMII

© number

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⁷ Maryland Building Performance Standards Regulations (COMAR 05.02.07).



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Adoption of the 2015 IBC, IRC, IECC, IMC, IFGC, ISPSC and 2012 IEBC	Number: 4-15AMII
Originating Department: Department of Permitting Services	Effective Date: August 3, 2015

Montgomery County Regulation on:

COMCOR 08.00.02 ADOPTION OF THE 2015 INTERNATIONAL BUILDING, ENERGY CONSERVATION, MECHANICAL, FUEL-GAS, RESIDENTIAL, AND THE SWIMMING POOL AND SPA CODES, AND THE 2012 INTERNATIONAL EXISTING BUILDING CODE

DEPARTMENT OF PERMITTING SERVICES

Issued by:

The County Executive

Regulation No. 4-15AMII

Authority: Code Sections 8-13, 8-14 and 51-12

Supersedes: Regulation No. 8-12

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

Register Vol. 32, Issue 4

Comment Deadline: April 30, 2015

Effective Date: August 3, 2015

Sunset Date: None

SUMMARY:

This regulation adopts the 2015 editions of the International Building Code (IBC), the International Energy Conservation Code (IECC), the International Fuel Gas Code (IFGC), the International Mechanical Code (IMC), the International Residential Code, and the International Swimming Pool and Spa Code (ISPSC), and the 2012 International Existing Building Code (IEBC), 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:

Hemal Mustafa, Manager, Division of Building Construction 240/777-6226

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.] **08.00.02.01** 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 # 8-12 dated June 18, 2012 [Executive Regulations 14-10, dated February 8, 2011], and all previous regulations adopting [the BOCA and] the International Code Council (ICC) standards. Its purpose is to adopt the 2015 [2012] editions of the IBC, the IECC, the IFGC, the IMC, [and] the IRC, and ISPSC, and the 2012 IEBC, 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.] **08.00.02.02** 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. Wherever the International Fire Code is referenced, substitute Montgomery County Fire Safety Code.

AMENDMENTS TO THE 2015 [2012] INTERNATIONAL BUILDING CODE (IBC)

[Sec. 3.] **08.00.02.03** **Section 101.1.** Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."

[Sec. 4.] **08.00.02.04** **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. 6.] **08.00.02.05** **Section 101.4.1.** Add the following exception:
Exception: Fuel-gas piping systems, fuel gas appliances, gaseous hydrogen systems and related accessories regulated under the authority of Washington Suburban Sanitary Commission (WSSC). [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. 5.] **08.00.02.06** [Sections 101.4.3 and 101.4.4 Delete.] **Section 101.4.3 Delete.** In Subsection **101.4.4** replace the phrase "the International Property Maintenance Code" with "the Montgomery County Fire Safety Code."



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Effective Date:
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- [Sec. 7.] 08.00.02.07 Section 101.4.5. Add the following at the end of the section [.]:
"The provisions of the Montgomery County Fire Safety Code shall also apply".
- [Sec. 8.] 08.00.02.08 Section 102.6. Replace the phrase "the International Property Maintenance Code or the International Fire Code" with the phrase "the Montgomery County Fire Safety Code [and]".
- [Sec.9.] 08.00.02.09 Sections 103, 104.8, 104.8.1, 111, and 113[, except 113.2]. Delete.
- [Sec. 10.] 08.00.02.10 Section 105.1. Add the following: A separate permit is required for each legal address. A separate permit is required for each separate building at a legal address.
- [Sec. 11.] 08.00.02.11 [Section 105.2. Delete all except subsections 105.2.1, 105.2.2, and 105.2.3]
Section 105.2. Delete Items 1, 2, 4, 9 and 12 from the "Building" subsection.
- [Sec. 12.] 08.00.02.12 Sections 105.3, 105.4, 105.5, 105.6, and 105.7. Delete.
- [Sec. 13.] 08.00.02.13 Section 109.1. Add a second sentence to read: Required fees shall be paid for each separate permit application.
- [Sec. 14.] 08.00.02.14 Section 110.3.10. Add the following: The final inspection must be requested and approved before a building (or portion thereof) including equipment[s] and appliances are used or occupied, whether or not a valid certificate of use and occupancy exists.
- [Sec. 15.] 08.00.02.15 Sections 114 and 115. Delete.
- [Sec. 16.] 08.00.02.16 Section 202. In the definition of Foster Care Facilities, change 2 ½ to 2.
- 08.00.02.17 Sections 305.1. Delete the phrase "at any one time" and replace with "for 4 or more hours per day or more than 12 hours per week."
- [Sec. 17.] 08.00.02.18 Section 305.2. Change 2½ to 2.
- [Sec. 19.] 08.00.02.19 Section 308.3.3. [308.3.2]. In the title and text, change the word "six" to "nine".
- [Sec. 18.] 08.00.02.20 Section 308.3.4. [308.3.1]. In the title and text, change the word "five" to "eight".
Delete the phrase "or with Section P2904 of the International Residential Code."
- [Sec. 20.] 08.00.02.21 Section 308.4.2. [308.4.1]. Delete the phrase "or with Section P2904 of the International Residential Code."
- [Sec. 21.] 08.00.02.22 Section 308.6.1. Change 2 ½ to 2.



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[Sec.22.] 08.00.02.23 Section 310.5.1. 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.

Delete the phrase "or with Section P2904 of the International Residential Code."

[Sec. 23.] 08.00.02.24 Section 310.6. In the first sentence change "five" to "eight".

[Sec. 24.] 08.00.02.25 [Modify Section 403 as follows:

(a)]Section 403.2.1.2. Delete.

[(b) Section 403.3.2. Add the phrase, "In buildings that are more than 420 feet (128 m) in building height," to the beginning of the section.]

[Sec. 25.] 08.00.02.26 Section 403.4.5. Delete the phrase "Section 510 of the International Fire Code" and replace with "Section 916 [915] of this Code".

[Sec. 26.] 08.00.02.27 Section 422.3.2. [422.4]. Change "30" to "15". Change "2.8" to "1.4" [and]. Change "nonambulatory care recipient [patient]" to "occupant," and change "care recipient" to "occupied".

[Sec. 27.] 08.00.02.28 Chapter 4. Add a new Section 427 [425]. Residential Occupancies. 427.1 [425.1] All R occupancies shall have appropriate radon control features as prescribed in Appendix F of the International Residential Code, 2015 [2012] edition.

[Sec. 28.] 08.00.02.29 Section 501.2. Delete "and existing" in the first line. In the sixth [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)."



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[[Section 510.2. Amend condition #6 by deleting the phrase “grade plane” and replacing it with “lowest level of fire department access”.]]

[Sec. 29.] 08.00.02.30 Section 510.2. Amend condition #6 by deleting the phrase “grade plane” and replacing it with “lowest level of fire department access”.

Add two more conditions as follows:

7. [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.

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

[Sec. 30.] [Section 703.7. Amend item 3 to add a sentence as follows: “The sign or stenciling shall identify the fire resistance rating in hours.”]

**[Sec. 31.] [Section 713.14.1. 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. 32.] 08.00.02.31 Section 717.5.3. 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. 33.] 08.00.02.32 Section 903.1.1. Delete and replace with the following: 903.1.1 Alternative Protection. Where automatic sprinkler systems are required by this code; and, 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 shall be protected by an approved automatic fire-extinguishing system utilizing an extinguishing agent that is compatible with the fire hazard.

**[Sec. 34.] 08.00.02.33 Section 903.2.1.2. Add a fourth condition to read as follows:
4. The assembly occupancy is one of the following:
(1) Dance halls, (2) Discotheques, (3) Nightclubs, or (4) Assembly occupancies with festival seating.
[(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. 35.] 08.00.02.34 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**



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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 711 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. 36.] 08.00.02.35 Section 903.2.8.4. [903.2.8.2]. Change the word “five” to “eight”.

[Sec. 37.] 08.00.02.36 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.

08.02.02.37 Section 907.6.4. Number the existing exception as Exception 1, and add an Exception 2 as follows:

Exception 2: Where an addressable automatic fire alarm system installation in accordance with 907 is present, fire alarm zoning shall be permitted to match, but not exceed sprinkler zoning.

[Sec. 38.] [Section 908.7. Add the following sentence after the sentence ending in “manufacturer’s instructions”: “At a minimum, a carbon monoxide alarm shall be installed outside each sleeping area.”]

[Sec. 39.] 08.00.02.38 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. 40.] 08.00.02.39 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. 41.] 08.00.02.40 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.”



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**Effective Date:
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[Sec. 42.] 08.00.02.41 Section 911.1.6. [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 19 which reads, "A shunt trip device to disconnect the electrical service to the building."

[Sec. 43.] 08.00.02.42 Section 916.1. [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 25,000 ft² per floor, and to all floors of buildings greater than 3 stories in height. One- and two-family dwellings and townhouses are exempt from this requirement.

[Sec. 44.] 08.00.02.43 Add Sections 916.2 and 916.3 [915.2 and 915.3] as follows:

Section 916.2. [915.2.] Every floor area in a building or structure which cannot [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 916.3. [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. 45.] 08.00.02.44 Section 1001.1. Add the following to the end of the section: "The means of egress shall also comply with the requirements in the currently adopted edition of the Life Safety Code [, 2009 edition]."

Add a new Section 1001.5 as follows:

08.00.02.45 Section 1001.5 Convenience stairs and ramps. Stairs that are not part of a means of egress, but are provided as a convenience in occupiable spaces, shall comply with Section 1011. Ramps that are not part of a means of egress, but are provided as a convenience in occupiable spaces, and are not provided solely for the movement of equipment and materials, shall comply with Section 1012.

[Sec. 46.] 08.00.02.46 Section 1003.5. In exception #2, replace the phrase "a single riser or with two risers and a tread" to "three risers or less". [Add the following at the end of exception #2: "The presence and location of each step shall be marked in accordance with NFPA 101, Section 7.2.2.5.4.3."]



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[Sec. 47.] 08.00.02.47 Table 1004.1.2. Add an entry for "Shell Office Spaces" with an occupant load factor of 65 gross square feet per person. Add an entry for "Tennis Courts (within the area of play)" with an occupant load factor of 50 net square feet per person. Change the occupant load factor for mercantile space from "60" to "30" in table 1004.1.2.

08.00.02.48 Section 1004.4. Delete the last sentence of the section and replace with "The occupant load of bench-type seating, and the occupant load of bars, shall be based on one person for each 18 linear inches (455 mm) measured at the seat, or patron side of the bar, respectively."

[Sec. 48.] 08.00.02.49 Section 1005.3.1. Delete all of the exceptions.

[Sec. 49.] 08.00.02.50 Section 1005.3.2. Delete all of the exceptions.

08.00.02.51 Section 1006.2.2.4. Change 2 ½ to 2.

[Sec. 50.] 08.00.02.52 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. 51.] 08.00.02.53 Section 1010.1.9.11. [1008.1.9.11]. In Exception #3, delete ", or a signal by emergency personnel from a single location inside the main entrance to the building". [all text after the phrase "...openable from the egress side".]

[Sec. 52.] [Section 1009.16. At end of the section add the phrase "or ladder complying with Section 7.2.9 of the Life Safety Code, 2009 edition".]

[Sec. 53.] [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. 54.] 08.00.02.54 Section 1014.7. [1012.7]. Change "1 ½" to "2 ¼" and change "38" to "57".

[Sec. 55.] 08.00.02.55 Section 1015.2. [1013.2]. After "including" add "but not limited to,". After the phrase "equipment platforms," add the phrase "retaining walls,".

[Sec. 56.] 08.00.02.56 Section 1015.3. [1013.3]. In exception #2 and #3, change "34 inches (864 mm)" to "36 inches (915 mm)". Add a sixth exception: Exception 6. 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. 57.] 08.00.02.57 Section 1015.4. [1013.4]. Delete Exception #6.



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Originating Department: Department of Permitting Services	Effective Date: August 3, 2015

[Sec. 58.] 08.00.02.58 **Section 1015.8.** [1013.8]. Add two exceptions (#5 and #6) to read as follows:

Exception #5: 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 #6: 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. 59.] **[Section 1014.3.** Add the following to the end of the section: "See also the requirements the Life Safety Code, 2009 edition."]

[Sec.60.] **[Section 1015.6.** Change 2 ½ to 2.]

[Sec. 61.] **[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. 62.] 08.00.02.59 **Section 1022.** [1020]. Add a new subsection **1022.3** [1020.3] to read as follows:

Section 1022.3. [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. 63.] **[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. 64.] 08.00.02.60 **Chapter 11.** Delete and replace with the Maryland Accessibility Code.

[Sec. 65.] 08.00.02.61 **Section 1603.1.4.** Add to Item 1. The ultimate design wind speeds in miles per hour in Montgomery County for risk categories I, II, III, and IV are 105, 115, 120, and 120, respectively. The corresponding nominal design wind speeds in miles per hour are 82, 89, 93, and 93, respectively.

[Sec. 66.] 08.00.02.62 **Section 1603.1.5.** Add to Item 3. The mapped spectral response acceleration parameters for Montgomery County for short-period, S_s , and 1-second, S_1 , shall be 12.5% and 5.5%, respectively.



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[Sec. 67.] 08.00.02.63 **Table 1607.1.** Item 26 Roofs. Modify the uniform live load value for “Ordinary flat, pitched and curved roofs (that are not occupiable)” to 30 pounds per square foot, non-reducible.

[Sec. 68.] 08.00.02.64 **Section 1607.7.2.** Modify Item 1 to read as follows:
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 (2) 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. 69.] 08.00.02.65 **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. 70.] 08.00.02.66 **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 (COMCOR 19.45.01), per the authority in Article III, Chapter 19 of the Montgomery County Code.

08.00.02.67 **Section 1704.2.** Delete exception #4.

08.00.02.68 **Section 1704.2.5.** At the end of first paragraph, add the following sentence: “The exceptions to Section 1704.2.5 may apply subject to County approval”.

08.00.02.69 **Section 1704.2.5.1.** After the title add the following sentence: “The provisions of this Section may apply subject to County approval”.

[Sec. 71.] 08.00.02.70 **Section 1705.2.1.** Modify AISC 360 Chapter N, Section N1, First User Note: Delete the sentence starting with “Additionally, where...”.

[Sec. 72.] 08.00.02.71 **Section 1705.2.1.** Modify AISC 360 Chapter N, Section N5.5b: After “minimum design loads for buildings and other structures” add “or IBC Table 1604.5”.

[Sec. 73.] 08.00.02.72 **Section 1705.2.1.** Modify AISC 360 Chapter N, Section N5.5b: Add at the end of the paragraph “unless a higher percentage is required by the structural engineer of record”.

[Sec. 74.] 08.00.02.73 **Section 1705.2.1.** Modify AISC 360 Chapter N, Section N5.5b, User Note: Add at the end of the user note “unless otherwise specified by the structural engineer of record”.



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[Sec. 75.] 08.00.02.74 **Section 1705.2.1.** Modify AISC 360 Chapter N by deleting Section N7 and replace with IBC Section 1704.2.5, as amended.

08.00.02.75 **Section 1705.2.2.** Modify SDI QA/QC-2011 Standard by deleting subsection 2 from Section 3.2B.

08.00.02.76 **Section 1705.2.2.** Modify SDI QA/QC-2011 Standard by deleting subsection 4.3 from Section 4.

[Sec. 76.] 08.00.02.77 **Section 1705.3.** Delete Exception 1.

[Sec. 77.] 08.00.02.78 **Section 1705.3.** 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".]

08.00.02.79 **Table 1705.3.** Modify Item 4a. Add after "tension loads", "Installation shall be performed by an ACI or CRSI certified adhesive anchor installer".

[Sec. 78.] 08.00.02.80 **Table 1705.3.** Items 10 and 11. Modify the inspection frequency from "periodic" to "continuous".

[Sec. 79.] 08.00.02.81 **Table 1705.3.** Item 11. Add the sentence to the first column, "The strength evaluation shall be demonstrated by field cured cylinders only."

[Sec. 80.] 08.00.02.82 **Table 1705.6.** Item 1. Modify the inspection frequency from "periodic" to "continuous".

[Sec. 81.] 08.00.02.83 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. 82.] 08.00.02.84 **Section 1809.5.** In item number 1, after the word "locality" insert: "Depth shall be a minimum of 30 inches below the adjacent finish grade."



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[Sec. 83.] 08.00.02.85 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. 84.] 08.00.02.86 **Chapter 29.** Delete. Plumbing regulations are administered by the local water authority.

08.00.02.87 **Section 3001.** Add a new subsection as follows:

3001.1.1 Residential Elevators. Elevator equipment, and similar conveying systems; provided in privately owned single-family residential dwellings:

1. Shall not be required to comply with the requirements of this chapter.
2. Shall not be required to enclose the hoistway with a fire-resistance rated shaft, if the elevator shaft is protected with an approved automatic sprinklered system.
3. Shall comply with all other applicable requirements of the International Building Code.
4. Shall be subject to the applicable requirements of the Maryland Public Safety Article, Title 12, Subtitle 8.
5. Shall be listed for use by a nationally recognized testing laboratory (NRTL) and installed in accordance with the listing and manufacturers requirements.

[Sec. 85.] 08.00.02.88 **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. 86.] 08.00.02.89 **Section 3107.1.** Add the following at the end of the sentence: "and Chapter 59 of the Montgomery County Code," [1994, as amended.]"

[Sec. 87.] 08.00.02.90 **Section 3109.3.** Change "4 feet (1219 [1290] mm)" to "5 feet (1524 mm)".

[Sec. 88.] 08.00.02.91 **Section 3109.4.1.** Change "48 inches (1219 mm)" to "60 inches (1524 mm)".

[Sec. 89.] [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. 90.] [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.]



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[Sec. 91.] 08.00.02.92 **Appendix F.** Appendix F is hereby adopted in its entirety.

[Sec. 92.] 08.00.02.93 **Appendix G.** Appendix G is hereby adopted in its entirety and amended as follows:

Section G102.1. Insert after “this code,” [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. 93.] 08.00.02.94 **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.”

Section H102.1. 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.”

Section H102.1. Delete and replace the definition of “sign” as follows: “Any device, fixture, placard, or structure that uses any color, form, graphic[s], illumination, symbol, or writing to attract attention or to communicate information”.

Section H102.1. 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 dimension[s] closest to the ground is greater than the height.”

Section H102.1. 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.



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Section H108. Delete.

Section H109.1. Height restrictions. Delete and replace as follows: "The maximum height of ground supported signs is the height of the tallest building on the same premises as the sign or 26 feet above the ground, whichever is less." [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 "signs".

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.

Section H114. Delete the word "roof" in the first sentence.

AMENDMENTS TO THE 2015 [2012] INTERNATIONAL ENERGY CONSERVATION CODE (IECC)

[Sec. 94.] 08.00.02.95 Section C101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."

08.00.02.96 Section C109. Delete.

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

08.00.02.98 Section R109. Delete.

08.00.02.99 Section R402.4.1.2. In the first sentence replace the word "The" with the word "New".

AMENDMENTS TO THE 2015 [2012] INTERNATIONAL MECHANICAL CODE (IMC)

[Sec. 95.] 08.00.02.100 Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."



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[Sec. 96.] 08.00.02.101 **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. 97.] 08.00.02.102 **Sections 103.4, 103.4.1, 106.4.3, 106.4.4, 106.5, and 109.** Delete.

[Sec. 98.] 08.00.02.103 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 manner to resist vibration and wind loads.

[Sec. 99.] 08.00.02.104 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. 100.] 08.00.02.105 **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. 101.] 08.00.02.106 **Section 506.1.** Add the words "and NFPA 96," to the end of the first sentence and the sentence "Where discrepancies occur, the most stringent requirement will apply." after the first sentence.

[Sec. 102.] 08.00.02.107 **Section 506.3.2.5.** Change "100" to "300".

[Sec. 103.] 08.00.02.108 **Section 506.3.9.** Change the heading of the subsection to "Grease Duct Vertical and Horizontal Cleanouts". In Item #1 [Subsection 1] Change "20 feet" to "12 feet". Add Item #7 [subsection 7] to read: "Vertical rises where personal entry is not possible, adequate access for cleaning shall be provided on each floor level."

[Sec. 104.] 08.00.02.109 **Section 506.3.12.[2.]** After the last sentence add "Follow NFPA 96 section 7.8.3 for additional termination requirements."

[Sec. 105.] 08.00.02.110 **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] 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. 106.] 08.00.02.111 **Section 606.2.1.** Add to the words "Supply and" to the beginning of the heading. Add the words "supply and" after the words "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].



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[Sec. 107.] 08.00.02.112 Section 607.5.5. Exception 2. Replace the [first sentence of Exception 2] phrase "In Group B and R occupancies equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 of the *International Building Code*, smoke dampers are not required at penetrations of shafts where" 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. 108.] 08.00.02.113 Add new section 608 Emergency and Standby Power Systems.

[Sec. 109.] Add new section [F] 608.1. Installation. Emergency and standby power systems required by the Montgomery County Fire Safety Code [International Fire Code] or the International Building Code shall be installed in accordance with NFPA 110[,] and NFPA 111 [and the International Fire Code]. Existing installations shall be maintained in accordance with the original approval.

[Sec. 110.] 08.00.02.114 Add new section [F] 608.1.1. Stationary Generators. Stationary emergency and standby power generators required by the International Building Code or the Montgomery County Fire Safety Code [and the International Fire Code] shall be listed in accordance with UL 2200.

[Sec. 111.] 08.00.02.115 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. 112.] 08.00.02.116 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. 113.] 08.00.02.117 Add new section 608.2.2. Discharge air. Discharge air shall be directed outside the building by an exterior wall opening or [from a source outside the building] to an exterior opening by a 2-hour rated air transfer system. (NFPA 110)

[Sec. 114.] 08.00.02.118 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. 115.] 08.00.02.119 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)



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AMENDMENTS TO THE 2015 [2012] INTERNATIONAL FUEL GAS CODE (IFGC)

- [Sec. 116.] 08.00.02.120 **Section 101.1.** Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."
- [Sec. 117.] 08.00.02.121 **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. 118.] 08.00.02.122 **Sections 103.4, 103.4.1, 106.5.3, 106.5.4, 106.6, and 109.[2 to 109.7]** Delete.
- [Sec. 119.] 08.00.02.123 **Chapter 4.** Delete all except Sections 401.2, 402.6.1, 412, 413, and 414.

AMENDMENTS TO THE 2015 [2012] INTERNATIONAL RESIDENTIAL CODE (IRC) with Errata Published between June 17, 2014 and February 26, 2015

- 08.00.02.124 Wherever the IRC references **Chapters 34-43**, replace the reference with National Electric Code (NEC) currently adopted by the County. Wherever the IRC references P2904, replace with National Fire Protection Association (NFPA) 13D standard.
- [Sec. 120.] 08.00.02.125 **Section R101.1.** Replace the parentheses and the phrase in the parentheses with Montgomery County, Maryland."
- [Sec. 121.] 08.00.02.126 **Section R101.2.** Add the following Exception: "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." [Delete Exceptions 1 and 2.]
- [Sec. 122.] 08.00.02.127 **Section R102.7.** Delete the phrase "the International Property Maintenance Code."
- 08.00.02.128 **Sections R104.8 and R104.8.1.** Delete.
- [Sec. 123.] 08.00.02.129 **Section R105.2.** Delete Items 1 & 2. [Item 3: Change 4 to 4 ½ and 1219 to 1372]. In Item 7: Delete "swimming" and change 24 (610 mm) to 18 inches (457 mm). In Item 8: Add "playhouses, treehouses or other similar structures" after first word. Delete Item 9 and replace with "Retractable awnings and retractable canopies". Delete Item 10. Add Item 11: Replacing windows and doors without changing the size of openings and without reducing the net clear opening dimensions. Add Item 12: Replacing roofing or



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siding materials with in kind materials. Delete Electrical and Plumbing subsections. Delete Sections [R105.3.1.1,] R105.3.2[,] and R105.5.

08.00.02.130 Section R106.1.3 Delete the phrase “and where required by the building official”.

[Sec. 124.] **08.00.02.131 Section 107.** Delete.

[Sec. 125.] **08.00.02.132 Section R108.1.** [Replace the] Add a second sentence [with the following:] as follows: Required fees shall be paid for each separate permit application”. Sections 108.2 through 108.5. Delete.

[Sec. 126.] **08.00.02.133 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. Waterproofing/Foundation Drainage: Conducted after the exterior walls have been waterproofed and foundation drainage system has been installed. Insulation, if used, shall be in place and protected as required. If interior drain tiles are to be used, weep holes (2 in. minimum diameter, 6 feet on center) must be installed. A second inspection may be required prior to backfilling the interior drainage system.
4. Concrete slab-on-ground floor: After the installation of the slab base, vapor retarder, slab edge insulation, and a minimum 3 in. schedule 40 PVC, or equivalent gas tight pipe inserted into a 3 in. tee embedded into the slab base for the venting of RADON GAS and labeled adequately. Where the sump crock is to be used for the venting of RADON GAS, it must be in place at the time of the inspection. [Additions to an existing building that has the final inspection older than a year does not require a radon control system].



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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.] No walls shall be constructed on the foundation without an approved wall check.
6. Masonry fireplace/[flue]chimney: Conducted after the fireplace and first flue liner section are completed.
7. Wall Bracing: Conducted prior to installation of weather-resistive barrier (house wrap).
8. Framing (“close-in”): Conducted after the completion of all framing, air sealing, rough wiring, [fire sprinkler system installation and testing] fire sprinkler system installation and approval, plumbing, gas and mechanical distribution systems (as required) but prior to installing exterior finish, insulation and drywall. Roof is to be completed and weatherproof. The exterior finish is not to be installed until framing (close-in) has been approved. When plumbing/gas work is part of the construction, a Washington Suburban Sanitary Commission (WSSC) plumbing/gas inspection must be approved before requesting a framing inspection. The building, electrical, and mechanical inspections must be requested at the same time. When floor framing is less than [36] 48in. above the surface below, a framing inspection must be requested prior to installation of any floor materials.
9. Insulation: Conducted after the FRAMING (close-in) inspection has been approved to verify that the installed insulation [R-value matches the] complies with the approved plans or specifications for the building.
10. Swimming Pool Bonding – Conducted when the pool has been formed with the rebar installed and bonded prior to placement of concrete or backfill. During construction pool excavations must be completely enclosed by a 42 in. high safety fence AT ALL TIMES when work is not being performed in the pool.
- [11] [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.]
- [12] 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



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waiver]. For new construction, final electrical [,] and 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. The final approval for sprinkler final inspection, duct blaster and blower door tests certifications, if required, shall be obtained prior to the request for a final inspection. 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. 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.

- [13] 12. Partial Inspection: Conducted upon request. [A] An Inspection [\$121.00] fee in accordance with the Executive Regulation adopted by the County must be paid [, at the DPS office,] when scheduling this inspection.
- [14] 13. 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 Fees for Permits, Licenses and Certifications, which must be paid before any further inspections will be performed at the building site.

08.00.02.134 **Sections R110.1.** Delete the phrases “or structure” and “or structure or portion thereof” from the first sentence. Add Exception 3. Additions and alterations.

[Sec. 127.] **08.00.02.135** **Section R110.2.** Delete.

[Sec. 128.] **08.00.02.136** **Sections R110.3.** Item 3. Delete the words “name” and “owner” and add “building or structure”. Delete Item 6. Delete Item 8.

[Sec. 129.] **08.00.02.137** **Sections R110.4.** Delete.

[Sec. 130.] **08.00.02.138** **Sections R112.** Delete [except R112.2].

[Sec. 131.] **08.00.02.139** **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 and occupancy or home health care practitioner can be used or occupied]. See Chapters 8 and 59, Montgomery County Code. Delete words “[for] living or” from the definition of “Guestrooms”. [Delete definition of “Lodging House”.] Add definition for Storage, finished: A finished area having no more than two (2) 120V outlets and no other wiring methods (CATV, satellite,



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data communication, etc.), excluding lighting requirements.

[Sec. 132.] **08.00.02.140** Table R301.2(1). Under the headings indicated insert the appropriate criteria, as follows: GROUND SNOW LOAD—30 pounds per square foot (psf); Ultimate WIND-Speed—[90] 115 miles per hour (mph); TOPOGRAPHIC EFFECTS—No; SEISMIC DESIGN CATEGORY—B; SUBJECT TO DAMAGE FROM-Weathering—severe, Frost line depth—[24] 30 inches ([612] 762 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.

08.00.02.141 Section R302.2. [[At the beginning of Item 1 add: “Where there are no property lines between townhouses,”. At the end of Item 1 add: “Electrical service for the building shall comply with Article 230 of the NEC”].

At the beginning of Item 2 add “Where there are property lines between townhouses,”. At the end of Item 2 add: “Electrical service for the buildings shall comply with Article 230 of the NEC.”]

At the end of Item 1 after the phrase “with ASTM E 119 or UL 263.” add “; however where there are lot lines between townhouses or separate electrical services are provided, the common wall shall be not less than a 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263. Electrical service for the townhouses shall comply with Article 230 of the National Electrical Code.”

08.00.02.142 [[Section R302.2.4. Delete Exception 5.]]

08.00.02.142 Section R302.3. At the beginning of the section, add a new sentence: “For side by side two family dwellings the common wall shall comply with R302.2”. In the second sentence delete the words “wall and”. Delete Exceptions 1 & 2.

[Sec. 133.] **08.00.02.143** Section R305.1. Exception 1. Delete [the first] each occurrence of the word “required.” [Delete the phrase “and no portion of the required floor may have a ceiling height of less than 5 feet (1524 mm).” and replace it with the phrase] Add “Any floor area having less than 5 feet (1524 mm) 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.” Delete Section R305.1.1. [Delete.]

[Sec. 134.] **08.00.02.144** Section R307.1. Delete “and in accordance with the requirements of Section P2705.1”.



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[Sec. 135.] 08.00.02.145 [Delete] Section R309.5. Delete.

[Sec. 136.] 08.00.02.146 Section R310.2.3.2 [R310.2.2]. Delete the Exception [in R310.2.2].

[Sec. 137.] 08.00.02.147 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 defined walkway, path, parking lot, or driveway on the high side.” Add Subsection R312.1.5. Areaways with a difference in grade level on the lower side exceeding 30 inches (762mm) shall require a guard. Add Subsection R312.1.6. Window wells with an area of 9 square feet (0.836 meters squared) or larger shall be protected with a guard or a bar, grill, cover, screen or similar device that complies with section R310.4.

[Sec. 138.] [Section R313.1.1. Replace Section P2904 with NFPA 13D.]

[Sec. 139.] [Section R313.2.1. Delete “Section P2904 or”.]

[Sec. 140.] 08.00.02.148 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 protected from damage 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. 141.] 08.00.02.149 [Section R314.3.1.] Section R314.2.2. Exception 2. Add “and electrical” after the word “plumbing”.

08.00.02.150 Section R314.4. In the Exception, add “addition,” after the word “where”.

08.00.02.151 Section R314.6. Delete Exception 2 and replace with the following: “In existing areas, where interior finishes are not removed, battery operated smoke alarms installed in the same locations as required by section R 314.3 are permitted. Battery powered smoke alarms shall be sealed with long life batteries, tamper resistant, and incorporate a silence/hush button.”

08.00.02.152 Section R315.2.2. Delete Exception 2.

08.00.02.153 Section R317.1.4. Exception 1. Delete “exposed to the weather or” and delete the remainder of the exception after the phrase “concrete floor”. Delete Exceptions 2 & 3.



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[Sec. 142.] 08.00.02.154 Section R319.1. Change "4 inches (102 mm)" to "5 inches (122.5 mm)".

[Sec. 143.] [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. 144.] [Section 321.3. Delete.]

[Sec. 145.] 08.00.02.155 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. 146.] 08.00.02.156 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. 147.] 08.00.02.157 Section R403.1.4.1. Exception 1: Delete everything after "accessory structures", and replace with [Add] the phrase "excluding garages and carports, [used as tool and storage sheds, playhouses and similar uses] that do not exceed [change 600 to] 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. Exception 2. Delete. Exception 3. Delete.

[Sec. 148.] 08.00.02.158 Section R405.1. Add to the title "exterior drainage system". Delete the exception. Add new subsection [R405.1.1.] R405.1.2. 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 or wall below the slab elevation 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. 149.] 08.00.02.159 Section R406.1. Delete.

[Sec. 150.] 08.00.02.160 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



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waterproofed with an approved waterproofing system or a membrane extending from the top of the footings to finished grades. Delete [i]Items 1, 2, 3, and 4. Add. "Waterproofing system shall be installed as required in [the] a current [International Code Council Evaluation Service] evaluation report for the product."

[Sec. 151.] 08.00.02.161 Section R406.4. Delete.

[Sec. 152.] 08.00.02.162 Section R501.3. Exception 1. Delete the words "Section P2904".

08.00.02.163 Section R506.2.2. Delete the Exception.

[Sec. 153.] 08.00.02.164 Section R506.2.3 Exception 1. Add "Detached" before the word "Garage". Delete Exceptions 2 and 4.

[Sec. 154.] [Section R507.2. Delete. Replace with the phrase: "Deck design and construction shall comply with Montgomery County Deck Details homeowners or contractors."]

[Sec. 155.] 08.00.02.165 Section R602.10 Add the following new sentence to the end of this section: "As used in this section, the term building or buildings includes a row of townhouses."

[Sec. 155.] 08.00.02.166 [Delete] Chapter 11 Energy Efficiency. Replace Chapter 11 with 2015 IECC-Residential Provisions, Chapters 1 to 6 as amended by this Executive Regulation.

[Sec. 156.] 08.00.02.167 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. 157.] [Section M1405.1. Replace the phrase "Chapters 34 through 43" with National Electric Code (NEC) 2008 adopted in Executive Regulation ER 15-09.]

[Sec. 158.] [Section M1406.2. Replace the phrase "Chapters 34 through 43" with National Electric Code (NEC) 2008 adopted in Executive Regulation ER 15-09.]

[Sec. 159.] [Section M1407.1. Replace the phrase "Chapters 34 through 43"-with National Electric Code (NEC) 2008 adopted in Executive Regulation ER 15-09.]

08.00.02.168 Section M1411.6. Replace R-4 with R-3.

08.00.02.169 Section G2406.2. Add " , under stairways" after the phrase "storage closets".



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[Sec. 160.] 08.00.02.170 Chapters 25 through [43] 33. Delete.

[Sec. 161.] 08.00.02.171 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.

Section R4502. 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 R4503. 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 R4504. Excavation and fill for buildings and structures shall be constructed or protected so as not to endanger life or property.

Section R4505. 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 2015[2012].

Section R4506. Protection of Pedestrians.

Section R4506.1. 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 R4506.2. 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 R4506.3. Barriers. Barriers shall be at least 42" high, have adequate strength, and shall be of a type which will warn of potential danger.

Section R4507. 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. 162.] 08.00.02.172 Appendix C. Appendix C is hereby adopted in its entirety.

[Sec. 163.] 08.00.02.173 Appendix E. Appendix E is hereby adopted with the following



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modification: Delete all except Sections AE501 through AE606, with the following modification to Section AE502.3: In the last sentence, first paragraph, change 12 inches (305 mm) to [24] 30 inches (762 mm).

[Sec. 164.] 08.00.02.174 **Appendix F.** Appendix F is hereby adopted in its entirety.

[Sec.165.] [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. 166.] 08.00.02.175 **Appendix K.** Appendix K is hereby adopted in its entirety.

AMENDMENTS TO THE 2015 INTERNATIONAL SWIMMING POOL AND SPA CODE (ISPSC) with Errata Published on June 6, 2014 and November 10, 2014

08.00.02.176 Wherever the IRC references Chapters 34-43, replace the reference with National Electric Code (NEC) currently adopted by the county.

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

08.00.02.178 Section 102.2. Replace Section 102.2 with the following new paragraph: "Existing pools for which building permit applications were submitted before July 13, 1990, must be enclosed by an approved 42 inch fence or wall, and any latch or lock must be no less than 3 feet from the ground, or the pool must be equipped with an automatic pool cover in lieu of a fence, and the automatic pool cover must be closed whenever the pool is not attended".

08.00.02.179 Sections R103.4 and 103.4.1. Delete.

08.00.02.180 Section R105.6. Add a third sentence with the following: "Required fees shall be paid for each separate permit application". Delete Sections 105.6.2 through 105.6.3.

08.00.02.181 Section 108. Delete except subsection 108.1.

08.00.02.182 Add a new Section 305.1.1. "A swimming pool over 18 inches deep, or the property on which the pool is constructed, must be enclosed by a temporary or permanent fence or wall while the swimming pool is under construction. The fence or wall must be at least 42 inches high and must be of a type which will warn of potential danger."



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- 08.00.02.183 **Section 305.2.1.** In Item 1 change 48 inches (1219 mm) to 60 inches.
- 08.00.02.184 **Section 305.4.** In Item 1 first sentence, change 48 inches (1219 mm) to 60 inches. At the end of the first sentence, add the phrase "or a window limiting device that does not allow the window to open more than 4 inches". Add a new third sentence as follows: "A window limit device shall comply with ASTM F 2090."
- 08.00.02.185 **Section 305.5.** In Item 1 change 48 inches (1219 mm) to 60 inches.
- 08.00.02.186 **Chapter 4, 5 and 6.** Delete.
- 08.00.02.187 **Swimming pools, Spas and Hot Tubs** shall also comply with Chapter 51 of the Montgomery County Code.

AMENDMENTS TO THE 2012 INTERNATIONAL EXISTING BUILDING CODE (IEBC)

- 08.00.02.188 **Section 101.1.** Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."
- 08.00.02.189 **Sections 104.8 and 112.** Delete.
- 08.00.02.190 **Severability**

The provisions of these regulations are severable. If a court of competent jurisdiction holds that a provision is invalid or inapplicable, the remainder of the regulation remains in effect.

Timothy L. Finestric (acting)
Isiah Leggett, County Executive

7/10/2015
Date

Approved as to form and legality

Charles S. Federal

10 July 2015
Date

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

By: County Council

SUBJECT: Approval of Executive Regulation 4-15AMII, Adoption of the 2015 International Building, Energy Conservation, Mechanical, Fuel-Gas, Residential Code, Swimming Pool and Spa Codes and the 2012 International Existing Building Code

Background

1. The Montgomery County Code, under Chapter 8, Sections 13 and 14, authorizes the County Executive to adopt regulations concerning building codes under Method (2).
2. Maryland's law related to building codes, COMAR 05.02.07, requires each jurisdiction in Maryland to use the same edition of the same building codes that are the International Building Code (IBC), the International Residential Code (IRC), and the International Energy Conservation Code (IECC). The State modified the IBC and the IRC to coincide with other Maryland laws. The International Building Code (IBC), the International Residential Code (IRC), and the International Energy Conservation Code (IECC), with modifications by the State, constitute the Maryland Building Performance Standards. Regulation 4-15AMII further amends the international codes as allowed by law. The State did not approve the 2015 International Existing Building code but requires the use of the 2012 code.
3. On May 29, 2015, the Council received Executive Regulation 4-15.
4. On June 8, 2015, the Planning, Housing, and Economic Development Committee reviewed Executive Regulation 4-15 and recommended approval with the editorial change included in 4-15AM.
5. On June 18, 2015, the Council received Executive Regulation 4-15AM, which corrected an editorial error in Regulation 4-15.
6. On July 10, 2015 the Council received Executive Regulation 4-15AMII, which clarified the common wall requirement for townhouses (Section R302.2) and would treat a row of townhouses as a building (Section R602.10).

7. On July 13, 2015, the Planning, Housing, and Economic Development Committee reviewed Executive Regulation 4-15AMII and recommended approval.
8. The Council reviewed the regulation under Method (2) of County Code §2A-15.
9. Under Method (2), the Council may approve, disapprove, or extend the time for action within 60 days of receiving the regulation. In the absence of Council action, the regulation is deemed approved as submitted.

Action

The County Council for Montgomery County Maryland approves the following resolution:

The Council approves Executive Regulation 4-15AMII, Adoption of the 2015 International Building, Energy Conservation, Mechanical, Fuel-Gas, Residential Code, Swimming Pool and Spa Codes and the 2012 International Existing Building Code.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council