

**MEMORANDUM**

September 15, 2017

TO: County Council

FROM: Jeffrey L. Zyontz,  Senior Legislative Analyst

SUBJECT: **Action:** Bill 19-17, Buildings – Energy Efficiency - Repeal

**Planning, Housing and Economic Development Committee recommendation (3-0):** recommend approval of Bill 19-17. The recommendation was made with the expectation that the Council will approve ER 21-15AMII as recommended by the Committee.

**Background**

Bill 19-17, Buildings – Energy Efficiency - Repeal, sponsored by Lead Sponsor Council President at the request of the County Executive, was introduced on June 13, 2017. A public hearing was held on June 27 and a Planning, Housing and Economic Development Committee worksession was held on September 11.

Bill 19-17 would repeal Article VII of Chapter 8 of the Montgomery County Code and amend the law relating to buildings, energy efficiency and environmental design. This code provision established the requirement for new large buildings to achieve Leadership in Environment and Energy Design (LEED) certification (or an equivalent rating).

The Executive is seeking a repeal of the LEED requirement in anticipation of adopting ER 21-15AMII which requires compliance to the International Green Building Code (IgCC) as amended by the regulation.<sup>1</sup> The alternative to IgCC compliance would be LEED Silver certification with minimum energy and atmospheric points.

ER 21-15AMII has a broader scope and a higher standard than the Green Building Law. The Green Building Law requires new private buildings (or extensively modified buildings) larger than 10,000 square feet of gross floor area to be certified under the LEED rating system<sup>2</sup> (or an energy and environmental design standard that the Department of Permitting Services Director identifies as equivalent). If approved, ER 21-15AMII would cover non-residential building with

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<sup>1</sup> A detailed review of the Executive Regulation's content is available in a September 19, 2017 memorandum to Council concerning the ER 21-15AMII.

<sup>2</sup> The Green Building Council is the non-profit institution that certifies a building's rating under LEED standards.

a floor area of 5,000 square feet or larger, instead of 10,000 square feet and it would require Silver LEED certification instead of a lower LEED certification.<sup>3</sup>

This packet contains:

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<sup>3</sup> There are 4 levels of LEED achievement: 1) Certified-40 to 49 points; 2) Silver-50 to 59 points; 3) Gold-60 to 79 points; and 4) Platinum-80 points or more.

Bill No. 19-17  
Concerning: Buildings – Energy  
Efficiency and Environmental Design -  
Repeal  
Revised: 5/19/17 Draft No. 1  
Introduced: June 13, 2017  
Expires: December 13, 2018  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: December 1, 2017  
Sunset Date: None  
Ch. 8, Laws of Mont. Co. 2017

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Council President at the Request of the County Executive

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**AN ACT** to:

- (1) repeal Article VII of Chapter 8 of the Montgomery County Code; and
- (2) generally amend the law relating to buildings, energy efficiency, and environmental design.

By amending

Montgomery County Code  
Chapter 8, Buildings  
Section 8-26

and repealing

Montgomery County Code  
Chapter 8, Buildings  
Article VII  
Sections 8-46, 8-47, 8-48, 8-49, 8-50, 8-51, and 8-52

|                              |                                                            |
|------------------------------|------------------------------------------------------------|
| <b>Boldface</b>              | <i>Heading or defined term.</i>                            |
| <u>Underlining</u>           | <i>Added to existing law by original bill.</i>             |
| [Single boldface brackets]   | <i>Deleted from existing law by original bill.</i>         |
| <u>Double underlining</u>    | <i>Added by amendment.</i>                                 |
| [[Double boldface brackets]] | <i>Deleted from existing law or the bill by amendment.</i> |
| * * *                        | <i>Existing law unaffected by bill.</i>                    |

*The County Council for Montgomery County, Maryland approves the following Act:*

**Sec. 1. Section 26 of Chapter 8 is amended as follows:**

**8-26. Conditions of permit.**

\* \* \*

(c) *Compliance with permit.* All work must conform to the approved application and plans for which the permit has been issued[, including any action required under Article VII,] and any approved amendments to the permit.

\* \* \*

**Sec. 2. Article VII of Chapter 8 (Sections 8-46, 8-47, 8-48, 8-49, 8-50, 8-51, and 8-52) is repealed as follows:**

**ARTICLE VII. [ENERGY EFFICIENCY AND ENVIRONMENTAL DESIGN.] Reserved.**

**8-46. [Short title] Reserved.**

[This Article may be cited as the Montgomery County Green Buildings Law.]

**8-47. [Policy] Reserved.**

[This Article is intended to protect the public health and welfare by requiring an integrated approach to planning, design, construction, and operation of a covered building and its surrounding landscape that helps mitigate the energy and environmental impacts of the building so that it is energy efficient, sustainable, secure, safe, cost-effective, accessible, functional, and productive.]

**8-48. [Definitions] Reserved.**

[In this Article, in addition to any term defined elsewhere in this Chapter, the following words have the meanings indicated:

*County building* means any covered building for which the County government finances at least 30% of the cost of:

- (1) construction, for a newly constructed building; or
- (2) modification, for a building that is extensively modified.

28 *Covered building* means a newly constructed or extensively modified non-  
29 residential or multi-family residential building that has or will have at least  
30 10,000 square feet of gross floor area.

31 *Extensively modified* refers to any structural modification which alters more than  
32 50% of the building's gross floor area, as indicated on the application for a  
33 building permit. Extensively modified does not include any modification that  
34 is limited to one or more of the following building systems: mechanical;  
35 electrical; plumbing; heating, ventilation, and air conditioning (HVAC); and fire  
36 protection.

37 *Green Building Council* means the U.S. Green Building Council, an  
38 organization that has developed and published the LEED rating system to  
39 measure the energy and environmental performance of a building.

40 *LEED* refers to the series of Leadership in Energy and Environmental Design  
41 (LEED) rating systems developed by the Green Building Council.

42 *LEED rating system* means the particular LEED rating system that applies to a  
43 covered building, as specified in Executive regulations.

44 *Multi-family residential building* means any multi-family residential or mixed-  
45 use building that is taller than 4 stories. Multi-family residential building does  
46 not include a residential care or assisted living building which can house no  
47 more than 16 occupants.

48 *Newly constructed* refers to a new stand-alone building or an addition to an  
49 existing building. A newly constructed building includes any addition to or  
50 enlargement of an existing building, but does not include any change to an  
51 existing portion of a building.

52 *Non-residential building* means a building not used as a dwelling. Non-  
53 residential building does not include any:

54 (1) day care center for 5 or fewer persons;

- (2) accessory building or structure;
- (3) agricultural building, stable, barn, or greenhouse;
- (4) parking garage that is not heated or cooled; or
- (5) other building characterized as a miscellaneous building in the edition of the ICC International Building Code designated under Section 8-13.]

**8-49. [Standards and requirements] Reserved.**

[(a) *County buildings*. Any County building must, in addition to any action required under Section 8-14A, achieve:

- (1) a silver-level rating in the appropriate LEED rating system, as certified by the Green Building Council;
- (2) a silver-level rating in the appropriate LEED rating system, as verified by the Director or a qualified person approved by the Director; or
- (3) energy and environmental design standards that the Director identifies as equivalent to a silver-level rating in the appropriate LEED rating system, as verified by the Director or a qualified person approved by the Director.

(b) *Other covered buildings*. Any other covered building must achieve:

- (1) a certified-level rating in the appropriate LEED rating system, as certified by the Green Building Council;
- (2) a certified-level rating in the appropriate LEED rating system, as verified by the Director or a qualified person approved by the Director; or
- (3) energy and environmental design standards that the Director identifies as equivalent to a certified-level rating in the appropriate LEED rating system, as verified by the Director or a qualified person approved by the Director.

(c) *Additions*. However, for any building for which an application for all necessary building permits was filed before September 1, 2008, any later addition to that building must achieve the requirements of a subsection (a) or (b), whichever applies, only if the addition would increase the building's:

- (1) land coverage by at least 100%; and
- (2) gross floor area by at least 10,000 square feet.]

**8-50. [Building permits] Reserved.**

[(a) *Design plans*. The applicant for a building permit for a covered building must submit to the Department:

- (1) design plans for the building that are likely to achieve the applicable standard under Section 8-49(a) or (b), whichever applies, as certified or otherwise approved by the Green Building Council or verified by the Director or a qualified person designated by the Department; and
- (2) any other document or information the Department finds necessary to decide whether the building will achieve the applicable standard under Section 8-49.

(b) *Building permit*. The Department must require compliance with Section 8-49 as a condition of any building permit issued for a covered building.

(c) *Final use and occupancy certificate*. The Department must not issue a final use and occupancy certificate for a covered building unless it finds that the building has achieved the applicable standard under Section 8-49.]

**8-51. [Regulations] Reserved.**

[The County Executive must adopt regulations under method (2) to administer this Article. Those regulations must specify:

- (a) the LEED rating system, and any equivalent energy and environmental design standard, that applies to each type of covered building under Section 8-49(a) and (b).
- (b) the process to verify that a covered building complies with any applicable standard under Section 8-49, including the types of persons who are qualified to verify compliance;
- (c) any standards and procedures under which the Director may approve full or partial waivers of Section 8-49 when compliance would be impractical or unduly burdensome and the public interest would be served by the waiver; and
- (d) standards and procedures for any enforcement mechanism, such as a performance bond, that the Department finds necessary to accomplish the purposes of this Article.]

**8-52. [Report] Reserved.**

[The Director must submit to the Executive and Council, not later than March 1 of each year, a list of each waiver of the requirements of this Article that the Director approved during the preceding calendar year and any condition attached to the at waiver.]

**Sec. 3. Effective Date**

This Act takes effect on December 1, 2017.

## LEGISLATIVE REQUEST REPORT

Bill 19-17

### *Buildings – Energy Efficiency - Repeal*

**DESCRIPTION:** Bill 19-17 will repeal Article VII of Chapter 8 of the Montgomery County Code; and generally amend the law relating to buildings, energy efficiency and environmental design.

**PROBLEM:** In 2007, the Montgomery County Green Building law codified in Chapter 8 (Buildings), Article VII Energy Efficiency and Environmental Design of the County Code, and the Department of Permitting Services adopted Executive Regulation 19-07 to enforces the requirements. The Department proposed Executive regulation 21-15AM for adoption of International Green Construction Code (IgCC) which makes green buildings an integral part of the county building codes and the County Green Building Law is no longer necessary.

**GOALS AND:  
OBJECTIVES** To have green building as a feature of the county building codes.

**COORDINATION:** The Office of the County Executive.

**FISCAL IMPACT:** None.

**ECONOMIC:  
IMPACT** None.

**EVALUATION:** Not Applicable

**EXPERIENCE:  
ELSEWHERE** Not Applicable

**SOURCE OF:  
INFORMATION** Department of Permitting Services

**APPLICATION:  
WITHIN  
MUNICIPALITIES** Not Applicable

**PENALTIES:** Not Applicable



OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

May 16, 2017

TO: Roger Berliner, Council President

FROM: Isiah Leggett, County Executive 

SUBJECT: Legislation repealing and generally amending Article VII of Chapter 8 of the Montgomery County Code relating to buildings, energy efficiency and environmental design (the "County Green Buildings Law")

The purpose of the memorandum is to submit legislation proposing repeal of the County Green Buildings Law which is to be replaced by Executive Regulation 21-15AM adopting the 2012 International Green Construction Code with amendments (IgCC). Adoption of the IgCC makes green building an integral part of the County building codes and the County Green Buildings Law is no longer necessary. There is no fiscal impact as reflected on the Fiscal Impact Statement submitted separately.

Attached is the proposed legislation, LRR and the fiscal/economic impact statements. If you have additional questions or need additional information, please contact Hadi Mansouri, Chief Operating Officer, in the Department of Permitting Services at 240-777-6233.

IL:dj

Attachments

**Fiscal Impact Statement**  
**BILL XX-17**

1. Bill Summary

Bill XX-17 will repeal Article VII of Chapter 8, the Montgomery County Green Building law, of the Montgomery County Code; and generally amend the law relating to buildings, energy efficiency and environmental design.

The County Executive submitted Executive Regulation 21-15AM for Council's consideration in September 2016. County Council extended the review time for Executive Regulation 21-15AM until June 30, 2017. This regulation adopts the 2012 International Green Construction Code (IgCC), with amendments, as the energy conservation and sustainability design standard in Montgomery County, and supersedes Executive Regulation 19-07AM.

With the adoption of the IgCC, Article VII of Chapter 8 is no longer necessary as the IgCC sets a higher performance baseline and applies to a broader spectrum of construction.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

No impact

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

No impact

4. An actuarial analysis through the entire amortization period for each bill/regulation that would affect retiree pension or group insurance costs.

No impact

5. Later actions that may affect future revenue and expenditures if the bill/regulation authorizes future spending.

No impact

6. An estimate of the staff time needed to implement the bill/regulation.

No impact

7. An explanation of how the addition of new staff responsibilities would affect other duties.

No impact

8. An estimate of costs when an additional appropriation is needed.

No impact

9. A description of any variable that could affect revenue and cost estimates.

No impact

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

No impact

11. If a Bill is likely to have no fiscal impact, why that is the case.

No impact

12. Other fiscal impacts or comments.

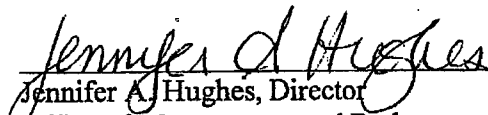
No impact

13. The following contributed to and concurred with this analysis,

Hemal Mustafa, DPS

Hadi Mansouri, DPS

Jennifer Nordin, OMB

  
Jennifer A. Hughes, Director  
Office of Management and Budget

5/8/17  
Date

**Economic Impact Statement  
Bill #-17, Draft Bill Title (no title)**

**Background:**

This legislation would:

- Repeal Article VII of Chapter 8 of the Montgomery County Code; and
- Amend the law related to buildings, energy efficiency, and environmental design.

In 2007, Montgomery County codified Chapter 8, Article VII, Buildings – Energy Efficiency and Environmental Design, and the Montgomery County Department of Permitting Services (DPS) adopted Executive Regulation 19-07 for enforcement of the requirements in Chapter 8, Article VII.

DPS proposes Executive Regulation 21-15AM to adopt the recent International Green Construction Code (IgCC) that makes green buildings an integral part of the County building codes and, thereby, making the County Green Building Law (Chapter 8, Article VII) unnecessary. Bill #-17 repeals Chapter 8, Article VII as it is replaced by Executive Regulation 21-15AM.

**1. The sources of information, assumptions, and methodologies used.**

Source of information includes the Department of Permitting Services (DPS). According to DPS, the IgCC is pending adoption as an overlay building code which will render the existing Green Buildings Law obsolete.

**2. A description of any variable that could affect the economic impact estimates.**

There are no variables that could affect the economic impact estimates.

**3. The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.**

Since the new green building construction code as reflected in ER 21-15AM effectively replaces the current law, this legislation would have no economic impact on employment, spending, savings, investment, incomes, and property values in the County.

**4. If a Bill is likely to have no economic impact, why is that the case?**

Please paragraph #3.

**5. The following contributed to or concurred with this analysis: David Platt and Rob Hagedoorn, Finance.**

  
\_\_\_\_\_  
Alexandre A. Espinosa, Director  
Department of Finance

  
\_\_\_\_\_  
Date



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

|                                                                   |                        |
|-------------------------------------------------------------------|------------------------|
| <b>Subject:</b> International Green Construction Code (IGCC) 2012 | <b>Number:</b> 21-15AM |
| <b>Originating Department:</b> DEPARTMENT OF PERMITTING SERVICES  | <b>Effective Date:</b> |

Montgomery County Regulation on:

## COMCOR 08.00.03 ADOPTION OF THE 2012 INTERNATIONAL GREEN CONSTRUCTION CODE

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive  
Regulation No. 21-15AM

Authority: Code Sections 8-13 and 8-14  
Supersedes: Executive Regulation 19-07AM

Council Review: Method 2  
Register Vol. 32 Issue 12

Comment deadline: January 31, 2015

Effective date:

Sunset date: None

**SUMMARY:** This regulation adopts the 2012 International Green Construction Code (IGCC), with amendments, and supersedes Executive Regulation 19-07AM.

**ADDRESSES:** Department of Permitting Services  
255 Rockville Pike, Second Floor  
Rockville, Maryland 20850

**STAFF CONTACT:** Hemal Mustafa, Manager  
Division of Commercial Building Construction  
240-777-6226  
Hadi Mansouri, Chief Operating Officer  
Department of Permitting Services  
240-777-6233



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

**Subject:** International Green Construction Code (IGCC) 2012

**Number:** 21-15AM

**Originating Department:** DEPARTMENT OF PERMITTING SERVICES

**Effective Date:**

**BACKGROUND INFORMATION:** The Department of Permitting Services enforces Chapter 8 (Buildings) of the Montgomery County Code. This regulation is adopted under Sections 8-13 and 8-14 of the Montgomery County Code. It is a coordinated effort whereby Article VII of Chapter 8 of the Montgomery County Code is to be repealed under separate Council action and the 2012 International Green Construction Code is adopted, with amendments, as the energy conservation and sustainable building design standard in Montgomery County, Maryland. This regulation supersedes Executive Regulation No. 19-07AM.

COMCOR 08.00.03 Buildings – Energy Conservation and Sustainable Building Design.

## 08.00.03.01 PURPOSE

This regulation adopts the 2012 International Green Construction Code (IGCC), with amendments, and establishes:

- (a) a process to verify that certain new construction and additions comply with the applicable standard;
- (b) standards and procedures under which the Director may approve waivers or modifications of the IGCC, when compliance would be impracticable or unduly burdensome and the public interest would be served by the waiver or modification; and
- (c) standards and procedures for any enforcement mechanism that the Department finds necessary to accomplish the purposes of the energy conservation and sustainable building design standard adopted in this regulation.

## 08.00.03.02 APPLICABILITY

This regulation applies to any newly constructed, and to any addition to an existing non-residential or multi-family residential building, including R-2 and R-4 residential buildings (Group R-4 includes uses such as Assisted Living, Congregate Care, Group Homes and Social Rehabilitation Facilities), that will have at least 5,000 square feet of gross floor area. This regulation does not apply to any building or structure exempt under Section 101.3 of the IGCC and Section 08.00.03.06.01 of this regulation.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: International Green Construction Code (IGCC) 2012

Number: 21-15AM

Originating Department: DEPARTMENT OF PERMITTING SERVICES

Effective Date:

## 08.00.03.03 DEFINITIONS

For the purposes of this regulation, the following words and phrases have the meanings indicated. Words and phrases defined and used in Chapter 8 of the County Code have the meanings indicated in that Chapter.

**Addition** means an extension or increase in the gross floor area or height of an existing building or structure. Addition also includes the addition of building components such as electrical and mechanical systems or elements to an existing building or structure.

**Commissioning Plan** means the Commissioning Plan approved by the code official.

**Department** means the Department of Permitting Services.

**Director** means the Director of the Department of Permitting Services.

**Multi-family residential building** means any multi-family residential or mixed-use residential building that has at least 5,000 square feet of gross floor area. **Multi-family residential building** does not include a residential care or assisted living building which can house no more than 16 occupants.

**Newly constructed** refers to a new stand-alone building or an addition to an existing building.

**Non-residential building** means a building not used as a dwelling.

**Non-residential building** does not include any:

- (1) day care center for 5 or fewer persons;
- (2) accessory building or structure;
- (3) agricultural building, stable, barn, or greenhouse;
- (4) parking garage that is not heated or cooled; or
- (5) other building characterized as a miscellaneous building in the edition of the ICC International Building Code designated under Section 8-13 of the Montgomery County Code.

## 08.00.03.04 POLICY

In May 2011, the State of Maryland authorized local jurisdictions to adopt the International Green Construction Code as one of the Model Performance Codes. The Department of Permitting Services



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

**Subject:** International Green Construction Code (IGCC) 2012

**Number:** 21-15AM

**Originating Department:** DEPARTMENT OF PERMITTING SERVICES

**Effective Date:**

supports and recommends adoption of the IGCC as establishing a high performance baseline for energy conservation and sustainable building practices.

## 08.00.03.05 PROCEDURES

The IGCC is part of the International Code Council (ICC) building codes family and as such is subject to the same regulations governing the approval and issuance of building permits, and the inspection procedures and policies codified in the Chapter 8 of the Montgomery County Code.

## 08.00.03.06 AMENDMENTS TO THE 2012 INTERNATIONAL GREEN CONSTRUCTION CODE (IGCC)

### 08.00.03.06.01 Section 101 – General

Subsection 101.1. Replace the brackets and the phrase inside the brackets with  
“Montgomery County Maryland”.

Subsection 101.3. Replace Subsection 101.3 with the following: The provisions of this code shall apply to new construction as it relates to design and construction of buildings and additions, building sites, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures and to the site on which the building is located. Occupancy classifications shall be determined in accordance with the International Building Code (IBC).

Subsection 101.3. Add the following exception: 5. The code shall not apply to items 5.1, 5.2 and 5.3

5.1. Those low energy buildings that are exempt from the energy requirements of the current International Energy Conservation Code, including open parking garages, greenhouses, warehouses, storage buildings.

5.2 Any new building with less than 5000 sq.ft. gross floor area.

5.3 Any addition to an existing building which will create less than 5000 sq.ft. of additional gross floor area.

Subsection 101.4. Add a second sentence to read: “Appendix A shall apply as amended by subsection A102.1.”



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

**Subject:** International Green Construction Code (IGCC) 2012

**Number:** 21-15AM

**Originating Department:** DEPARTMENT OF PERMITTING SERVICES

**Effective Date:**

## 08.00.03.06.02 Section 102 – Applicability

Subsection 102.4. Delete the phrases “the *International Code Council Performance Code (ICCPC)*”, “the *International Plumbing Code (IPC)*”, and “the *International Property Maintenance Code (IPMC)*.” Replace the phrase “*International Fire Code (IFC)*” with “Montgomery County Fire Code.”

Subsection 102.6. Delete the phrase “the *International Property Maintenance Code*,” and replace the phrase “*International Fire Code*” with “Montgomery County Fire Code.”

## 08.00.03.06.03 Section 108 – Board of Appeals. Delete.

## 08.00.03.06.04 Section 202 – Definitions

**Approved Agency.** Add the phrase “by the code official or authority having jurisdiction” after the phrase “such agency has been approved.”

**Addition.** Add a second sentence to read: “Addition also includes the addition of building components such as electrical and mechanical systems or elements to an existing building or structure.”

## 08.00.03.06.05 Section 301 – General

Subsection 301.2. Add the phrase, “including Appendix A” after word “applicable” in the second sentence, and add a new last sentence in the paragraph to read “The Department of Permitting Services will accept LEED Silver certification in lieu of the Elective requirements listed in Appendix A.”

## 08.00.03.06.06 Section 302 – Jurisdictional Requirements

Subsection 302.1. Delete items 1 and 2, and renumber the second Item 2 as Item 1.

Subsection 302.1.1. Delete.

Table 302.1. Replace Table 302.1 with the following:



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: International Green Construction Code (IGCC) 2012

Number: 21-15AM

Originating Department: DEPARTMENT OF PERMITTING SERVICES

Effective Date:

**TABLE 302.1  
REQUIREMENTS DETERMINED BY THE JURISDICTION**

| Section                                                                                  | Section Title or Description and Directives                                                                                                                                                                                                                                                           | Jurisdictional Requirements             |                                        |
|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|
| <b>Chapter 1. SCOPE</b>                                                                  |                                                                                                                                                                                                                                                                                                       |                                         |                                        |
| 101.3<br>Exception 1.1                                                                   | Detached one- and two-family dwellings and multiple single-family dwellings (town-houses) not more than three stories in height above grade plane with a separate means of egress, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700. | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 101.3<br>Exception 1.2                                                                   | Group R-3 residential buildings, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700                                                                                                                                                    | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 101.3<br>Exception 1.3                                                                   | Group R-2 and R-4 residential buildings four stories or less in height above grade plane, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700.                                                                                          | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>Chapter 4. SITE DEVELOPMENT AND LAND USE</b>                                          |                                                                                                                                                                                                                                                                                                       |                                         |                                        |
| 402.2.1                                                                                  | Flood hazard area preservation, general                                                                                                                                                                                                                                                               | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 402.2.2                                                                                  | Flood hazard area preservation, specific                                                                                                                                                                                                                                                              | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 402.3                                                                                    | Surface water protection                                                                                                                                                                                                                                                                              | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 402.5                                                                                    | Conservation area                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 402.7                                                                                    | Agricultural land                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 402.8                                                                                    | Greenfield sites                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 407.4.1                                                                                  | High-occupancy vehicle parking                                                                                                                                                                                                                                                                        | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 407.4.2                                                                                  | Low-emission, hybrid and electric vehicle parking                                                                                                                                                                                                                                                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 409.1                                                                                    | Light pollution control                                                                                                                                                                                                                                                                               | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Chapter 5. MATERIAL RESOURCE CONSERVATION AND EFFICIENCY</b>                          |                                                                                                                                                                                                                                                                                                       |                                         |                                        |
| 503.1                                                                                    | Minimum percentage of waste material diverted from landfills                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> 50% |                                        |
| <b>Chapter 6. ENERGY CONSERVATION, EFFICIENCY AND CO<sub>2</sub>e EMISSION REDUCTION</b> |                                                                                                                                                                                                                                                                                                       |                                         |                                        |
| 302.1, 602.1                                                                             | zEPI of Jurisdictional Choice- The jurisdiction shall indicate a zEPI of 50 or less in each occupancy for which it intends to require enhanced energy performance.                                                                                                                                    | Occupancy:<br>ALL<br>zEPI: 50           |                                        |
| 604.1                                                                                    | Automated demand response infrastructure                                                                                                                                                                                                                                                              | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Chapter 7. WATER RESOURCE CONSERVATION, QUALITY AND EFFICIENCY</b>                    |                                                                                                                                                                                                                                                                                                       |                                         |                                        |
| 702.7                                                                                    | Municipal reclaimed water                                                                                                                                                                                                                                                                             | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

**Subject:** International Green Construction Code (IGCC) 2012

**Number:** 21-15AM

**Originating Department:** DEPARTMENT OF PERMITTING SERVICES

**Effective Date:**

| Chapter 8. INDOOR ENVIRONMENTAL QUALITY AND COMFORT    |                                                                                                                    |                                         |                                        |
|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|
| 804.2                                                  | Post- Construction Pre-Occupancy Baseline IAQ Testing                                                              | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 807.1                                                  | Sounds transmission and sound levels                                                                               | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| Chapter 10. EXISTING BUILDINGS: DELETE IN ITS ENTIRETY |                                                                                                                    |                                         |                                        |
| 1007.2                                                 | Evaluation of existing buildings                                                                                   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 1007.3                                                 | Post Certificate of Occupancy zEPI, energy demand, and CO <sub>2</sub> e emissions reporting                       | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Appendix A <sup>a</sup>                                |                                                                                                                    |                                         |                                        |
| A101                                                   | Minimum 2 project electives shall be selected for a building with gross floor area less than 10,000 sq.ft.         | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| A101                                                   | Minimum 3 projects electives shall be selected for building with gross floor area between 10,000 and 20,000 sq.ft. | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| A101                                                   | Minimum 4 projects electives shall be selected for building with gross floor area greater than 20,000 sq.ft.       | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |

<sup>a</sup> If a Chapter or Section moved to Appendix A is administered under authority granted to another governmental entity or agency, such as the Maryland Department of Environment, Maryland-National Capital Park & Planning Commission, or Washington Suburban Sanitary Commission, then the applicant must exceed the minimum requirements of code, standards, and regulations as written and enforced by the governmental entity or agencies, and any such Chapter or Section will not count as a minimum project elective.

## 08.00.03.06.07 Section 303 – Whole Building Life Cycle Assessment

Section 303. Move Section 303 to Appendix A.

## 08.00.03.06.08 Section 401 – General

Subsection 401.2. Move Subsection 401.2 to Appendix A.

## 08.00.03.06.09 Section 402 – Preservation of Natural Resources

Section 402. Move Section 402 to Appendix A.

## 08.00.03.06.10 Section 403 – Storm Water Management

Section 403. Move Section 403 to Appendix A.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

**Subject:** International Green Construction Code (IGCC) 2012

**Number:** 21-15AM

**Originating Department:** DEPARTMENT OF PERMITTING SERVICES

**Effective Date:**

## **08.00.03.06.11 Section 404 – Landscape Irrigation and Outdoor Fountains**

Section 404. Move Section 404 to Appendix A.

Appendix A, subsection 404.1.1. Delete the phrase “municipal reclaimed water or with.”

## **08.00.03.06.12 Section 405 – Management of Vegetation, Soils and Erosion Control**

Section 405. Move Section 405 to Appendix A.

## **08.00.03.06.13 Section 407 – Transportation Impact**

Section 407. Move Section 407 to Appendix A.

## **08.00.03.06.14 Section 408 – Heat Island Mitigation**

Subsection 408.2. Replace the phrase “50 percent” with “40 percent.”

Subsection 408.3. Delete.

## **08.00.03.06.15 Section 409 – Site Lighting**

Subsections 409.1, 409.2 and 409.3. Delete. Add a new Subsection 409.1 to read: Site Lighting shall comply with the 2015 International Energy Conservation Code and Chapter 59, Montgomery County Code.

## **08.00.03.06.16 Section 503 – Construction Waste Management**

Subsection 503.1(4). Add the following phrase at the end of Item 4: “before a use and occupancy certificate is issued”

## **08.00.03.06.17 Section 504 – Waste Management and Recycling**

Section 504. Delete.

## **08.00.03.06.18 Section 505 – Material Selection**

Section 505. Move Section 505 to Appendix A.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

|                                                                   |                        |
|-------------------------------------------------------------------|------------------------|
| <b>Subject:</b> International Green Construction Code (IGCC) 2012 | <b>Number:</b> 21-15AM |
| <b>Originating Department:</b> DEPARTMENT OF PERMITTING SERVICES  | <b>Effective Date:</b> |

## **08.00.03.06.19 Section 506 – Lamps**

Section 506. Move Section 506 to Appendix A.

## **08.00.03.06.20 Section 601 – General**

Subsection 601.4. Delete the last sentence.

Subsection 601.5. Delete.

## **08.00.03.06.21 Section 602 – Modeled Performance Pathway Requirements**

Subsection 602.1. Replace the phrase "Section 602.3" with "Section 602.2."

## **08.00.03.06.22 Section 604 – Automated Demand-Response (Auto-DR) Infrastructure**

Section 604. Move Section 604 to Appendix A.

## **08.00.03.06.23 Section 606 – Building Mechanical Systems**

Subsection 606.4. Delete.

Subsection 606.5. Delete the phrase "Except as noted herein."

Subsection 606.5.1. Delete.

Subsection 606.6 Variable air volume (VAV) fan control.

Add a Subsection numbering 606.6.1 before the paragraph that begins with the phrase "Static Pressure sensors."

Add a Subsection numbering 606.6.2 before the paragraph that begins with the phrase "For systems with direct digital control."

## **08.00.03.06.24 Section 607 – Building Service Water Heating Systems**

Subsection 607.1. Delete the phrase "and the provisions of this section."



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

**Subject:** International Green Construction Code (IGCC) 2012

**Number:** 21-15AM

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**Effective Date:**

Subsections 607.2, 607.3, 607.4, 607.5, and 607.7. Delete.

**08.00.03.06.25 Section 608 – Building Electrical Power and Lighting Systems**

Subsection 608.3(3) Parking garages. Replace the phrase "*International Fire Code*" in exception (2) with "Montgomery County Fire Code."

Subsection 608.5. Move Subsection 608.5 to Appendix A.

Subsection 608.6. Delete.

Subsection 608.12. Move Subsection 608.12 to Appendix A.

**08.00.03.06.26 Section 609 – Specific Appliances and Equipment**

Section 609. Delete.

**08.00.03.06.27 Section 610 – Building Renewable Energy Systems**

Section 610. Move Section 610 to Appendix A.

**08.00.03.06.28 Chapter 7 – Water Resource Conservation, Quality and Efficiency**

Chapter 7. Delete.

**08.00.03.06.29 Section 803 – HVAC Systems**

Subsection 803.3. Delete.

Subsection 803.4.1(1). Add the phrase "a smoke partition in a fully sprinklered building or a" before the phrase "1-hour fire-resistance rated construction assemblies" in Item 1.

**08.00.03.06.30 Section 804 – Specific Indoor Air Quality and Pollutant Control Measures**

Section 804. Delete.

**08.00.03.06.31 Section 806 – Material Emissions and Pollutant Control**

Section 806. Delete.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

**Subject:** International Green Construction Code (IGCC) 2012

**Number:** 21-15AM

**Originating Department:** DEPARTMENT OF PERMITTING SERVICES

**Effective Date:**

## **08.00.03.06.32 Section 807 – Acoustics**

Section 807. Move Section 807 to Appendix A.

## **08.00.03.06.33 Section 808 – Daylighting**

Section 808. Move Section 808 to Appendix A.

## **08.00.03.06.34 Table 903.1 – Commissioning Plan**

Amend IGCC, Table 903.1, Chapter 4, reference subsections 401.2, 404.1, 405.1.1, 405.1.1, 405.1.3, 405.1.4, 403.1, 405.1.1, 408.2, 408.3.2 and 409 delete, “unless selected as an elective in Appendix A.”

Amend IGCC, Table 903.1, Chapter 6, reference subsection 608.6 delete.

Amend IGCC, Table 903.1, Chapter 7, reference subsections 702.6, 702.8, 703.7.7, 705.1.1, 707.15.1, 708.13.8, and 708.14.2 delete, “unless selected as an elective in Appendix A.”

## **08.00.03.06.35 Chapter 10 – Existing Buildings**

Delete Chapter 10 except Section 1006 – Demolition.

## **08.00.03.06.36 Chapter 11 – Existing Building Site Development**

Chapter 11. Delete.

## **08.00.03.06.37 Appendix A – Project Electives**

First Sentence. Replace the phrase “the adopting Ordinance” from the first sentence with “this code and this regulation.”

Appendix A, Subsection A102.1. Add a second and third sentence to read: “The code official shall require the number of project electives specified in Table 302.1 of this regulation as a minimum. If a Chapter or Section moved to Appendix A is administered under authority granted to another governmental entity or agency, such as the Maryland Department of Environment, Maryland-National Capital Park & Planning Commission, or



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

**Subject:** International Green Construction Code (IGCC) 2012

**Number:** 21-15AM

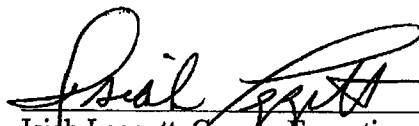
**Originating Department:** DEPARTMENT OF PERMITTING SERVICES

**Effective Date:**

## 08.00.03.07 SEVERABILITY

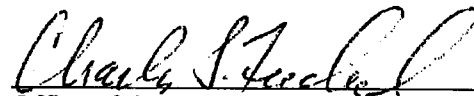
The provisions of this regulation are severable. If a court of competent jurisdiction holds that a provision is invalid or inapplicable, the remainder of the regulation remains in effect.

**EFFECTIVE DATE:** This regulation is effective on the date Bill No. \_\_\_\_\_ takes effect.

  
Isiah Leggett, County Executive

9/5/17  
Date

Approved as to form and legality:

  
Office of the County Attorney

9 May 2017  
Date

Exec Reg



JZ  
CE  
SBF  
LL  
AMR

OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

August 31, 2017

TO: Roger Berliner, President, Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Executive Regulation 21-15AMII: Adoption of the 2012 International Green Construction Code, with Amendments which Supersedes Executive Regulation 19-07AM – Method 2

Last September, Executive Regulation 21-15, which proposes adoption of the 2012 International Green Construction Code (IGCC), was transmitted to the County Council (Council) under Method 2. At that time, the Council extended the period for it to complete its review of the proposed regulation. Relatedly, amendments, which have not yet been reviewed by the Council, were transmitted to the Council as ER21-15AM on May 15, 2017.

Following further meetings with stakeholders, the Department of Permitting Services has determined that an additional modification to the pending Executive Regulation is appropriate to move forward with this important regulation. The modification is reflected in attached Executive Regulation 21-15AMII and allows for LEED Silver Certification with a minimum of eight points for energy optimization as an alternative compliance pathway.

These changes do not affect the previously submitted Fiscal Impact Statement. Please contact Hadi Mansouri, Chief Operating Officer in the Department of Permitting Services, at (240) 777-6233 with questions.

Attachments

2017 09 01 PM 4: 29  
RECEIVED  
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# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

|                                                            |                   |
|------------------------------------------------------------|-------------------|
| Subject: International Green Construction Code (IGCC) 2012 | Number: 21-15AMII |
| Originating Department: DEPARTMENT OF PERMITTING SERVICES  | Effective Date:   |

Montgomery County Regulation on:

## COMCOR 08.00.03 ADOPTION OF THE 2012 INTERNATIONAL GREEN CONSTRUCTION CODE

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive  
Regulation No. 21-15AMII

Authority: Code Sections 8-13 and 8-14  
Supersedes: Executive Regulation 19-07AM

Council Review: Method 2

Register Vol. 32 Issue 12

Comment deadline: January 31, 2016

Effective date:

Sunset date: None

**SUMMARY:** This regulation adopts the 2012 International Green Construction Code (IGCC), with amendments, and supersedes Executive Regulation 19-07AM.

**ADDRESSES:** Department of Permitting Services  
255 Rockville Pike, Second Floor  
Rockville, Maryland 20850

**STAFF CONTACT:** Hemal Mustafa, Manager  
Division of Commercial Building Construction  
240-777-6226  
Hadi Mansouri, Chief Operating Officer  
Department of Permitting Services  
240-777-6233



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

**Subject:** International Green Construction Code (IGCC) 2012

**Number:** 21-15AMII

**Originating Department:** DEPARTMENT OF PERMITTING SERVICES

**Effective Date:**

**BACKGROUND INFORMATION:** The Department of Permitting Services enforces Chapter 8 (Buildings) of the Montgomery County Code. This regulation is adopted under Sections 8-13 and 8-14 of the Montgomery County Code. It is a coordinated effort whereby Article VII of Chapter 8 of the Montgomery County Code is to be repealed under separate Council action and the 2012 International Green Construction Code is adopted, with amendments, as the energy conservation and sustainable building design standard in Montgomery County, Maryland. This regulation supersedes Executive Regulation No. 19-07AM.

COMCOR 08.00.03 Buildings -- Energy Conservation and Sustainable Building Design.

## 08.00.03.01 PURPOSE

This regulation adopts the 2012 International Green Construction Code (IGCC), with amendments, and establishes:

- (a) a process to verify that certain new construction and additions comply with the applicable standard;
- (b) standards and procedures under which the Director may approve waivers or modifications of the IGCC, when compliance would be impracticable or unduly burdensome and the public interest would be served by the waiver or modification; and
- (c) standards and procedures for any enforcement mechanism that the Department finds necessary to accomplish the purposes of the energy conservation and sustainable building design standard adopted in this regulation.

## 08.00.03.02 APPLICABILITY

This regulation applies to any newly constructed, and to any addition to an existing non-residential or multi-family residential building, including R-2 and R-4 residential buildings (Group R-4 includes uses such as Assisted Living, Congregate Care, Group Homes and Social Rehabilitation Facilities), that will have at least 5,000 square feet of gross floor area. This regulation does not apply to any building or structure exempt under Section 101.3 of the IGCC and Section 08.00.03.06.01 of this regulation.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: International Green Construction Code (IGCC) 2012

Number: 21-15AMII

Originating Department: DEPARTMENT OF PERMITTING SERVICES

Effective Date:

## 08.00.03.03 DEFINITIONS

For the purposes of this regulation, the following words and phrases have the meanings indicated. Words and phrases defined and used in Chapter 8 of the County Code have the meanings indicated in that Chapter.

**Addition** means an extension or increase in the gross floor area or height of an existing building or structure. Addition also includes the addition of building components such as electrical and mechanical systems or elements to an existing building or structure.

**Commissioning Plan** means the Commissioning Plan approved by the code official.

**Department** means the Department of Permitting Services.

**Director** means the Director of the Department of Permitting Services.

**Multi-family residential building** means any multi-family residential or mixed-use residential building that has at least 5,000 square feet of gross floor area. **Multi-family residential building** does not include a residential care or assisted living building which can house no more than 16 occupants.

**Newly constructed** refers to a new stand-alone building or an addition to an existing building.

**Non-residential building** means a building not used as a dwelling.

**Non-residential building** does not include any:

- (1) day care center for 5 or fewer persons;
- (2) accessory building or structure;
- (3) agricultural building, stable, barn, or greenhouse;
- (4) parking garage that is not heated or cooled; or
- (5) other building characterized as a miscellaneous building in the edition of the ICC International Building Code designated under Section 8-13 of the Montgomery County Code.

## 08.00.03.04 POLICY

In May 2011, the State of Maryland authorized local jurisdictions to adopt the International Green Construction Code as one of the Model Performance Codes. The Department of Permitting Services



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

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supports and recommends adoption of the IGCC as establishing a high performance baseline for energy conservation and sustainable building practices.

## 08.00.03.05 PROCEDURES

The IGCC is part of the International Code Council (ICC) building codes family and as such is subject to the same regulations governing the approval and issuance of building permits, and the inspection procedures and policies codified in the Chapter 8 of the Montgomery County Code.

## 08.00.03.06 AMENDMENTS TO THE 2012 INTERNATIONAL GREEN CONSTRUCTION CODE (IGCC)

### 08.00.03.06.01 Section 101 – General

Subsection 101.1. Replace the brackets and the phrase inside the brackets with “Montgomery County Maryland”.

Subsection 101.3. Replace Subsection 101.3 with the following: The provisions of this code shall apply to new construction as it relates to design and construction of buildings and additions, building sites, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures and to the site on which the building is located. Occupancy classifications shall be determined in accordance with the International Building Code (IBC).

Subsection 101.3. Add the following exceptions:

5. The code shall not apply to items 5.1, 5.2 and 5.3.

5.1. Those low energy buildings that are exempt from the energy requirements of the current International Energy Conservation Code, including open parking garages, greenhouses, warehouses, storage buildings.

5.2 Any new building with less than 5000 sq.ft. gross floor area.

5.3 Any addition to an existing building which will create less than 5000 sq.ft. of additional gross floor area.

6. Alternately, USGBC-LEED Certification at the Silver level, using the most current USGBC mandated version of the LEED Standard, with not less than 8 points under



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

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Option 1 OR: Not less than 5 points under Option 2 of the Energy and Atmosphere Credit - Optimize Energy Performance - shall be deemed to comply with this code. Where LEED Certification is selected as an alternative compliance path, it shall not apply to buildings identified in Section 101.3 - Exceptions 1 through 3.

Subsection 101.4. Add a second sentence to read: "Appendix A shall apply as amended by subsection A102.1."

## **08.00.03.06.02 Section 102 – Applicability**

Subsection 102.4. Delete the phrases "*the International Code Council Performance Code (ICCPC)*", "*the International Plumbing Code (IPC)*", and "*the International Property Maintenance Code (IPMC)*." Replace the phrase "*International Fire Code (IFC)*" with "*Montgomery County Fire Code.*"

Subsection 102.6. Delete the phrase "*the International Property Maintenance Code,*" and replace the phrase "*International Fire Code*" with "*Montgomery County Fire Code.*"

## **08.00.03.06.03 Section 108 – Board of Appeals. Delete.**

## **08.00.03.06.04 Section 202 – Definitions**

**Approved Agency.** Add the phrase "by the code official or authority having jurisdiction" after the phrase "such agency has been approved."

**Addition.** Add a second sentence to read: "Addition also includes the addition of building components such as electrical and mechanical systems or elements to an existing building or structure."

## **08.00.03.06.05 Section 301 – General**

Subsection 301.1.1. In the second sentence delete the word "either" and add the phrase "or exception 6 of Section 08.00.03.06.01 of this regulation" after the word "code".

Subsection 301.2. Add the phrase, "including Appendix A" after word "applicable" in the second sentence, and add a new last sentence in the paragraph to read: "The Department of Permitting Services will accept LEED Silver certification in lieu of the Elective requirements listed in Appendix A."



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

|                                                            |                   |
|------------------------------------------------------------|-------------------|
| Subject: International Green Construction Code (IGCC) 2012 | Number: 21-15AMII |
| Originating Department: DEPARTMENT OF PERMITTING SERVICES  | Effective Date:   |

## 08.00.03.06.06 Section 302 – Jurisdictional Requirements

Subsection 302.1. Delete items 1 and 2, and renumber the second Item 2 as Item 1.

Subsection 302.1.1. Delete.

Table 302.1. Replace Table 302.1 with the following:

**TABLE 302.1  
REQUIREMENTS DETERMINED BY THE JURISDICTION**

| Section                                                                                  | Section Title or Description and Directives                                                                                                                                                                                                                                                           | Jurisdictional Requirements             |                                        |
|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|
| <b>Chapter 1. SCOPE</b>                                                                  |                                                                                                                                                                                                                                                                                                       |                                         |                                        |
| 101.3<br>Exception 1.1                                                                   | Detached one- and two-family dwellings and multiple single-family dwellings (town-houses) not more than three stories in height above grade plane with a separate means of egress, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700. | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 101.3<br>Exception 1.2                                                                   | Group R-3 residential buildings, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700                                                                                                                                                    | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 101.3<br>Exception 1.3                                                                   | Group R-2 and R-4 residential buildings four stories or less in height above grade plane, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700.                                                                                          | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>Chapter 4. SITE DEVELOPMENT AND LAND USE</b>                                          |                                                                                                                                                                                                                                                                                                       |                                         |                                        |
| 402.2.1                                                                                  | Flood hazard area preservation, general                                                                                                                                                                                                                                                               | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 402.2.2                                                                                  | Flood hazard area preservation, specific                                                                                                                                                                                                                                                              | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 402.3                                                                                    | Surface water protection                                                                                                                                                                                                                                                                              | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 402.5                                                                                    | Conservation area                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 402.7                                                                                    | Agricultural land                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 402.8                                                                                    | Greenfield sites                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 407.4.1                                                                                  | High-occupancy vehicle parking                                                                                                                                                                                                                                                                        | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 407.4.2                                                                                  | Low-emission, hybrid and electric vehicle parking                                                                                                                                                                                                                                                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 409.1                                                                                    | Light pollution control                                                                                                                                                                                                                                                                               | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Chapter 5. MATERIAL RESOURCE CONSERVATION AND EFFICIENCY</b>                          |                                                                                                                                                                                                                                                                                                       |                                         |                                        |
| 503.1                                                                                    | Minimum percentage of waste material diverted from landfills                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> 50% |                                        |
| <b>Chapter 6. ENERGY CONSERVATION, EFFICIENCY AND CO<sub>2</sub>e EMISSION REDUCTION</b> |                                                                                                                                                                                                                                                                                                       |                                         |                                        |



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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**Effective Date:**

|              |                                                                                                                                                                    |                                         |                                        |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|
| 302.1, 602.1 | zEPI of Jurisdictional Choice- The jurisdiction shall indicate a zEPI of 50 or less in each occupancy for which it intends to require enhanced energy performance. | Occupancy:<br>ALL<br>zEPI: 50           |                                        |
| 604.1        | Automated demand response infrastructure                                                                                                                           | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
|              | <b>Chapter 7. WATER RESOURCE CONSERVATION, QUALITY AND EFFICIENCY</b>                                                                                              |                                         |                                        |
| 702.7        | Municipal reclaimed water                                                                                                                                          | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
|              | <b>Chapter 8. INDOOR ENVIRONMENTAL QUALITY AND COMFORT</b>                                                                                                         |                                         |                                        |
| 804.2        | Post- Construction Pre-Occupancy Baseline IAQ Testing                                                                                                              | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 807.1        | Sounds transmission and sound levels                                                                                                                               | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
|              | <b>Chapter 10. EXISTING BUILDINGS: DELETE IN ITS ENTIRETY</b>                                                                                                      |                                         |                                        |
| 1007.2       | Evaluation of existing buildings                                                                                                                                   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 1007.3       | Post Certificate of Occupancy zEPI, energy demand, and CO <sup>2</sup> e emissions reporting                                                                       | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
|              | <b>Appendix A*</b>                                                                                                                                                 |                                         |                                        |
| A101         | Minimum 2 project electives shall be selected for a building with gross floor area less than 10,000 sq.ft.                                                         | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| A101         | Minimum 3 projects electives shall be selected for building with gross floor area between 10,000 and 20,000 sq.ft.                                                 | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| A101         | Minimum 4 projects electives shall be selected for building with gross floor area greater than 20,000 sq.ft.                                                       | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |

<sup>a</sup> If a Chapter or Section moved to Appendix A is administered under authority granted to another governmental entity or agency, such as the Maryland Department of Environment, Maryland-National Capital Park & Planning Commission, or Washington Suburban Sanitary Commission, then the applicant must exceed the minimum requirements of code, standards, and regulations as written and enforced by the governmental entity or agencies, and any such Chapter or Section will not count as a minimum project elective.

## 08.00.03.06.07 Section 303 – Whole Building Life Cycle Assessment

Section 303. Move Section 303 to Appendix A.

## 08.00.03.06.08 Section 401 – General

Subsection 401.2. Move Subsection 401.2 to Appendix A.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

**Subject:** International Green Construction Code (IGCC) 2012

**Number:** 21-15AMII

**Originating Department:** DEPARTMENT OF PERMITTING SERVICES

**Effective Date:**

**08.00.03.06.09 Section 402 – Preservation of Natural Resources**

Section 402. Move Section 402 to Appendix A.

**08.00.03.06.10 Section 403 – Storm Water Management**

Section 403. Move Section 403 to Appendix A.

**08.00.03.06.11 Section 404 – Landscape Irrigation and Outdoor Fountains**

Section 404. Move Section 404 to Appendix A.

Appendix A, subsection 404.1.1. Delete the phrase “municipal reclaimed water or with.”

**08.00.03.06.12 Section 405 – Management of Vegetation, Soils and Erosion Control**

Section 405. Move Section 405 to Appendix A.

**08.00.03.06.13 Section 407 – Transportation Impact**

Section 407. Move Section 407 to Appendix A.

**08.00.03.06.14 Section 408 – Heat Island Mitigation**

Subsection 408.2. Replace the phrase “50 percent” with “40 percent.”

Subsection 408.3. Delete.

**08.00.03.06.15 Section 409 – Site Lighting**

Subsections 409.1, 409.2 and 409.3. Delete. Add a new Subsection 409.1 to read: Site Lighting shall comply with the 2015 International Energy Conservation Code and Chapter 59, Montgomery County Code.

**08.00.03.06.16 Section 503 – Construction Waste Management**

Subsection 503.1(4). Add the following phrase at the end of Item 4: “before a use and occupancy certificate is issued”



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## **08.00.03.06.17 Section 504 – Waste Management and Recycling**

Section 504. Delete.

## **08.00.03.06.18 Section 505 – Material Selection**

Section 505. Move Section 505 to Appendix A.

## **08.00.03.06.19 Section 506 – Lamps**

Section 506. Move Section 506 to Appendix A.

## **08.00.03.06.20 Section 601 – General**

Subsection 601.4. Delete the last sentence.

Subsection 601.5. Delete.

## **08.00.03.06.21 Section 602 – Modeled Performance Pathway Requirements**

Subsection 602.1. Replace the phrase "Section 602.3" with "Section 602.2."

## **08.00.03.06.22 Section 604 – Automated Demand-Response (Auto-DR) Infrastructure**

Section 604. Move Section 604 to Appendix A.

## **08.00.03.06.23 Section 606 – Building Mechanical Systems**

Subsection 606.4. Delete.

Subsection 606.5. Delete the phrase "Except as noted herein."

Subsection 606.5.1. Delete.

Subsection 606.6 Variable air volume (VAV) fan control.

Add a Subsection numbering 606.6.1 before the paragraph that begins with the phrase "Static Pressure sensors."



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Add a Subsection numbering 606.6.2 before the paragraph that begins with the phrase "For systems with direct digital control."

## **08.00.03.06.24 Section 607 – Building Service Water Heating Systems**

Subsection 607.1. Delete the phrase "and the provisions of this section."

Subsections 607.2, 607.3, 607.4, 607.5, and 607.7. Delete.

## **08.00.03.06.25 Section 608 – Building Electrical Power and Lighting Systems**

Subsection 608.3(3) Parking garages. Replace the phrase "*International Fire Code*" in exception (2) with "Montgomery County Fire Code."

Subsection 608.5. Move Subsection 608.5 to Appendix A.

Subsection 608.6. Delete.

Subsection 608.12. Move Subsection 608.12 to Appendix A.

## **08.00.03.06.26 Section 609 – Specific Appliances and Equipment**

Section 609. Delete.

## **08.00.03.06.27 Section 610 – Building Renewable Energy Systems**

Section 610. Move Section 610 to Appendix A.

## **08.00.03.06.28 Chapter 7 – Water Resource Conservation, Quality and Efficiency**

Chapter 7. Delete.

## **08.00.03.06.29 Section 803 – HVAC Systems**

Subsection 803.3. Delete.

Subsection 803.4.1(1). Add the phrase "a smoke partition in a fully sprinklered building or a" before the phrase "1-hour fire-resistance rated construction assemblies" in Item 1.



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## **08.00.03.06.30 Section 804 – Specific Indoor Air Quality and Pollutant Control Measures**

Section 804. Delete.

## **08.00.03.06.31 Section 806 – Material Emissions and Pollutant Control**

Section 806. Delete.

## **08.00.03.06.32 Section 807 – Acoustics**

Section 807. Move Section 807 to Appendix A.

## **08.00.03.06.33 Section 808 – Daylighting**

Section 808. Move Section 808 to Appendix A.

## **08.00.03.06.34 Table 903.1 – Commissioning Plan**

Amend IGCC, Table 903.1, Chapter 4, reference subsections 401.2, 404.1, 405.1.1, 405.1.1, 405.1.3, 405.1.4, 403.1, 405.1.1, 408.2, 408.3.2 and 409 delete, "unless selected as an elective in Appendix A."

Amend IGCC, Table 903.1, Chapter 6, reference subsection 608.6 delete.

Amend IGCC, Table 903.1, Chapter 7, reference subsections 702.6, 702.8, 703.7.7, 705.1.1, 707.15.1, 708.13.8, and 708.14.2 delete, "unless selected as an elective in Appendix A."

## **08.00.03.06.35 Chapter 10 – Existing Buildings**

Delete Chapter 10 except Section 1006 – Demolition.

## **08.00.03.06.36 Chapter 11 – Existing Building Site Development**

Chapter 11. Delete.



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## 08.00.03.06.37 Appendix A – Project Electives

First Sentence. Replace the phrase “the adopting Ordinance” from the first sentence with “this code and this regulation.”

Appendix A, Subsection A102.1. Add a second and third sentence to read: “The code official shall require the number of project electives specified in Table 302.1 of this regulation as a minimum. If a Chapter or Section moved to Appendix A is administered under authority granted to another governmental entity or agency, such as the Maryland Department of Environment, Maryland-National Capital Park & Planning Commission, or Washington Suburban Sanitary Commission, then the applicant must exceed the minimum requirements of code, standards, and regulations as written and enforced by the governmental entity or agencies, and any such Chapter or Section will not count as a minimum project elective.

Subsection A102.2. Delete.

Add a new Section A110 to read: “Appendix A includes Sections and Subsections 303, 404, 405, 407, 505, 506, 604, 608.5, 608.12, 610, 807, and 808, which have been relocated from Chapters 3 through 8 of the IGCC.”

## 08.00.03.06.38 Appendix B – Radon Mitigation

Appendix B. Delete.

## 08.00.03.06.39 Appendix C – Optional Ordinance

Appendix C. Delete.

## 08.00.03.06.40 Appendix D – Enforcement Procedures

Appendix D. Delete.



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## 08.00.03.07 SEVERABILITY

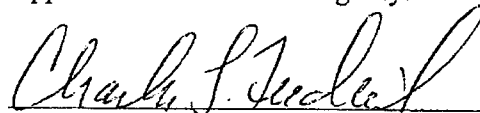
The provisions of this regulation are severable. If a court of competent jurisdiction holds that a provision is invalid or inapplicable, the remainder of the regulation remains in effect.

EFFECTIVE DATE: This regulation is effective on the date Bill No. 19-17 takes effect.

  
Isiah Leggett, County Executive

8/31/17  
Date

Approved as to form and legality:

  
Office of the County Attorney

30 August 2017  
Date