Resolution: 15-925
Introduced: March 22, 2005
Adopted: March 22, 2005

COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND

By: County Council

SUBJECT: Executive Regulations 24-04 and 24-05, Adoption of New Building and Electrical Codes and Standards

Background

1. On March 9, 2005, the County Executive transmitted executive regulations, which apply to the construction, alternation, addition, repair, removal, demolition use, location, occupancy and/or maintenance of all buildings and structures, and their service equipment within Montgomery County.

2. These regulations are needed to bring the regulations in compliance with the 2003 International Building, Residential, Mechanical, Fuel-Gas, and Energy Conservation Codes as well as the 2002 National Electrical Code and to ensure conformance with Maryland and Montgomery County laws and ordinances, and departmental procedures and policies.

Action

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

Executive Regulations 24-04 and 24-05, Adoption of New Building and Electrical Codes and Standards, as attached.

This is a correct copy of Council action.

Elda M. Dodson, CMC
Acting Clerk of the Council

MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Adoption of the 2003 IBC, IRC, IECC, IMC, IFGC	**Number: 24-04**
Originating Department: Department of Permitting Services	**Effective Date: April 1, 2005**

Montgomery County Regulation on:

ADOPTION OF THE 2003 INTERNATIONAL BUILDING, RESIDENTIAL, MECHANICAL, FUEL-GAS, AND ENERGY CONSERVATION CODES

DEPARTMENT OF PERMITTING SERVICES

Issued by:
The County Executive
Regulation No. 24-04
Authority: Code Sections 8-13 and 8-14
Supersedes: Regulations No. 35-01 and 36-01
Council Review: Method 2 under Code Section 2A-15
Register
Comment Deadline: December 31, 2004
Effective Date: April 1, 2005
Sunset Date: None

SUMMARY: This regulation adopts the 2003 editions of the International Building Code (IBC), the International Energy Conservation Code (IECC), the International Fuel Gas Code (IFGC), the International Mechanical Code (IMC), and the International Residential Code (IRC) with amendments. It governs all buildings and structures within Montgomery County.

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

STAFF CONTACT: Shahriar Amiri, Chief, Division of Building Construction 240/777-6230

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.

Sec. 1. This regulation is adopted pursuant to Sections 8-13 and 8-14 of the Montgomery County Code (MCC), 1994, as amended, and applies to the construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and/or maintenance of all buildings and structures, and their service equipment, within Montgomery County. It supersedes Executive Regulations 35-01 and 36-01, dated February 12, 2002, and all previous regulations adopting the BOCA and the International Code Council (ICC) standards. Its

MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Adoption of the 2003 IBC, IRC, IECC, IMC, IFGC	**Number: 24-04**
Originating Department: Department of Permitting Services	**Effective Date: April 1, 2005**

purpose is to adopt the 2003 editions of the IBC, the IECC, the IFGC, the IMC, and the IRC with amendments necessary to achieve uniformity and consistency with Maryland and Montgomery County laws and ordinances, as well as department/division policies and procedures. Where this regulation differs from the Montgomery County Fire Safety Code (fire code) it does not preempt or negate any more restrictive provisions of that code.

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

AMENDMENTS TO THE 2003 INTERNATIONAL BUILDING CODE (IBC)

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

Sec. 4. Section 101.2. Delete and replace the 2nd exception to read as follows: Existing buildings, as defined by the *Maryland Building Rehabilitation Code*, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the *Maryland Building Rehabilitation Code.*

Sec. 5. Sections 101.4.1, 101.4.4, 101.4.5, and 101.4.6. Delete.

Sec. 6. Section 101.4.2. Delete and replace as follows: The provisions of the *International Fuel Gas Code* shall apply to the installation of Liquefied Petroleum gas systems and appliances, fuel gas appliances and related accessories as covered in this code. These requirements apply to the inlet connections of appliances and to the installation and operation of residential and commercial gas appliances and related accessories. The provisions of the International Fuel Gas Code apply to the extent that they are adopted in this regulation.

Sec. 7. Section 102.6. Delete the phrase "the International Property Maintenance Code."

Sec. 8. Sections 103, 107, 110, and 112, except 112.2. Delete.

Sec. 9. Section 105.1. Add the following: A separate permit is required for each separate building and address.

Sec. 10. Section 105.2. Delete all <u>except</u> subsections 105.2.1, 105.2.2, and 105.2.3. Section 105.5. Delete.

Sec. 11. Section 108.1. Add a second sentence to read: Required fees shall be paid for each separate permit application. Sections 108.2 through 108.6. Delete.

Sec. 12. Section 109.3.10. Add the following: The final inspection must be requested and approved

MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Adoption of the 2003 IBC, IRC, IECC, IMC, IFGC	Number: 24-04
Originating Department: Department of Permitting Services	Effective Date: April 1, 2005

before a building (or portion thereof) including equipments and appliances are used or occupied, whether or not a valid certificate of use and occupancy exists.

Sec. 13. Section 305.2. Change 2½ to 2.

Sec. 14. Section 308.2. Change the word "five" to "eight," and the word "six" to "nine."

Sec. 15. Section 308.3.1. Change 2½ to 2.

Sec. 16. Section 308.5.2. In code text and exception, change 2 ½ to 2.

Sec. 17. Section 310.1. After the description for Group R-3 occupancies, add the following:

Exceptions:

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

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

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

Sec. 18. Section 716.5.3.1. Delete Exception 2 first sentence and subsection 2.1 (2.2 remains unchanged) and replace with the following: 2. In 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 of the *International Building Code*, smoke dampers are not required at penetrations of exhaust shafts where:
2.1. Bathroom and toilet room, dryer, and domestic kitchen exhaust openings with steel exhaust suducts, having a wall thickness of at least 0.019 inch (0.48 mm) extend at least 22 inches (559mm) vertically and the exhaust fan at the upper terminus is powered continuously in accordance with the provisions of Section 909.11 of the *International Building Code*, and maintains airflow upward to the outside, or

Sec. 19. Section 903.1.1. Delete and replace with the following: 903.1.1 Alternative Protection. Where water as an extinguishing agent is not compatible with the fire hazard, or is

MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Adoption of the 2003 IBC, IRC, IECC, IMC, IFGC	**Number: 24-04**
Originating Department: Department of Permitting Services	**Effective Date: April 1, 2005**

prohibited by a law, statute, or ordinance, the affected area must be protected by an approved automatic fire-extinguishing system utilizing an extinguishing agent that is compatible with the fire hazard.

Sec. 20. 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 must be installed. Occupant use hose is prohibited in new or existing buildings.

Sec. 21. Section 907.3.3. Delete.

Sec. 22. Section 909.16. After the words "fire command center complying with Section 911" insert "or location approved by Montgomery County"

Sec. 23. Section 1009.3, Exception 5. Change 7.75 to 8.25 and in both occurrences Change 10 to 9.

Sec. 24. Section 1012.1 After the first occurrence of the phrase "floor or grade below" insert the phrase "and retaining walls with a difference in grade level on either side of the wall exceeding 30 inches (762 mm) and within 2 feet (610 mm) of a walk, path, parking lot, or driveway on the high side."

Sec. 25. Section 1014.2.1 Add the following exception: Exception 3. In buildings of Group R-2 four stories or less in height above the grade plane that are served by two required exterior stairways connected by an open-ended corridors shall be in compliance with Section 1022.6, Exception 4, and shall be provided with remoteness between the near edge of the required landings that are separated by a distance of at least one fourth the length of the maximum overall diagonal dimension of the area served.

Sec. 26. Section 1016.1 Replace Exception 4 with the following: A fire resistance rating is not required for corridors within single-tenant Group B occupancies.

Sec. 27. Chapter 11. Delete and replace with the Maryland Accessibility Code.

Sec. 28. Section 1612.3. After the heading, delete the text and replace with the following: The Floodplain District in Montgomery County is established in Section 3 of Executive Regulation 108-92 AM, Floodplain Regulations, per the authority in Article III, Chapter 19 of the Montgomery County Code.

Sec. 29. Add a new section as follows: Section 1801.2.2 Special conditions. Design and construction of all buildings and structures within 1000 feet of a known municipal solid waste (MSW) landfill site that does not currently have an operational land fill gas (LFG) monitoring and removal system, shall require special engineering of foundation systems, including walls and floor slabs, to provide for the safety of occupants against hazards from LFG concentration. Special subsurface investigations shall be conducted, at the owner's expense, by an approved and qualified engineer or geologist to determine the extent of the

potential hazard. The study must identify the potential hazards, and mitigation plans for the site must be incorporated into the construction documents and approved prior to issuance of a building permit. All buildings and structures within 1000 feet of the boundary of a MSW landfill shall be equipped with a methane gas detector with an alarm activation level of 20% of the lower explosive limit (LEL 1% by volume).

Sec. 30. Section 1805.2.1. After the word "locality", in method number 1, insert (Depth shall be a minimum of 24 inches below the adjacent finish grade).

Sec. 31. Chapter 29. Delete.

Sec. 32. 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. 33. Section 3107.1. Add the following at the end of the sentence: and Chapter 59 of the Montgomery County Code, 1994, as amended.

Sec 34. Add a new Section 3110 to read as follows: Section 3110 In-Building Signal Amplification System. Section 3110.1 General. The provisions of this Section shall apply to all newly constructed below ground floors of a building, all floors in buildings greater than 25000 ft^2 per floor, and to all floors of buildings greater than 3 stories in height of Type I and II constructions. Exception: The requirements of this section shall not apply to areas within an individual dwelling unit. Section 1310.2 Where Required. Every floor area in a building or structures which can not achieve the required level of radio coverage as established by Montgomery County Department of Technology Services shall be provided with in-building signal amplification system. Section 1310.3 Inspection and Testing. Radio coverage and in-building signal amplification systems must be tested, and inspected by approved individuals. The results of the testing and inspection shall be certified to the code official prior to issuance of an occupancy permit

Sec. 35. Section 3401.2. Add the following at the end of the first sentence: Existing buildings, as defined by the *Maryland Building Rehabilitation Code*, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the *Maryland Building Rehabilitation Code.*

Sec. 36. Appendix F. Appendix F is hereby adopted in its entirety.

Sec. 37. Appendix G. Appendix G is hereby adopted in its entirety and amended as follows: Section G102.1. Insert after *International Building Code* the phrase "and the provisions of Article III, Chapter 19 of the Montgomery County Code, and Executive Regulation 108-92 AM."; Section G102.2. Add the phrase "the effective date of this regulation."

MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Adoption of the 2003 IBC, IRC, IECC, IMC, IFGC	**Number: 24-04**
Originating Department: Department of Permitting Services	**Effective Date: April 1, 2005**

Sec. 38. 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 signs", "Projecting Signs", and "Projecting Sign". Change "Pole Sign" to "Supported Sign". Delete and Replace the definition of "sign" as follows: "Any device, fixture, placard, or structure that uses any color, form, graphics, illumination, symbol, or writing to attract attention or to communicate information". Delete and replace the definition of "ground sign" as follows: " A sign erected on the ground or with its bottom edge within 12 inches of the ground, that has its support structure as an integral part of the sign, and where the dimensions closest to the ground is greater than height. Delete and replace the definition of "wall sign" as follows: "Any sign that is attached to the wall of a building. There are two types of wall signs: Flat wall sign: A sign that is parallel to the wall of a building to which it is attached, but does not extend more than 12 inches from the building face; Projecting wall sign: A sign that is attached to a wall of a building and extends more than 12 inches from the building face. Section H104, Delete. Section H108, Delete. Section H109.2, Delete. Section H112, add the word "wall" between "projecting" and "sign" in the title and first sentence.

Sec. 39. Appendix I. Appendix I is hereby adopted in its entirety.

AMENDMENTS TO THE 2003 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)

Sec. 40. Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."

Sec. 41. Section 101.2.Delete and replace the exception to read as follows: Energy conservation systems and components in existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alteration or additions, and change of occupancy, shall be permitted to comply with the *Maryland Building Rehabilitation Code.*

AMENDMENTS TO THE 2003 INTERNATIONAL MECHANICAL CODE (IMC)

Sec. 42. Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."

Sec. 43. Section 101.2. Delete and replace second 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. 44. Sections 106.4.3, 106.4.4, 106.5, and 109. Delete.

Sec. 45. Section 306.3. After the first sentence add the following: Access to the attic opening shall be

provided by a permanent or pull-down stairway in all new construction. In existing installations, portable ladders shall be acceptable.

Sec. 46. Section 607.5.5.1. Delete Exception 2 first sentence and subsection 2.1 (2.2 remains unchanged) and replace with the following: 2. In 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 of the *International Building Code*, smoke dampers are not required at penetrations of exhaust shafts where:
2.1. Bathroom and toilet room, dryer, and domestic kitchen exhaust openings with steel exhaust suducts, having a wall thickness of at least 0.019 inch (0.48 mm) extend at least 22 inches (559mm) vertically and the exhaust fan at the upper terminus is powered continuously in accordance with the provisions of Section 909.11 of the *International Building Code*, and maintains airflow upward to the outside, or

Sec. 47. Chapter 10. Delete all <u>except</u> Sections 1002.2 and 1002.3.

AMENDMENTS TO THE 2003 INTERNATIONAL FUEL GAS CODE (IFGC)

Sec. 48. Section 101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."

Sec. 49. Section 101.2. Delete and replace second exception 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. 50. Sections 106.4.3, 106.4.4, 106.5, and 109. Delete.

Sec. 51. Chapter 4. Delete all except Sections 401.2, 402.6.1, 412, 413, and 414.

AMENDMENTS TO THE 2003 INTERNATIONAL RESIDENTIAL CODE (IRC)

Sec. 52. Section R101.1. Replace the parentheses and the phrase in the parentheses with "Montgomery County, Maryland."

Sec. 53. Section R101.2. Delete and replace the exception to read as follows: Existing buildings, as defined by the *Maryland Building Rehabilitation Code*, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the *Maryland Building Rehabilitation Code.*

Sec. 54. Section 102.7. Delete the phrase "the International Property Maintenance Code."

Sec. 55. Section R105.2, Items 1 & 2. Delete. Item 3. Change 4 to 4 ½ and 1219 to 1372. Sections R105.3.1.1, R105.3.2, and R105.5. Delete.

MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Adoption of the 2003 IBC, IRC, IECC, IMC, IFGC	**Number: 24-04**
Originating Department: Department of Permitting Services	**Effective Date: April 1, 2005**

Sec. 56. Section R108.1. Replace the second sentence with the following: Required fees shall be paid for each separate permit application. Sections 108.2 through 108.5. Delete.

Sec. 57. Sections R109.1 through R109.1.6. Delete all <u>except</u> 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 <u>prior</u> to concrete placement and after excavations for all footings and thickened slabs are completed; after form work, reinforcing steel, concrete-encased electrode (for new dwellings), and grade stakes are in place; and after sediment control measures are installed according to the approved sediment control plan.

3. Foundation/parging or back-fill: Conducted after the exterior walls have been waterproofed and the exterior drain tiles have been installed, or weep holes at least 2 inches (51 mm) in diameter, spaced at a maximum of 6 feet (1828 mm) on center, are in place for interior drain tiles to be installed at a later date. Weep-hole inlets must 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 material.

4. Concrete slab-on-ground floor: Conducted after the installation of the gravel base, vapor barrier, slab edge insulation, and required radon-control features prescribed in Appendix F. When a sump crock is used for radon venting, it must be in place at the time of this inspection.

5. Wall check (house location survey): The owner must have a house location survey prepared and certified by a Maryland Registered Land Surveyor and must submit a copy to the building official for approval <u>prior</u> to erecting the framing. A wall check not identified by a premise address and permit number will <u>not</u> be accepted. A framing inspection will not be conducted without an approved wall check.

6. Masonry fireplace/flue: Conducted after the fireplace and first flue liner section are completed.

7. Factory-built fireplace/flue: Conducted at the framing inspection after installation of

the unit.

8. Framing ("close-in"): Conducted after the completion of all framing, rough electrical/mechanical construction, sprinkler, plumbing and gas piping and just prior to concealment with insulation or interior finishing materials. The plumbing/gas inspection approval must have been granted by the Washington Suburban Sanitary Commission (WSSC) prior to the request for a framing inspection. Also, The Sprinkler close-in inspection approval must have been granted by the Department of Fire v& Rescue Services (DFRS) prior to the request for a framing inspection. The rough wiring and mechanical inspections must be requested at the same time. When the floor framing is less than 36 inches (914 mm) above the surface below, a framing inspection must be requested prior to installation of any floor decking.

9. Well and Septic Systems: Where a building is served by an on-site water system or an on-site sewage disposal system, prior to the final inspection, an "Interim Certificate of Potability" or "Certificate of Potability" and/or a "Certificate of Sewage Disposal", as appropriate, must be issued by the Department. Where a building is served by an on-site water system or an on-site sewage disposal system, any condition of the permits issued for those systems shall be satisfied prior to the final inspection.

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

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

Sec. 58. Sections R110 and R112.1, R112.2.1, R112.2.2, R112.3, R112.4. Delete.

Sec. 59. 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*

MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Adoption of the 2003 IBC, IRC, IECC, IMC, IFGC	**Number: 24-04**
Originating Department: Department of Permitting Services	**Effective Date: April 1, 2005**

complying with Chapter 59, Montgomery County Code. Note: A certificate of use and occupancy is required before any space dedicated for home occupancy or home health care practitioner can be used or occupied. See Chapters 8 and 59, Montgomery County Code.

Sec. 60. Table R301.2(1). Under the headings indicated insert the appropriate criteria, as follows: GROUND SNOW LOAD--30 pounds per square foot (psf); WIND-Speed--90 miles per hour (mph); SEISMIC DESIGN CATEGORY--B; SUBJECT TO DAMAGE FROM-Weathering—severe, Frost line depth—24 inches (612 mm), Termite—moderate to heavy, and Decay—slight to moderate; WINTER DESIGN TEMP—13 degrees Fahrenheit (F); ICE SHIELD UNDER-LAYMENT REQUIRED----yes; footnote i; FLOOD HAZARDS—yes; footnote h: (a), (b) July 2, 1979; AIR FREEZING INDEX----300; MEAN ANNUAL TEMPERATURE----55.

Sec. 61. Sections R302.1. Delete the second Exception.

Sec. 62. Section R303.6.1 Add the following after the first sentence: The control for activation of lighting interior stairways consisting of less than six risers shall be permitted to be located at the top or bottom of each stairway.

Sec. 63. Section R305.1, Exception 2. Delete. Exception 3. Delete the first occurrence of the word "required." Delete the phrase "with no portion of the required floor area less than 5 feet" and replace it with the phrase "Any floor area having less than 5 feet of ceiling height shall not be considered part of the room area and shall not be allowed to have any permanent fixtures or furnishings such as, but not limited to, cabinets, counters, and shelves."

Sec. 64. Section R311.5.3.1 Change 7¾ to 8¼, 196 to 209.

Sec. 65. Section R311.5.3.2 Change 10 to 9 and 254 to 229 in both occurrences.

Sec. 66. Section R312.1. After the first occurrence of the phrase "floor or grade below" insert the phrase "and retaining walls with a difference in grade level on either side of the wall exceeding 30 inches (762 mm) and within 2 feet (610 mm) of a walk, path, parking lot, or driveway on the high side."

Sec. 67. Section R313. To the title add: AND AUTOMATIC SPRINKLER SYSTEMS. Add a new section as follows: R313.3 Automatic sprinkler system required. An approved automatic sprinkler system must be installed in every One- and Two-family dwellings attached and detached house. The sprinkler system design, installation, inspection, and testing must be in accordance with the requirements of this code and the fire code.

Sec. 68. Section R323.1. To the first paragraph add the phrase "and the Floodplain District Requirements, Article III, Chapter 19, of the Montgomery County Code, and Executive Regulation 108-92 AM."

MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Adoption of the 2003 IBC, IRC, IECC, IMC, IFGC	**Number: 24-04**
Originating Department: Department of Permitting Services	**Effective Date: April 1, 2005**

Sec. 69. Add a new section as follows: Section R401.6 Special conditions. Design and construction of all buildings and structures within 1000 feet of a known municipal solid waste (MSW) landfill site that does not currently have an operational land fill gas (LFG) monitoring and removal system, shall require special engineering of foundation systems, including walls and floor slabs, to provide for the safety of occupants against hazards from LFG concentration. Special subsurface investigations shall be conducted, at the owner's expense, by an approved and qualified engineer or geologist to determine the extent of the potential hazard. The study must identify the potential hazards, and mitigation plans for the site must be incorporated into the construction documents and approved prior to issuance of a building permit. All buildings and structures within 1000 feet of the boundary of a MSW landfill shall be equipped with a methane gas detector with an alarm activation level of 20% of the lower explosive limit (LEL--1% by volume).

Sec. 70. Section R403.1.4.1. Change the first exception to read: One-story detached accessory structures, excluding garages and carports, used as tool and storage sheds, playhouses and similar uses and not exceeding 400 square feet or less in floor area and an eave height of 10 feet (3048 mm) or less shall not be required to be protected. Delete second exception.

Sec. 71. Section R405.1. Delete the exception.

Sec. 72. Section R406.1. Delete.

Sec. 73. Section R406.2. Delete the first sentence and replace with the following: Exterior foundation walls retaining earth and enclosing usable spaces below grade must be waterproofed with an approved waterproofing system or a membrane extending from the tops of the footings to finished grades.

Sec. 74. Section R408.2. Delete Exception 1. Delete the second sentence of Exception 2.

Sec. 75. Section R506.2.3. Delete Exception 3.

Sec. 76. 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. 77. Chapters 25 through 42. Delete.

Sec. 78. Appendix E. Appendix E is hereby adopted with the following modification: Delete all except subsections AE501 through AE606, with the following modification to Section AE502.3: In the last sentence, first paragraph, change 12 inches (305) to 24 inches (610).

Sec. 79. Appendix F. Appendix F is hereby adopted in its entirety.

MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Adoption of the 2003 IBC, IRC, IECC, IMC, IFGC	**Number: 24-04**
Originating Department: Department of Permitting Services	**Effective Date: April 1, 2005**

Sec. 80. Appendix G. Appendix G is hereby adopted in its entirety, with the following modifications: Section AG101.1, add the following sentence at the end: Swimming pools, Spas and Hot Tubs shall also comply with Chapter 51 of the Montgomery County Code. Section AG105.2: Item 1. Change 48 to 60 and 1219 to 1524; Item 9.2. Delete and substitute the following: 9.2. All doors with direct access to the pool through that wall must be equipped with an alarm that produces an audible warning when the door and its screen, if present, are opened. The alarm must be audible throughout the house during normal household activities. The alarm system may be equipped with a manual means to temporarily deactivate the system for a single opening. The deactivation switch(es) must be located at least 54 inches (1372 mm) above the threshold of the door; Item 9.3. Delete.

Sec. 81. Appendix H. Appendix H is hereby adopted in its entirety

Sec. 82. Appendix K. Appendix K is hereby adopted in its entirety.

EFFECTIVE DATE

Sec. 83. This regulation is effective on April 1, 2005.

Douglas M. Duncan, County Executive

Date

MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Adoption of the 2002 National Electrical Code	**Number: 25-04**
Originating Department: Department of Permitting Services	**Effective Date: April 1, 2005**

Montgomery County Regulation on:

ADOPTION OF THE 2002 NATIONAL ELECTRICAL CODE

DEPARTMENT OF PERMITTING SERVICES

Issued by County Executive
Regulation # 25-04

Authority: Code Section 17-2 and 17-3
Supersedes: Executive Regulation No. 6-96
Council Review: Method 2 under Code Section 2A- 15
Register Vol. , Issue

Comment Deadline: December 31, 2004
Effective date: April 1, 2005
Sunset date: None

SUMMARY:
This regulation adopts the National Electrical Code, 2002 Edition, with local amendments. This regulation applies to all electrical equipment, installations and activities within the County.

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

STAFF CONTACT: Phil Waclawski
(240) 777-6228

BACKGROUND:

This regulation supersedes Executive Regulation #6-96 which adopted the 1996 edition of the National Electrical Code. This regulation adopts the 2002 edition of the National Electrical Code which is used nationwide. The 2002 National Electrical Code was adopted by the National Fire Protection Association at its annual meeting held May 13-17, 2001, in Anaheim, CA.

Section 1.
In accordance with procedures authorized in Chapter 17, Sections 17-2 and 17-3, "Electricity," Montgomery County Code, 1994, as amended (the code), the following executive regulations apply to all electrical equipment, installations, and activities within Montgomery County.

MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Adoption of the 2002 National Electrical Code	**Number: 25-04**
Originating Department: Department of Permitting Services	**Effective Date: April 1, 2005**

Section 2.
Unless otherwise noted, all references to the National Electrical Code (hereafter referred to as NEC) contained in this regulation are to The National Electrical Code (NFPA No. 70-2002) by the National Fire Protection Association at its annual meeting held May 13-17, 2001, in Anaheim, CA. This regulation supersedes all previously promulgated references to the NEC.

Section 3.
The 2002 NEC is adopted as the Electrical Code of Montgomery County, and all electrical Installations and equipment must meet the standards and requirements set forth in that code or in this regulation. The 2002 NEC is incorporated by reference as if that code were fully set forth with the following additions, deletions, and amendments.

Whenever the provisions of this regulation and those of the NEC are in conflict, the provisions of this regulation will govern and be enforced in the County. The Director is solely responsible for the interpretation of these regulations as amended.

Section 4.
ARTICLE 100 DEFINITIONS
Add the following definition after the definition of "Appliance," as provided in Article 100:
Appliance, Fixed: An appliance which is fastened or otherwise secured at a specific location.

Amend the definition of "Building" as follows:
Building: A structure which stands alone or which is separated from adjoining structures by fire walls conforming to the definition and requirements of ICC International Building Code for fire walls.

Section 5.
Section 210.5. Add new subsection (C) as follows:
210.5 (C). Ungrounded Conductor. Where installed in raceways, as open work or as concealed knob-and-tube work. Ungrounded conductors must be identified by a color other than as specified in (A) or (B) above. All ungrounded conductors of the same color must be connected to the same ungrounded feeder conductor, and the conductors for systems of different voltages must be of different colors.

Exception. As permitted in Section 200.7.

For basic single- and three-phase wiring systems of 120/208/240 volts: 3-wire circuits must use1 black, 1 white, and 1 red wire; 4-wire circuits must use 1 black, 1 white, 1 red, and 1 blue wire. For basic single- and three-phase wiring systems of 277/480 volts, the colors gray, brown, orange, and yellow must be used in accordance with commonly accepted trade practices.

Section 6.
Section 210.19(A) (3), Exception No 2. Delete and substitute the following:
Section 210.19(A) (3), Exception No. 2. Each wall-mounted oven and each counter-mounted cooking unit must be served by an individual circuit of copper wire. The conductor size is based on 100 percent of the nameplate rating

MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Adoption of the 2002 National Electrical Code	**Number: 25-04**
Originating Department: Department of Permitting Services	**Effective Date: April 1, 2005**

of the unit, but cannot be smaller than size No. 10.

Section 7.
Section 210.11. Add the following sentence:
Each fixed appliance must be served by an individual branch circuit except for electric baseboard heaters, appurtenant equipment to furnaces, such as humidifiers and electronic air cleaners, and other equipment having motors rated 1/4 hp or less.

Section 8.
Section 210.52 (A). Add the following New subsection:
(4) General lighting branch circuits in dwellings must not have more than 12 power-consuming outlets. A duplex receptacle is considered to be one outlet. Smoke detectors are not considered power-consuming devices for counting purposes.

Section 210.52(B). Add the following paragraph:
A general appliance branch circuit in a dwelling must not have more than eight receptacle outlets. A duplex receptacle is considered to be one outlet.

Section 210.52(E). Add the following sentence:
When an addition is made to an existing dwelling which has no outside ground-fault circuit-interrupter (GFCI) receptacle, a GFCI protected receptacle, accessible at grade level, must be installed on the outside of the new addition.

Section 9.
Subsection 230.79 (C). Substitute "150 amperes" for "100 amperes" as the minimum service disconnecting means rating for one-family dwellings.

Section 10.
Section 250.50. Add the following text as the first and second sentence to Section 250.50:
All new structures, both residential and commercial, require a concrete encased electrode to be used as the principle grounding element. The concrete encased electrode shall be installed in accordance with 250.52 (A) (3) and the reinforcing rods and or copper conductors utilized in the installation require a minimum of 0.61mm (2 feet) of accessible length after installation.

Section 11.
Section 310.5. Delete the first sentence and substitute with the following:
Section 310.5: The minimum size of conductors must be as shown in Table 310.5, except that the minimum size of aluminum and copper-clad aluminum conductors must be No. 2, The use of aluminum conductors is limited to service entrance and feeder applications only.

Note: No exceptions to sizes of wire as enumerated here or elsewhere in the code will be allowed in the case of aluminum conductors.

MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Adoption of the 2002 National Electrical Code	**Number: 25-04**
Originating Department: Department of Permitting Services	**Effective Date: April 1, 2005**

Section 12.
Section 410.16(C). Delete and substitute the following:
410.16(C). Suspended Ceilings. All fixtures installed in suspended ceilings must be supported from the building structure directly. If wire is used for this purpose, no less than 2 separate wires of size No. 12 (or larger) steel must be used. These wires must extend from opposite corners of the fixture with each wire independently attached to the building structure.

Exception: If the fixture is circular, and not more than 24 inches in diameter, at least one wire of No. 12 steel or larger must be used to support the fixture.

Section 13.
Section 440.62(C). Delete and substitute the following:
440.62(C). Each individual room air-conditioning unit, regardless of its current rating, must the served by an individual circuit of not less than No. 12 copper wire, and must terminate in a single receptacle.

Section 14.
Section 700.18. Add two new paragraphs as follows:
700.18. Any building in which standpipes are installed must have one 30-ampere, 120-volt circuit installed for each standpipe riser, supplied from the emergency panel. The wiring method for exposed work must be galvanized, threaded metal conduit. Boxes must be metal, weatherproof types with gasketed flap-door covers and threaded hubs. The wiring method for concealed work must be metal conduit with appropriate galvanized boxes having gasketed flap-door covers suitable for fire department use. The weatherproof cover must be suitable for receiving the L5-20R NEMA type twist-lock receptacle without damage (e.g., Bell # 128-226 cover or equivalent).

Supply wiring must be at least 75 degrees C-type wire. One single 20-ampere three-wire twistlock receptacle (NEMA L5-20R) must be installed at least as high as, and with a 2-feet offset from EACH HOSE VALVE CONNECTION. Each outlet box must be painted "fire-alarm red" in color and be marked "Only for Fire Department Use."

Note: This Section supersedes the requirements of Table 210.21(B) (2).

EFFECTIVE DATE

Section 15.
This regulation is effective on April 1, 2005.

Douglas M. Duncan, County Executive

Date