

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO REPEAL AND REENACT, CHAPTER 5 OF THE CITY CODE, ENTITLED, "BUILDING," ARTICLES I, II, III, IV, V, VI, VII, VIII, IX, X, XI, AND XII, SECTIONS 5-1 THROUGH 5-23, AND ADOPT, BY REFERENCE WITH MODIFICATIONS, THE INTERNATIONAL BUILDING CODE (2018), THE INTERNATIONAL RESIDENTIAL CODE (2018), THE INTERNATIONAL EXISTING BUILDING CODE (2018), THE INTERNATIONAL GREEN CONSTRUCTION CODE (2018), THE INTERNATIONAL MECHANICAL CODE (2018), THE INTERNATIONAL ENERGY CONSERVATION CODE (2018), THE INTERNATIONAL PLUMBING CODE 92018), THE INTERNATIONAL FUEL GAS CODE (2018), THE INTERNATIONAL SWIMMING POOL AND SPA CODE (2018), THE INTERNATIONAL CODE COUNCIL PERFORMANCE CODE (2018), THE MARYLAND ACCESSIBILITY CODE – ADAAG/2010, AND ADDITIONAL FIRE SAFETY REQUIREMENTS FOR CERTAIN MULTI-FAMILY RESIDENTIAL STRUCTURES

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled, that Chapter 5 of the City Code, Articles I through XII, and are hereby amended to read as follows:

Chapter 5

**ARTICLE I. THE INTERNATIONAL BUILDING CODE (2018)**

**Sec. 5-1. – Building Code—Adoption of the International Building Code (2018), in the ICC 2018 Series Codes.**

The International Building Code (2018), unless specified otherwise in this article, as published by the International Code Council, Inc., is hereby adopted as the building code of the City, except as modified by Section 5-3.

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<del>Single strikethrough</del>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
<del>Double strikethrough</del>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

## **Sec. 5-2. – Scope.**

This chapter shall apply to the construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and/or maintenance of all buildings and structures, and their service equipment, within the City of Gaithersburg, except detached one- and two-family dwellings and multiple attached single family dwellings (townhouses) not more than three (3) stories in height with separate means of egress, and their accessory structures. It supersedes Ordinance No. O-7-16 dated September 26, 2016, and all previous regulations adopting the International Code Council (ICC) standards for building code. Its purpose is to adopt the 2018 edition(s) of the International Building Code (IBC), The International Residential Code (IRC), the International Existing Building Code (IEBC), the International Green Construction Code (IGCC), the International Mechanical Code (IMC), the International Energy Conservation Code (IECC), the International Plumbing Code (IPC), under specified circumstances, the International Fuel Gas Code (IFGC), the International Swimming Pool and Spa Code (ISPSC), the International Code Council Performance Code (ICCPC), and Additional Fire Safety Requirements For Certain Multi-Family Residential Structures, with modifications necessary to achieve uniformity and consistency with certain State of Maryland, Montgomery County, and City of Gaithersburg laws and ordinances, as well as the Maryland Accessibility Code – ADAAG/2010, and certain Planning and Code Departmental policies and procedures. Where this ordinance differs from any other City of Gaithersburg ordinances, it does not pre-empt or negate any more restrictive provisions adopted by those ordinances.

Alternative materials and methods/designs to the established building code requirements may be allowed if the submitted material parameters comply with the 2018 edition of the International Code Council Performance Code (ICCPC) and the solution addresses specific public health and safety concerns not otherwise defined in the adopted codes, subject to City Planning and Code Administration approval.

## **Sec. 5-3. - Same—Modifications to the International Building Code (IBC) 2018.**

The International Building Code (2018) is modified as follows:

- (1) *General.* Whenever the words "name of jurisdiction" appear in this code, insert the words "the City of Gaithersburg".
- (2) *General.* Whenever the words "building official" appear in this code, they shall be deemed to represent the city manager or designee.
- (3) *General.* Whenever the words "department" or "department of building safety" appear in this code, they shall be deemed to represent the City of Gaithersburg, Department of Planning and Code Administration, Permits and Inspections Division.
- (4) *General.* Delete all references to "the ICC Electrical Code" in this (IBC) or any other so named International Code adopted by this ordinance, and replace with "the City of Gaithersburg Code, Chapter 7, Electricity."

- (5) *Subsection 101.2. Scope.* To the Exception, add the following:  
**Exception.** Existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code.
- (6) *Subsection 101.2.2.* Add new Subsection 101.2.2. to read as follows:  
*101.2.2. City sponsored construction.* "All construction projects financed, in part or in full, by the City of Gaithersburg, shall conform to all pertinent provisions of this code and all other codes adopted by the City of Gaithersburg to regulated safety in the built environment. This includes obtaining all permits and inspections that would be required of any private sector work. No fees will be charged for City sponsored construction."
- (7) *Subsection 101.3.1.* Add new Subsection 101.3.1. to read as follows:  
*101.3.1. Purpose.* The purpose of issuing permits, reviewing and approving plans, and conducting inspections is to protect and promote public safety, health, and welfare. These activities are purely governmental in nature, shall be conducted solely for the purpose of public benefit, and are not to be construed as providing any warranty by the City, as to design or construction, including methods and materials, to anyone. Nothing in this ordinance should be construed as creating any legal duty to the owner, operator, or user of any premises."
- (8) *Subsection 101.4.1. Gas.* Delete the phrase "International Fuel Gas Code" in the first sentence and insert the phrase "Regulations Governing the Installation of Plumbing, Gasfitting and Sewer Cleaning in the Washington Suburban Sanitary District," as published by The Washington Suburban Sanitary Commission (WSSC). Add a new sentence at the end of the subsection to read, "Fuel-gas piping systems, fuel gas appliances, gaseous hydrogen systems and related accessories are regulated under the authority of Washington Suburban Sanitary Commission (WSSC)". "The Provisions of the International Fuel Gas Code shall apply only in instances that are not governed by WSSC regulations."
- (9) *Subsection 101.4.3. Plumbing.* Delete all references to the phrase "International Plumbing Code" in the first sentence and insert the phrase "Plumbing and Gasfitting Regulations of the Washington Suburban Sanitary District." In the last sentence, delete the phrase "International Private Sewage Disposal Code" and replace with the phrase, "the Montgomery County Department of Health."
- (10) *Subsection 101.4.4. Property maintenance.* After the phrase "International Property Maintenance Code", add the following phrase: "as adopted by the City of Gaithersburg, City Code, Chapter 17AA."

- (11) *Subsection 101.4.5. Fire prevention.* Delete all references to the phrase: "International Fire Code" and replace it with the following phrase "as adopted by the City of Gaithersburg, City Code."
- (12) *Subsection 101.4.7. Existing buildings.* Delete all references to the phrase, "the International Existing Building Code shall apply" and replace it with "the Maryland Building Rehabilitation Code may be applied." Existing buildings, as defined by the Maryland Rehabilitation Code, undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the Maryland Rehabilitation Code.
- (13) *Subsection 101.4.8.* Add new Subsection 101.4.8, Electricity, to read as follows:  
*101.4.8. Electricity.* Any and all references in this code to electricity or the code governing electricity shall represent "Chapter 7, the City of Gaithersburg Electrical Code."
- (14) *Subsection 101.4.9.* Add new *Subsection 101.4.9. Accessibility* to read as follows:  
*101.4.9. Accessibility.* "Whenever the IBC, or any of the ICC Series Codes, references the IBC Chapter 11 or ANSI A 117.1., replace those references with the Maryland Accessibility Code - ADAAG/2010."
- (15) *Subsection 102.1. General.* At the end of Subsection 102.1, add the following:  
**"Exception.** Alternative features which are accepted or approved in writing by the Building Official shall be considered as conforming with all codes, provided that the overall level of health, safety, and welfare is not diminished."
- (16) *Subsection 102.6. Existing structures.* Delete all references to the phrase: "the International Property Maintenance Code or the International Fire Code," and replace it with "or any other applicable provision of the City of Gaithersburg Code."
- (17) *Subsection 102.6. Existing structures.* Add the following paragraph to the end of the section.  
*Subsection 102.6.3 Alternative Materials and Methods/Designs.*  
Alternative materials and methods/designs to the established building code requirements may be allowed if the submitted material parameters comply with the 2018 edition of the International Code Council Performance Code® (ICCPC) and the solution addresses specific public health and safety concerns not otherwise defined in the adopted codes, subject to City Planning and Code Administration approval.
- (1718) *Section 103. Department of building safety.* Delete in entirety.

(1819) *Subsection 104.4. Inspections.* Amend title as follows:

*Subsection 104.4. Third Party Inspections.*

Add new Subsections 104.4.1, and 104.4.2., to read as follows:

**104.4.1. Applicability:** The Certified (Third-Party) Inspections Program is the City of Gaithersburg, MD's policy for "third-party" inspections of commercial and residential projects requiring construction or maintenance inspections by Inspections staff. This program is pursuant to the Code of the City of Gaithersburg, MD., and the International Building Code, and also applies to projects using the International Existing Building Code. Questions may be directed to Inspections staff, (301) 258-6330.

**Exception.** This program does not apply to construction under the Special Inspections Program, nor to new residential construction of Groups R-3 or R-4 within the scope of the International Residential Code, nor to fire detection, fire protection or fire suppression systems, nor to inspections by other City agencies.

The Certified Inspections Program offers property owners and construction contractors of commercial and residential construction projects the option for certain construction inspections to be performed and certified by private sector "third-party" engineers and inspectors, to the extent specified below, when approved in advance by the City of Gaithersburg. The Inspections staff will accept, review and approve such certified inspections, in lieu of inspections by Inspections staff, except in situations where there is specific cause that a particular report shall be rejected. The Inspections staff will monitor the quality of the certified inspections. The Inspections staff will continue to provide full support to inspection requests for projects not involved in this certified inspections program.

Private sector "third-party" inspection firms and personnel shall be employed directly by the project owner, shall be independent of the project architect or engineering design firm or contractors performing the work, and shall have no personal financial interest in the project. The building official, on a project -by-project basis, shall approve both the inspection firm and its personnel prior to commencement of construction.

**104.4.2. Personnel Credentials.** Inspections shall be conducted under the direct supervision of, and certified by, a Registered Design Professional, licensed in the State of Maryland. The Registered Design Professional and Registered Design Professional's field inspector personnel shall all possess appropriate State of Maryland or International Code Council, Inc. (ICC) inspector credentials. An inspector or Registered Design Professional approving work that is not in conformance with the City-approved plans and the Code of the City of Gaithersburg, MD. may lose City approval to perform future inspections.

- (1920) *Subsection 105.1. Required.* Add the following: A separate permit is required for each legal address. A separate permit is required for each separate building at a legal address.
- (2021) *Subsection 105.2. Work exempt from permit.* Delete the following provisions of the subsection:  
**Building:** 1., 2., 4., 6., 7. - partial, only for cabinets and countertops that do not interfere with egress, 9., 12., and 13. - partial, only for items that do not interfere with egress.  
Also delete in their entirety the portions of this subsection regarding **Gas-Fitting and Plumbing.**
- (2122) *Subsection 109.1. Payment of fees.* Add a second sentence to read, "Required fees shall be paid for each separate permit application."
- (2223) *Subsection 109.2. Schedule of permit fees.* Edit as follows:  
Delete the words "gas" and "plumbing systems;" delete the phrase "the applicable governing authority" and replace it with "the Mayor and City Council."
- (2324) *Subsection 109.3. Building permit evaluations.* Delete.
- (2425) *Subsection 110.3.11. Final inspection.* Add the following:  
"The final inspection must be requested and approved before a building (or portion thereof) is used or occupied in any way, including moving in any furniture, shelving stock, equipment, files, and similar items unless specific, written permission is obtained from the building official. (E.G. OK to stock.)"
- (2526) *Subsection 110.5. Inspection requests.* Add the following to the end of the paragraph: Any overtime inspection request(s) must be made a minimum of 48 hours in advance.
- (2627) *Subsection 111.1. Change of occupancy.* After the phrase "A building or structure", add the phrase: "or portion thereof."
- (2728) *Subsection 111.2. Certificate issued.* Delete all text in this subsection after the phrase "shall issue a certificate of occupancy" and replace it with the following phrase "as per department policy."
- (2829) *Section 113. General.* Delete Subsections 113.1, 113.2 and 113.3 and add new Subsection 113.1 as follows:  
"*Subsection 113.1. Board of Appeals.* Any decision or order of the City Manager or designee under this chapter may be appealed within 17 days of the date of such decision or order to the City Board of Appeals. Any decision of the City Board of Appeals may be appealed to the Circuit Court within 30 days of the date of the Board's written decision. The Maryland Rules of Procedure shall govern such appeals. Any decision of the Circuit Court may be appealed to the appellate courts of this state."

- (2930) *Subsection 114.4. Violation penalties.* Delete the phrase "subject to penalties as described by law," and replace with: "guilty of a municipal infraction, enforceable and punishable by a fine and/or penalty as established by the Mayor and City Council pursuant to Sections 1-9 through 1-11 of the City Code. Each day that a violation exists shall be deemed a separate offense."

"In addition thereto, the City may institute injunctive, mandamus, or any other appropriate action or proceedings at law or equity for enforcement of this Chapter, or to correct violations of this Chapter, and any court of competent jurisdiction shall have the authority to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate form of remedy or relief."

- (3031) *Subsection 115.3. Unlawful continuance.* Delete the phrase "subject to penalties as prescribed by law," and replace with: "liable to a fine or civil penalty as established by the Mayor and City Council, pursuant to Section 1-10 of the City Code."

"In addition thereto, the City may institute injunctive, mandamus, or any other appropriate action or proceedings at law or equity for enforcement of this Chapter, or to correct violations of this Chapter, and any court of competent jurisdiction shall have the authority to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate form of remedy or relief."

- (32) *Chapter 2. Definitions. Section 202. Definitions. Add to the following term: "Accessible Route". Add the following at the end of the 1st sentence:*

*The route shall include the following features: site arrival points, walking surfaces, door and doorways, ramps and curb ramps, elevators, and platform lifts.*

- (3433) *Chapter 2. DEFINITIONS. Section 202. DEFINITIONS.* Add the following term:

**"AUTHORITY HAVING JURISDICTION. (AHJ)."** An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or procedure. Further defined under 2018 IBC Section 104, Duties and Powers of Building Official.

- (3234) *Chapter 2. DEFINITIONS. Section 202. DEFINITIONS.* Add the following term:

**"BABY CHANGING TABLE."** A table or other device that is safe and sanitary for changing the diaper of a child age 3 or under.

- (3335) *Chapter 2. DEFINITIONS. Section 202. DEFINITIONS.* Add the following term:

**“CERTIFY.”** Use of the word “certify” or “certification” constitutes an expression of professional opinion regarding those facts or findings which are the subject of the certification.

(3436) *Chapter 2. DEFINITIONS. Section 202. DEFINITIONS.* Add the following term:

**“CLIMBABLE.”** To go up or ascend, by using the hands and feet, or feet only, i.e. “to climb up a ladder”. Definition of term as related to railings, fences, gates, and other devices provided to prevent unrestricted area access to areas typically requiring restriction due to personal safety reasons.

(37) *Chapter 2. Definitions. Section 202. Definitions.* Add the following term:

**“Design Rain Loads”.** Each portion of a roof shall be designed to sustain the load of rainwater that will accumulate on it if the primary drainage system for that portion is blocked plus the uniform load caused by water that rises above the inlet of the secondary drainage system at its design flow. The design rainfall shall be based on the 100-year hourly rainfall rate indicated in Figure 1611.1 or on other rainfall rates as determined from approved local weather data.

(3538) *Chapter 2. DEFINITIONS. Section 202. DEFINITIONS.* Add the following term:

**“ELECTRIC VEHICLE CHARGING STATION.** One or more dedicated parking spaces that are provided to accommodate charging of electric motor vehicles.

(39) *Chapter 2. Definitions. Section 202. Definitions.* Add the following term:

**“Festival Seating”.** A form of audience/spectator accommodation in which no seating, other than a floor or finished ground level, is provided for the audience/spectators gather to observe a performance. Festival seating describes situations in assembly occupancies where live entertainment events are held that are expected to result in overcrowding and high audience density that can compromise public safety. It is not the intent to apply the term festival seating to exhibitions; sports events; dances; conventions; and bona fide political, religious, and educational events. Assembly occupancies with 15 sq. ft. or more per person will not be considered festival seating.

(3640) *Chapter 2. DEFINITIONS. Section 202. DEFINITIONS.* Add the following term:

**“FINAL GRADING REPORT.”** A grading report stamped and signed by a registered design professional certifying that the building pad was constructed in conformance with the recommendations set forth in the geotechnical report. This report contains explicit information and data that verifies compliance with the geotechnical report of record including any approved supplements or addendums.

(~~3741~~) *Chapter 2. DEFINITIONS. Section 202. DEFINITIONS.*

**FOSTER CARE FACILITIES.** Change 2 ½ to “2.”

(~~3842~~) *Chapter 2. DEFINITIONS. Section 202. DEFINITIONS.* Add the following term:

**“GEOTECHNICAL REPORT (SOILS REPORT).”** Data and engineering recommendations resulting from site exploration, which evaluates the soil conditions and general site characteristics and suitability of the site for the proposed construction. A registered design professional shall prepare and seal the report.

(~~3943~~) *Chapter 2. DEFINITIONS. Section 202. DEFINITIONS.* Add the following term:

**“LEVEL 2 FINISH.”** Drywall is typically required as part of a fire separation system. As part of that system, a joint compound is applied over all fastener heads and beads. Joint compound applied over the body of the tape at the time of tape embedment shall be considered a separate coat of joint compound and shall satisfy the conditions of this level. The surface is left free of excess joint compound. Ridges and tool marks are acceptable for a Level 2 finish in areas where the final surface appearance is not of concern.

(~~4044~~) *Chapter 2. DEFINITIONS. Section 202. DEFINITIONS.* Add the following term:

**“PHASING PLAN.”** If a space is scheduled to remain open and occupied while under renovation, a phasing plan will then be required (with City approval prior to commencement of work) detailing the proposed construction zone separation methods and the designated exiting path for each activity (section/quadrant) phase of the proposed operation(s). Provide a narrative description, proposed schedule, and a practical construction phasing plan document outlining and defining the work areas, indicating exiting path(s) and separation(s), with defined exiting length dimensions, as the work is scheduled to be accomplished while the building is occupied, that keeps the occupancy accessible and protects the safety and health of both the patrons and employee isolation from the construction activities, and provides a code-conforming egress path. A pre-construction meeting must be held prior to the start of construction. The City requires a solid barrier between construction areas and occupied areas, unless otherwise approved by the building official or fire marshal.

(~~4145~~) *Chapter 2. DEFINITIONS. Section 202. DEFINITIONS.* Add the following term:

**“REFUSAL.”** Refusal while advancing an exploration is recognized as defined by ASTM D 1586.

- (4246) *Chapter 2. DEFINITIONS. Section 202. DEFINITIONS.* Add the following term:
- “SHADE STRUCTURE.”** A structure with not less than 50 percent of its perimeter wall area unenclosed, has no interior partitions, and provides solar or weather protection for uses accessory to a building of any occupancy. Shade structures shall not apply to cabanas, canopies, roof structures over vehicle drive-through lanes (porte-cocheres), parking facilities, playground structures, or industrial uses.
- (4347) *Chapter 2. DEFINITIONS. Section 202. DEFINITIONS.* Add the following term:
- “STRUCTURAL/GEOTECHNICAL OBSERVATION.”** The visual observation of the structural system encompassing the structure, foundation elements and the bearing or supporting soils of the foundation elements by a registered design professional for general conformance to the approved construction documents. Structural observation does not include or waive the responsibility for the inspection required by Section 110.
- (4448) *Chapter 2. DEFINITIONS. Section 202. DEFINITIONS.* Add the following term:
- “SWIMMING POOLS.”** Change depth measurement from 24" (610 mm) to 18" (457 mm). This regulation shall also apply to fountains and any other building or site water feature.
- (4549) *Subsection 305.1. Educational Group E.* Delete the phrase “at any one time” and replace with “for 4 or more hours per day or more than 12 hours per week.”
- (4650) *Subsection 305.2. Group E, day care facilities.* Change "2½" to "2."
- (4751) *Subsection 305.2.2. Five or fewer children.* In both instances, change "Five" to "Eight."
- (4852) *Subsection 305.2.3. Five or fewer children in a dwelling unit.* Change "Five" to "Eight."
- (4953) *Subsection 308.2.3. Six to 16 persons receiving custodial care.* Change “Six” to “Nine.”
- (5054) *Subsection 308.2.4. Five or fewer persons receiving custodial care.* In both instances, change the word “five” to “eight” and delete the remainder of the sentence after Section 903.3.1.3.
- (5155) *Subsection 308.3.2. Five or fewer persons receiving medical care.* Change “Five” to “Eight”.

- (5256) *Subsection 308.5. Institutional Group I-4, daycare facilities.* In both instances, change "five" persons to "eight" persons.
- (5357) *Subsection 308.5.1. Classification as Group E.* In both instances, change "2 ½" to "2".
- (5458) *Subsection 308.5.3. Five or fewer persons receiving care.* Change "Five" to "Eight".
- (5559) *Subsection 308.5.4. Five or fewer persons receiving care in a dwelling unit.* Change "Five" to "Eight".
- (5660) *Subsection 310.4. Residential Group R-3.* After the description for R-3 occupancies, add the following:

**"Exceptions:**

1. *A family day care home:* 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:* 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."
- (5761) *Subsection 310.4.1. Care facilities within a dwelling.* Change "Five" to "Eight".
- (5862) *Subsection 310.5. Residential Group R-4.* Change "Five" to "Eight".
- (5963) *Subsection 403.2.1.2. Shaft enclosures.* Delete in entirety.
- (6064) *Subsection 403.4.5. Emergency responder radio coverage.* Delete the phrase "Section 510 of the International Fire Code" and replace with "Chapter 11, the City of Gaithersburg Fire Safety Code."
- (65) Subsection 406.3.3.1 Carport separation. Amend Section 406.3.3 to add code condition 2, to read as follows:

2. When a Group B, F, M, R, or S occupancy structure and a noncombustible carport are located on the same property with a minimum separation of ten feet (3048 mm) between the structure and the carport, as measured from the roof edges, exterior wall and opening protection are not required for either structure.

- (66) Subsection 410.2.4 Proscenium wall. Amend Section 410.2.4 to add an exception, to read as follows:

Exception: Where a stage is located in a building of Type I construction, the proscenium wall is permitted to extend continuously from a minimum 2-hour fire-resistance-rated floor slab of the space containing the stage to the roof or a minimum 2-hour fire-resistance-rated floor deck above. This exception shall not apply to buildings of Type IB construction in which the minimum fire-resistance ratings of the building elements in Table 601 have been reduced in accordance with Section 403.2.1.1.

- (67) Add Subsection 420.11 Visual Access. Add Subsection 420.11 to read as follows:

420.11 Visual access. The primary entrance door of individual units in motels, hotels, apartment houses, condominiums, and similar properties shall contain a means to allow the occupant to visually identify a visitor without opening the unit entry door.

- (6468) *Chapter 4. Add new Section 429. RESIDENTIAL OCCUPANCIES.*

Add new Subsection 429.1. Applicability.

**429.1. Applicability.** All R occupancies shall have appropriate radon control features prescribed in Appendix F in the International Residential Code, 2018 edition.

- (6269) *Chapter 4. Add new Section 430. OCCUPIED ROOFS.*

**430.1. Applicability.** The provisions of Sections 430.1 through 430.6 shall apply to all parts of buildings and structures that contain any occupancies located on the roof area of the building or structure.

**430.2. Allowable Occupancies.** The proposed occupancy for a roof shall be allowed only if the same occupancy is allowed in the floor below the roof. Assembly occupancies on roofs must comply with Section 903.2.1.6 (Assembly occupancies on roofs).

- (70) Chapter 4. Section 430. **Occupied Roofs.** Amend this section by adding paragraph 3 to subsection 430.3. Construction requirements.

**430.3. Construction requirements.** Roofs approved for rooftop occupancy shall have a minimum fire resistance of one-hour or the fire resistance required for the building, whichever is greater. Occupied roofs shall be treated as a story for the following construction related purposes:

1. For determining the required construction type and minimum fire resistance rating for the roof structure.
2. For calculating occupant load and building height as they relate to exiting requirements of Chapter 10 and thresholds for fire safety

features required by Sections 903 (Automatic Sprinkler Systems), Section 905 (Standpipe Systems), and 907 (Fire Alarm and Detection Systems).

3. Minimum uniformly distributed and concentrated loads for occupied roofs shall be provided for as enumerated in IBC Table 1607.1. Residential occupancies constructed under the commercial code shall be treated similarly.

**Exception:** The occupant load of an occupied roof that complies with this section shall not contribute to the occupant load of the fire area below for the purposes of requiring automatic sprinkler and/or fire alarm protection provided that:

1. All openings from below are protected with fire resistive assemblies, and
2. The occupied roof has code compliant exits independent of the building or buildings below.
3. For the location and installation of toilet facilities.

**430.4. Fall Protection.** Occupied rooftops shall be provided with guards compliant with Section 1013 (Guards).

**430.5. Interstitial spaces.** When decks or other walking surfaces are constructed above a roof to facilitate rooftop occupancy, the space between the roof/ceiling assembly and the deck or surface shall be constructed in a manner that precludes the accumulation of material between the roof/ceiling assembly and the deck or walking surface and that prevents the introduction of ignition sources to the space.

**430.6. Coverings above or around occupants on an occupied rooftop.** A rooftop equipped with a horizontal or vertical covering or coverings, including weather protection, such as a roof or a tent or membrane structure that exceeds the limitations of Chapter 24 (Flammable Finishes) of the Fire Code shall be considered an additional story and shall comply with the construction and occupancy requirements of the City Code as a floor.

**Exceptions:**

1. Small roof coverings may be approved for weather protection of restrooms and beverage preparation areas such as bars without requiring the rooftop to comply with all of the requirements of this code for a story or floor. Such coverings shall comply with the Building Code as to construction materials and fire resistance. The area of such coverings shall be limited to the minimum area required to comply with sanitation and health safety regulations.
2. An open noncombustible trellis or similar overhead shading device complying with the structural requirements of this code shall not be considered as a covering or roof provided that the trellis or

shade has an evenly distributed net free area of 50 percent or greater.

(6371) *Subsection 501.2. Premises Identification.* Delete the text and replace with the following:

"All buildings in the City shall display their address numbers in accordance with the regulations set forth in the Fire Code, Chapter 11, City of Gaithersburg Code."

(72) *Add new Section 507.14 to read as follows:*

507.14 Noncombustible carports. Noncombustible carports may be of unlimited area when they are open on all sides, not over twelve feet (3658 mm) in height, and located a minimum of 5 feet (1524 mm) from any property line or assumed property line, measured from the roof edge.

(6473) *Subsection 510.2. Horizontal Building Separation Allowance.* Amend code condition 6 by deleting the phrase "grade plane" and replacing it with "the lowest level of fire department access." Also, add code condition 7 as follows:

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

(6574) *Subsection 717.5.3. Shaft Enclosures.* Replace the first sentence of Exception 2 with the following:

**Exceptions:**

2. "In buildings, other than Group H occupancies, equipped throughout with an automatic sprinkler system in accordance with Section 903 .3 .1.1 or 903 .3 .1.2, smoke dampers are not required where:"

(75) *Add a new Section 803.10.1 as follows:*

803.10.1 Site-fabricated stretch ceiling systems. Where used as a dropped ceiling, the following shall apply:

1. In Types I and II construction, frames shall be fabricated of non-combustible materials.

2. Where automatic sprinkler protection in accordance with Section 903.3.1.1 or 903.3.1.2 is required beneath the panel, core materials shall be fabricated of non-combustible materials.

(76) *Amend 803.15.2 Set-out construction.* Add to the end of the sentence of Exception 3. ", or Class A mineral fiber insulation."

(6677) *Subsection 903.1.1. Alternative Protection.* Delete the text and replace with the following:

**903.1.1. Alternative Protection.** Where automatic sprinkler systems are required by this code; and where water as an extinguishing agent is not compatible with the fire hazard, or is prohibited by a law, statute, or ordinance, the affected area must be protected by an approved automatic fire-extinguishing system utilizing an extinguishing agent that is compatible with the fire hazard.

(78) Subsection 903.2.1.2. **Group A-2.** Amend fourth condition by adding:

~~(67)~~ *Subsection 903.2.1.2. **Group A-2.*** Add a fourth condition to read as follows:

4. The assembly occupancy is one of the following: (1) Dance halls, (2) Discotheques, (3) Nightclubs, or (4) Assembly occupancies with festival seating (see definition).

~~(6879)~~ *Subsection 903.2.3. **Group E.***

1. In the first sentence, delete the phrase "12,000 square feet" and replace with "2,000 square feet."

~~(6980)~~ *Subsection 903.2.8. **Group R.*** Add an exception to read as follows:

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

1. The building is a mixed-use building, that is not otherwise required to be protected throughout by automatic sprinklers;
2. There is only one dwelling unit in the building;
3. The dwelling unit is separated from the remainder of the building by fire barriers in accordance with Section 707 and horizontal assemblies in accordance with Section 711 having a fire resistance rating of not less than 2 hours;
4. The means of egress from the dwelling unit is independent from the other occupancies; and,
5. The dwelling unit is protected throughout with automatic sprinklers. The automatic sprinkler system installed for this exception shall be permitted to be designed in accordance with Section 903.3.1.3.

~~(7081)~~ *Subsection 903.2.8.4. **Care facilities.*** Change the word "five" to "eight."

~~(7182)~~ *Subsection 905.3. **Required installations.*** Preface the text with the following statement, "In new installations where the code requires either Class II or Class III standpipes, Class I standpipes must be installed. Occupant use hose is prohibited for new or existing buildings."

(83) Add new section to 907.2.8 Group R1, to read as follows:

**907.2.8.4 Smoke detection in sleeping areas.** Smoke alarms or smoke detectors provided in sleeping areas within R-1 occupancies that are required to have a fire alarm system in accordance with this code shall be

able of producing the 520 Hz low frequency audible alarm signal complying with the sleeping area requirements of NFPA 72.

(84) Add Section 907.2.24

**907.2.24 Child-care smoke detectors.** System smoke detectors shall be installed within sleeping areas of day care facilities.

Exception: Single-station smoke alarms may be permitted in facilities not otherwise required to be provided with a fire alarm system.

(7285) Subsection 907.4.2.3. Color. Delete in entirety.

(7386) Subsection 907.6.4. Zones. Add a second exception as follows:

**Exception:**

2. Where an addressable automatic fire alarm system in accordance with Section 907 has been installed, fire alarm zoning shall be permitted to match, but not exceed, sprinkler zoning.

(87) Add Exception 7 to Section 909.5 Smoke Barrier Construction, to read as follows:

7.0 Door openings in smoke barriers shall be permitted to be protected by self-closing fire doors in the following locations:

7.1 Guest rooms.

7.2 Individual dwelling units

7.3 Mechanical rooms.

7.4 Elevator machine rooms.

7.5 Electrical rooms used exclusively for that purpose.

7.6 Doors typically maintained in a closed position as approved by the Building Official.

(7488) Subsection 909.9 Design Fire. Add the following sentence at the end of the section: In all cases, the design fire size shall not be less than 5000 BTU's (5275 kW) unless approved by the building official and the fire official.

(7589) Subsection 909.16. Fire Fighter's smoke control panel. In the third sentence, replace the words "approved location adjacent to the fire alarm control panel" with "location approved by the City building official and the fire official."

(7690) Subsection 911.1.1. Location and access. Delete and replace with the following: the fire command center shall have a door to the exterior of the building on the side where the building address is located. The exterior door to the fire command center shall be within 50 feet of a fire department

access road. A fire department access box shall be provided within 6 feet of the exterior door to the fire command center. The exterior to the fire command center shall be identified on the exterior side as the "Fire Command Center" in a manner acceptable to the fire official.

(~~7791~~) *Subsection 911.1.6. **Required features.*** Amend Item 2 to read:

2. "The fire department communications system, which may include an in-building public safety radio enhancement system monitoring panel." Amend item 11 to read "Fire pump status indicators and remote starting."

(~~7892~~) *Subsection 915.1. **General.*** Delete the phrase "Section 510 of the International Fire Code" and replace with "Chapter 11, the City of Gaithersburg Fire Safety Code."

(~~7993~~) *Subsection 916.2. **Permits.*** Delete the phrase "as set forth in Section 105.7.11 of the International Fire Code" and replace with "Chapter 11, the City of Gaithersburg Fire Safety Code."

(~~8094~~) *Subsection 916.7. **Gas sampling.***

2. Delete the phrase "with Section 6004.2.2.7 of the International Fire Code" and replace with "Chapter 11, the City of Gaithersburg Fire Safety Code."

(~~8195~~) *Subsection 916.11. **Inspection, testing and sensor calibration.*** Delete the phrase "the International Fire Code" and replace with "Chapter 11, the City of Gaithersburg Fire Safety Code."

(~~8296~~) *Subsection 918.1. **General.*** Delete and replace with the following: Emergency responder radio coverage shall be provided in all newly constructed below ground floors of a building, all floors in buildings greater than 25,000 square feet per floor, and to all floors of buildings greater than 3 stories in height. One and two family dwellings, townhouses, and "2 over 2 condos" are exempt from this requirement.

(~~8397~~) *Section 918. **Emergency responder radio coverage.*** Add new Subsection 918.2 as follows:

**918.2. Required emergency responder radio coverage.** Every floor area in a building or structure which cannot achieve the required level of emergency radio responder coverage as established by the Montgomery County Department of Technology Services shall be provided with an in-building public safety radio enhancement system in accordance with Chapter 11, the City of Gaithersburg Fire Safety Code.

(~~8498~~) *Section 918. **Emergency responder radio coverage.*** Add new Subsection 918.3. as follows:

**918.3. Inspections and Testing.** Emergency responder radio coverage and the in-building public safety radio enhancement system must be

tested, and inspected by approved individuals. The results of the testing and inspection shall be certified to the code official prior to the issuance of an occupancy permit.

(8599) *Subsection 1001.1. General.* Add the following to the end of the section: "The means of egress shall also comply with the requirements in the currently adopted edition of the Life Safety Code."

(86100) *Subsection 1003.5. Elevation change.*

Add the following to the beginning of the first paragraph: "Changes in level/elevation in means of egress pathways, of 21 inches or less, shall be achieved by compliant stairs or ramps. Where stairs are used, the tread depth of such stair shall not be less than 13 inches (330 mm).

In the following sentence, "Where changes in elevation of less than 12 inches (305 mm) exist in means of egress, sloped surfaces shall be used". Replace the word "shall" with "may". Railings shall be provided thereon as defined under exception 2. Chapter 11 references herein are replaced by the Maryland Accessibility Code – ADAAG/2010.

In Exception #2. **Exceptions:**

2. Replace the phrase "a single riser or with two risers and a tread" to "three risers or less". Chapter 11 references herein are replaced by the Maryland Accessibility Code – ADAAG/2010.

(87101) *Subsection 1003.5. Elevation change.*

In Exception #3. **Exceptions:**

3. Chapter 11 references herein are replaced by the Maryland Accessibility Code – ADAAG/2010.

(88102) *TABLE 1004.5. Areas without fixed seating. Maximum floor area allowances per occupant.* Add an entry for "Shell Office Spaces" with an occupant load factor of 65 gross square feet per person. Change the occupant load factor for mercantile space from "60" to "30" in Table 1004.5.

(103) Add new subsection. Subsection 1004.5.2 **Festival Seating:**

1004.5.2 **Festival Seating.** Festival seating shall be prohibited within a building, unless otherwise permitted by one of the following:

1. Festival seating shall be permitted in assembly occupancies having occupant loads of where the festival seating occupant load is 250 or less.
2. Festival seating shall be permitted in assembly occupancies where occupant loads exceed 250 and the festival seating occupant load exceeds 250, provided that an approved life safety evaluation has been performed.

3. Festival seating for less than 500 patrons (3500 square feet of open-plan area without seats) is allowed without special provisions provided seating plans are submitted and approved and all provisions of the public assembly permit process are complied with. Festival seating for greater than 500 patrons may require additional requirements/conditions to be as determined by the City Fire Marshal.
4. Festival seating shall be permitted in assembly occupancies without dance halls, discotheques, and nightclubs, where the festival seating occupant load is 1000 or less.

(89104) *Subsection 1004.6. Fixed seating.* After the last paragraph, add "The occupant load of bench-type seating, and the occupant load of bars, shall be based on one person for each 18 linear inches (455 mm) measured at the seat, or patron side of the bar, respectively."

(90105) *Subsection 1005.3.1. Stairways.* Delete all of the exceptions.

(94106) *Subsection 1005.3.2. Other egress components.* Delete all of the exceptions.

(92107) *Subsection 1006.2.2.4. Group I-4 means of egress.* Change 2 1/2 to 2.

(93108) *Subsection 1007.1.1. Two exits or exit access doorways.* Add the following exception:

**Exceptions:**

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 open-ended corridors in compliance with Exception 4 of Section 1026.6 (Exception 4), shall be provided with remoteness between the near edge of the required landings, that are separated by a distance of at least one third the length of the maximum overall diagonal dimension of the area served.

(94109) *Subsection 1010.1.2. Door Swing.* Add a second sentence at the end of the first paragraph to read: "Doors in exit enclosures shall swing in the direction of egress travel unless the door opening serves an individual living unit that opens directly into an exit enclosure."

(110) 1010.1.8 Door arrangement. Amend exception to add the following:

4. The space between doors serving access vestibules of smokeproof enclosures shall be permitted to be in accordance with Section 909.20.1.

(95111) *Subsection 1010.1.9.12. Stairway doors.* In Exception #3.

**Exceptions:**

3. delete all text after the phrase "... openable from the egress side."

(112) Subsection 1011.5.2. Riser height and tread depth.

Add the following to the end of the first paragraph: "Changes in level/elevation in means of egress pathways, of 21 inches or less, shall be achieved by compliant stairs or ramps. Where stairs are used, the tread depth of such stair shall not be less than 13 inches (330 mm)."

(96113) Subsection 1012.6. Landings. At the end of the last sentence, add the phrase "unless, in the opinion of the AHJ, an extension in the same direction of the stair or ramp creates a hazard in the means of egress."

(97114) Subsection 1014.6. Handrail extensions. At the end of the last sentence add the phrase "unless, in the opinion of the AHJ, an extension in the same direction of the stair or ramp creates a hazard in the means of egress."

(98115) Subsection 1014.7. Clearance. Change "1 1/2" to "2 1/4", and change "38mm" to "57 mm". Add sentence at the end of the paragraph, Requirement aligns with the Chapter 11, the City of Gaithersburg Fire Safety Code.

(99116) Subsection 1015.2. Where required. After "including," add "but not limited to." After the phrase "equipment platforms," add the phrase "retaining walls"

(100117) Add new Subsection 1015.2.2.

*Subsection 1015.2.2. Cable railing systems.*

*1015.2.2.1. Requirements.*

- (a) Horizontal and vertical cable railing systems are allowed with the following stipulations:
  - 1) Residential guard railings, 36" height minimum. Commercial guard railings, 42" height minimum.
  - 2) Vertical posts, wood, aluminum, or steel: 48" maximum center-to-center spacing.
  - 3) Guard opening limitations: Cables shall be installed at 3" maximum center-to-center spacing.
  - 4) Cable tension: 225 lbs. minimum.
  - 5) Cable sleeves shall be provided on all posts, regardless of material.
- (b) Guardrails in Group R occupancies shall not contain:
  - 1) Horizontal rails other than the top and bottom rails.

- 2) Required guards shall not be constructed with horizontal rails or any other ornamental pattern that results in a "climbable" railing system.
- 3) Cutouts or indentations greater than 1 1/4" in width or protrusions that may provide a foothold for "young children".

(402118) *Subsection 1015.3. Height.* In exceptions #1 and #2,

**Exceptions:**

1. change "34 inches (864 mm)" to "36 inches (915 mm)."
2. change "34 inches (864 mm)" to "36 inches (915 mm)."

Add a seventh exception:

7. In occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2, interior guards shall not be less than 36 inches high.

(403119) *Subsection 1015.4. Opening limitations.* Delete exception #6.

(404120) *Subsection 1015.8. Window openings.* Add two exceptions (#5 and #6) to read as follows:

**Exceptions:**

5. In buildings four stories or less, the lowest part of the clear opening of the window shall be permitted to be at a height not less than 18 inches (457mm) above the finished floor surface of the room in which the window is located.
6. In buildings four stories or less, glazing between the floor and a height of 18 inches (457mm) shall be fixed or have openings through which a 4-inch (102mm) sphere cannot pass.

(405121) *Subsection 1015.8.1. Window opening control devices.* At the end of the paragraph, add the following sentence:

"Point of clarification regarding Window Opening Control Devices (WOCD). With the standard ASTM F2090 -17, windows that utilize a window opening control device shall include an automatic reset, in that, after the window opening control device is released, the device must automatically reset when the window sash is fully closed."

(406122) *Subsection 1016.2.1. Multiple tenants.* Add the following exception:

**Exception:**

2. In buildings of Group R-2 four stories or less in height above the grade plane that are served by two required exterior stairways connected by an open-ended corridors in compliance with Exception 4 of Section 1026.6 (Exception 4) shall be provided with remoteness between the near edge of the required landings that are separated by

a distance of at least one third the length of the maximum overall diagonal dimension of the area served.

(407123) *Section 1022. EXITS.* Add a new Subsection 1022.3. to read as follows:

**1022.3. Fire Department Access to Floors.** Not less than one exit stair which serves all stories of the building shall be accessible by an internal corridor from the main entrance of the building or the fire department response location.

(408124) *Chapter 11. ACCESSIBILITY.* Delete the chapter and replace with "The Maryland Accessibility Code – ADAAG/2010."

(125) **Section 1209 Toilet And Bathroom Requirements**

**1209.4 Baby Changing Tables**

Insert new Subsection 1209.4 as follows:

**1209.4 Baby Changing Tables.** Wherever a new restroom is constructed for use by the public, a baby-changing table shall be installed and shall comply with ADA Sections 307 Protruding Objects, 309 Operable Parts, and 902 Work Surfaces. A baby-changing table must be available to both sexes, and when deployed shall not obstruct or reduce the required width of an accessible route. The baby-changing table shall be located in a common area or within restrooms, both female and male, and meet ADA compliance requirements. Device installation and use must comply with 2010 ADA Standards, which addresses the clear floor space (30 inches by 48 inches (760 by 1220mm)) requirement, design of handles and controls (operable with one hand, without tight grasping, pinching, or twisting of the wrist), required force (maximum of 5 pounds of force (lbf) (22.2 N)), mounting height (working surface in the down position, 34 inches maximum, (865mm)), knee space (27 inches to underside (685mm)) and toe space beneath (17 inches to 25 inches, (430 to 685mm)).

**Exception:** A facility that has been issued a permit or license which restricts the admission of children on the basis of age shall be exempt from this requirement.

**1209.5 Adult Changing Tables**

Insert new Subsection 1209.5 as follows:

**1209.5 Adult Changing Tables.** Guideline minimum specification only where required or specified: Provide a floor-supported changing table, sized for use by adults, which can support individuals weighing a minimum of 400 pounds (180 kilograms). Table surfaces must be easily cleanable using steam or power-spray equipment. Do not permanently attach table to

wall or floor to permit cleaning of spills on and around wall and floor surfaces behind and under table. Design table with the following characteristics:

1. Removable top.
2. Adjustable leveling feet.
  
3. Rounded edges and corners on open sides of table.
4. Located against an inside corner of the room.
5. Minimum 6-inch high back- and end-splash, integral with top. Loose splashes are not permitted.
6. Medical examining table paper roller at end of table.
7. Duplex convenience outlet (GFCI), and emergency call switch with pull cord within reach of individuals using changing table and assistant. Call switch destination shall be determined.

Wood framing and panel products used in the design of the table are to be fire-retardant-treated. Metals, including fasteners, are to be corrosion-resistant or otherwise protected from corrosion, including the effects of cleaning chemicals. Fasteners securing removable top are to be tamper-resistant. Grab Bars are to be installed along the full length and width of changing tables. Provide at least one intermediate support for grab bars installed along the length of changing tables.

Comply with Maryland Accessibility Code requirements for grab bars, except increase structural strength requirements to 400 pounds (1770 N). Peened grip for grab bars is optional. Assistant's Chair: Subject to program requirements.

(409126) Add new Section 1210. "Visual Mold" to read as follows:

*Section 1210. VISUAL MOLD.*

*1210.1 General.* All structures constructed under the provisions of this code shall be free from any signs of visual mold. Construction materials that exhibit visual signs of mold shall be removed and replaced.

**Exception:** At the discretion of the City Building Official upon inspection, non-porous materials may be treated to remove mold as directed by an approved environmental engineer accepted by the City of Gaithersburg.

(410127) *Subsection 1404.19.* Add new Subsection 1404. 19

*1404.19. Combustible exterior wall coverings.* Exterior siding made with any plastic, vinyl, or similar polymer material must be installed with a noncombustible substrate (exterior wall sheathing) directly beneath it.

(444128) *Subsection 1405.1.1. Types I, II, III, and IV Construction.* Add new paragraph, 5.

5. Exterior siding made with any plastic, vinyl, or similar polymer material must be installed with a noncombustible substrate (exterior wall sheathing) directly beneath it.

(129) Amend **Section 1406 Metal Composite Materials (MCM)**

Add the following to the end of 1406.1 General, to read as follows:

1406.1.1 **Foam plastic insulation.** MCM systems containing foam plastic insulation shall also comply with the requirements of Section 2603.

1406.1.2 **Labeling.** MCM shall be labeled in accordance with Section 1703.5.

Amend Section **1406.12 Type V construction.** Add the following to the end of sentence “, not exceeding 40 feet in height.”

**Exception:** MCM on exterior walls of Type V Buildings are exempt from the height restrictions when meeting the requirements of 1406.13.4.

(~~142~~130) Add new Section 1410.

*Section 1410. EXTERIOR BALCONY AND ELEVATED WALKING SURFACES.*

*1410.1. **Applicability.** The provisions of Sections 1410.1 through 1410.2 shall apply to all parts of buildings and structures that contain any exterior balcony and elevated walking surface areas of the building or structure.*

*1410.2 Reference Section Requirements. IBC Sections 107.2.5, 2304.12.2.3, 2304.12.2.6, and 2304.13.*

(~~143~~131) Add new Section 1513.

*Section 1513. ROOFTOP SCREENING.*

*1513.1. **Applicability.** This section provides the applicable standards for the screening of all equipment (may include projections or accessories to equipment), located on the roof of a building, in all zoning districts within the City, at the time of new installation or any equipment replacement. Screening shall be of a material similar in quality and appearance to other areas of the building façade and which is an integral part of the building’s architectural design.*

*Types of equipment defined shall include, but is not limited to elevator shafts, heating and air conditioning units of any type, ventilation ducts and exhaust air and make-up air vents, water tanks, cooling towers, swimming pool and spa pumps and filters, transformers and generators, and similar equipment (excluding solar collectors, wind energy, or similar renewable energy devices, and related equipment), and shall be*

screened from public view and adjacent residential districts, and shall comply with the requirements below.

### 1513.2. Requirements.

1. **Screening of Rooftop Equipment.** Roof-mounted mechanical equipment shall not be visible in any direction (360 degrees) from a public property, a public right-of-way (from the opposite side of the abutting Primary Street), or adjacent residential property, as may be seen from a point six feet above ground level, perpendicular to the zone lot line. All screening for buildings designed (including parapet walls or other similar architectural elements) shall be constructed to a height of not less than one (1') foot above the horizontal plane of the highest (after-installation height) roof-mounted mechanical unit, HVAC and/or other equipment. Additional height screening of the top of roof-mounted mechanical equipment may be required by the City, if necessary to protect views from a residential zoning district located at a higher elevation. If free clearance or otherwise unobstructed flow or space is required by the Fire or Building Code, equipment should be positioned beyond the parapet wall so as not to be visible.

**Exception to Screening Requirement.** Where it can be clearly demonstrated that the exterior roof-mounted or ground-mounted mechanical equipment is not visible from any public right-of-way, public property, or residential property in a residential zoning district, the City Building Official may waive the screening requirements of this section. The submittal of a plan and section/elevation drawing must document that the rooftop mechanical equipment is not visible from the opposite side of the abutting Primary Street's right of way. Submitted drawings shall indicate the point of measure and height of the mechanical screening, where applicable.

3. Large mechanical equipment, including refrigeration units for commercial, institutional and recreational buildings shall be incorporated into the building design or, alternatively, screened with the appropriate materials. Screening of roof-mounted equipment may be accomplished by solid and permanent roof-mounted screens, or with mechanical roof wells recessed below the roof line.
3. Significant heritage buildings shall have all rooftop equipment fully screened and/or integrated into the building in a way that respects

and complements the building's heritage and architectural features. Screening shall be compatible with the style, materials, and color of the building upon which the equipment is located, subject to the approval of the City.

4. The elevation plans for the screening shall be submitted to, and approved by, the planning staff of the Planning and Code Administration, prior to building permit application. Site lines will be taken into consideration in determining approval of screening proposals."
5. Equipment setback from roof edges that is at least three (3) feet in depth for each one (1) foot of equipment height.
6. The construction plans for the screening must demonstrate conformance with all applicable provisions of this code (IBC) and the City Mechanical Code (IMC), and must meet any requirements for space, ventilation, or other requirements as dictated by the equipment manufacturer.
7. **Exterior Noise.** Roof-mounted and ground-mounted mechanical equipment shall be subject to Exterior Noise Standards. Mechanical equipment within mixed-use or commercial zoning districts shall be located so that the impact of noise on residential uses within the development and on adjacent residential uses is minimized to the greatest extent feasible in compliance with Exterior Noise Standards.
8. **Ground-Mounted Mechanical Equipment.** This section provides standards for the screening of mechanical equipment. Multi-unit residential and nonresidential land uses shall comply with the requirements of this section. Where mechanical equipment is allowed to be installed on ground, these items shall be screened from public view and adjacent residential districts with fences, walls, solid hedges, (subject to any allowed encroachments and/or zoning setback requirements), or other methods approved by the City. Screening shall be maintained in good condition at all times. Landscaping used as screening shall provide a dense, year-round screen. Chain link fencing with or without slats shall not be permitted.

(444132) *Subsection 1603.1.4. Wind design data.* Add to Item 1.

1. The ultimate design wind speeds in miles per hour in the City of Gaithersburg MD. for risk categories I, II, III, and IV are 105, 115, 120, and 120, respectively. The corresponding nominal design wind speeds in miles per hour are 82, 89, 93, and 93, respectively.

(445133) *Subsection 1603.1.5. Earthquake design data.* Add to Item 3.

3. The mapped spectral response acceleration parameters for Montgomery County for short period,  $S_s$ , and 1-second,  $S_1$ , shall be 12.5% and 5.5%, respectively.

(~~416~~134) *TABLE 1607.1. MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS.*  
Item 26. Roofs. Modify the uniform live load value for "Ordinary flat, pitched and curved roofs" (that are not "occupiable") to 30 pounds per square foot, non-reducible.

(~~417~~135) *Subsection 1607.7.2.* Modify item to read as follows:

**1607.7.2. Fire truck and emergency vehicle loading.** Add paragraph 3.

3. Structural members subject to fire truck loading shall be designed for the concentrated loads applied by the vehicle to the structure as described below: The maximum fire truck operating weight is 85,000 pounds distributed in three axles spaced 19 feet 6 inches and 4 feet 6 inches apart. The transverse wheel distance is 8 feet 2 inches. The front axle weighs 23,000 pounds and rear axles weigh 31,000 pounds each. When the ladder is up, the vehicle is raised and supported on 4 outriggers spaced 10 feet apart along the length of the vehicle and 16 feet apart in the transverse direction. Depending upon the position of the ladder, any pair of two front, side or rear outriggers apply to the structure a force of 123,552 pounds (61,776 pounds per outrigger in accordance with NFPA 1901, Chapter 20.21.42) and the remaining two outriggers apply a force of zero (0) pounds. Outrigger pad dimensions are 2 feet 2 inches wide by 2 feet 6 inches long.

(~~418~~136) *Subsection 1607.13.2.2.* Add new Subsection 1607.13.2.2.

**1607.13.2.2. Roof drainage.** Roof drainage shall be designed and constructed in accordance with all applicable provisions of Chapter 11 of the International Plumbing Code (2018). This amendment shall not supersede any requirements of the WSSC Plumbing Regulations.

(~~419~~137) *Subsection 1608.2. Ground Snow Loads.* Referencing TABLE 1608.2. GROUND SNOW LOADS. The ground snow load for the City of Gaithersburg is 30 psf.

(~~420~~138) *Subsection 1612.3. Establishment of Flood Hazard Areas.* Where the subsection calls for name of jurisdiction, insert "the City of Gaithersburg, as contained in Chapter 10 of the City Code." Where the subsection calls for date of issuance, insert "April 27, 1992."

- (~~124~~139) *Subsection 1704.2. **Special inspections and tests.*** Delete Exception 4.
- (~~122~~140) *Subsection 1704.2.5. **Special inspection of fabricated items.*** . At the end of first paragraph, add the following sentence: "The exceptions to Section 1704.2 may apply, subject to City approval."
- (~~123~~141) *Subsection 1704.2.5.1. **Fabricated Approval.*** After the title, add the following sentence: "The provisions of this Section may apply, subject to City approval."
- (~~124~~142) *Subsection 1705.2.1. **Structural Steel.*** Modify AISC 360 Chapter N, Section N1, First User Note: Delete the sentence starting with "Additionally, where ..."
- (~~125~~143) *Subsection 1705.2.1. **Structural Steel.*** Modify AISC 360 Chapter N, Section N5.5b: Add at the end of the paragraph "unless a higher percentage is required by the structural engineer of record."
- (~~126~~144) *Subsection 1705.2.1. **Structural Steel.*** Modify AISC 360 Chapter N, Section N5.5b, User Note: Add at the end of the user note "unless otherwise specified by the structural engineer of record."
- (~~127~~145) *Subsection 1705.2.2. **Cold Formed Steel Deck.*** Modify SDI QA/QC-2011 Standard by deleting subsection 2 from Section 3.2B.
- (~~128~~146) *Subsection 1705.3. **Concrete Construction.*** Delete Exception 1 and Exception 2.3.
- (~~129~~147) *TABLE 1705.3. **Concrete Construction. Required Special Inspections and Tests of Concrete Construction.*** Modify Item 4a. Add after "tension loads", "Installation shall be performed by an ACI or CRSI certified adhesive anchor installer."
- (~~130~~148) *TABLE 1705.3. **Concrete Construction. Required Special Inspections and Tests of Concrete Construction.*** Items 10 and 11. Modify the inspection frequency from "periodic" to "continuous."
- (~~131~~149) *TABLE 1705.3. **Concrete Construction. Required Special Inspections and Tests of Concrete Construction.*** Item 11. Add the sentence to the first column, "The strength evaluation shall be demonstrated by field cured cylinders only."
- (150) Section 1705.6 **Soils.**

Revise the Exception in Section 1705.6 Soils to read as follows:

**Exception:** Where Section 1803 does not require reporting of materials and procedures for fill placement, the in-place dry density of the compacted fill shall not be less than 90% of the maximum dry density at optimum moisture content determined in accordance with ASTM D 1557.

(432151) **TABLE 1705.6. Required Special Inspections and Tests of Soils.** Items 2, 3 and 5. Modify the inspection frequency from "periodic" to "continuous."

(433152) **Subsection 1809.5. Frost protection.** After the phrase,

1. "frost line of the locality," insert "a minimum of 30 inches below the adjacent finished grade."

(434153) **Subsection 1901.2.1. Plain and Reinforced Concrete.** Add a new Subsection 1091.2.1. as follows:

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

(154) **Section 1907.1**

Delete Section 1907.1 and replace with the following:

**1907.1 General.** The thickness of concrete floor slabs supported directly on the ground shall not be less than 3-1/2 inches (89mm). A 10-mil (.010 inch; 0.254 mm) polyethylene vapor retarder conforming to ASTM E 1745 Class A requirements with joints lapped not less than 6 inches (152 mm) shall be placed between the base course or subgrade and the concrete floor slab, or other approved equivalent methods shall be used to retard vapor transmission through the floor slab.

**Exception:** The vapor retarder is not required:

1. For detached structures accessory to occupancies in Group R-3, such as garages, utility buildings or other unheated facilities.
2. For unheated storage rooms having an area of less than 70 square feet (6.5m<sup>2</sup>) and carports attached to occupancies in Group R-3.
3. For buildings of other occupancies where migration of moisture through the slab from below will not be detrimental to the intended occupancy of the building.
4. From driveways, walks, patios and other flatwork which will not be enclosed at a later date.
5. Where approved based on local site conditions.

(435155) **Subsection 2303.1.9.3.** Add new Subsection 2303.1.9.3. End Use.

**2303.1.9.3. End Use.** Pressure Treated Wood use shall be in accordance with the latest adopted requirements/guidelines as established by the American Wood Products Association (AWPA). Ground Contact (UC4A) treated wood shall be used in all applications typically where components are considered:

1. Difficult to maintain, repair or replace and are critical to the performance and safety of the structure.

2. Does not permit air circulation or water drainage underneath the structure.
3. When installed less than 6" above the ground.
4. When wetted on a frequent or recurring basis such as wind and wave action.
5. Where vegetation, leaf litter, or other debris will typically build up and remain in contact with the treated wood product.

(136156) *Subsection 2308.3.2.* Add new Subsection 2308.3.2. **Bottom (Sill) Plate Anchorage.**

2308.3.2.1. **Applicability.** Where field conditions preclude the placement of the minimum bottom plate anchors, a registered design professional may provide a design for the attachment in accordance with accepted engineering practice. Detail(s) shall be submitted for City approval (to be made part of the permit documents), signed and sealed (State of Maryland) by the registered design professional.

(157) Section 2611.5 Light-Transmitting Plastic Interior Signs

Add new Section 2611.5 to read as follows:

2611.5 LED Display Panels. Signs or displays utilizing LED display panels shall comply with this section of the code.

1. Panels used for LED displays shall be listed appliances.
2. Panel displays under 100 square feet in aggregate area shall not require any additional protection.
3. Panel displays between 100 square feet and 500 square feet in aggregate area shall be located in a space protected by an automatic sprinkler system.
4. Panel displays exceeding 500 square feet and below 1,000 square feet in aggregate area shall be protected with a water curtain complying with NFPA 13 across the exposed face of the display or be located in a space protected with an automatic sprinkler system of at least Ordinary Hazard Group 2.
5. Panel displays of 1,000 or greater square feet in aggregate area shall be protected by a water curtain complying with NFPA 13 across the exposed face of the display.
6. For panel displays exceeding 500 square feet, a Fire Protection Report shall be provided to substantiate the preceding requirements are met.

(137158) *Chapter 29. Plumbing Systems.* Delete chapter in its entirety and replace with the following:

"Plumbing and Gasfitting Regulations in the City of Gaithersburg are under the jurisdiction of the Washington Suburban Sanitary Commission (WSSC)."

(438159) *Section 3001.1. **Residential Elevators.*** Add new Subsection 3001.1.1. as follows:

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

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

(439160) *Subsections 3001.2, 3001.3, and 3001.4. **Elevators and Conveying Systems.*** Delete and replace with the following:

"*Subsection 3001.2. **Standards.*** The Maryland Department of Labor, Licensing, and Regulations, Division of Labor and Industry, regulates the design, installation, inspection, and testing of all hoisting and conveying equipment."

(440161) *Section 3107. **Signs.***

*Subsection 3107.1. **General.*** Delete the text and replace with the following:

**General.** "All signs, and substantial modifications to existing signs, shall conform to the requirements of the City Zoning Ordinance and all applicable provisions of this code. Where conflict exists between this code and the City Zoning Ordinance, the Zoning Ordinance shall take precedence."

(441162) *Subsection 3107.2.* Add new Subsection 3107.2. Sale and Rental Signs. to read as follows:

"*Subsection 3107.2. **Sale and Rental Signs.*** Unless otherwise provided in the City Sign Ordinance (Chapter 24, Article a permit shall not be required for signs to announce the sale or rental of property, provided that such signs are not more than four (4) square feet in area."

(~~142~~163) *Subsection 3107.3.* Add new Subsection 3107.3. Sign Height. to read as follows:

"*Subsection 3107.3. **Sign Height.*** The lowest point of any sign which extends over an area intended for unrestricted vehicular traffic shall be a minimum of 14 feet above the highest traffic surface."

(~~143~~164) *Subsection 3109.1. **Swimming Pools, Spas, and Hot Tubs. General.*** Add the following sentence to the end of the subsection:

"Public swimming pools are also required to conform to requirements of the Montgomery County Department of Health."

(165) Add a new Subsection 3109.2 **Depth Definition.** Minimum depth of 18 inches. In the definition as in Chapter 2, change 24 inches to 18 inches. This regulation shall also apply to fountains and any other building or site containing a water element or feature.

(~~145~~166) *Section 3114.* Add new Section 3114. Systems Furniture, to read as follows:

*Section 3114. **SYSTEMS FURNITURE.***

*3114.1. **Applicability.*** Systems furniture installations will require a separate building permit and a separate electrical permit unless the full scope of the systems furniture installation, to include electrical service, is scheduled under the main building permit.

(~~146~~167) *Section 3115.* Add new Section 3115. Telecommunications Equipment, to read as follows:

*Section 3115. **Telecommunications Equipment.***

*3115.1. **Applicability.*** Antenna and communication equipment installations within the City are required to be privately inspected and certified for proper installation by a duly qualified structural P.E., licensed in MD. Submit original document(s), signed and sealed, to this office, within 6 months of the issue date of this permit.

*3115.2. **Requirements.*** Electrical work shall conform to City electrical code. All work shall be done at a time and in a manner, that does not endanger public or worker safety, health and general welfare. In instances where existing equipment is being replaced, said existing equipment, attachment devices, and wiring shall be removed in entirety prior to installation of any new equipment. Contractor of record shall be responsible for obtaining all required inspections, including verification of removed equipment, and shall be required to complete work in accordance with the City approved plans and all applicable City codes and regulations, and scheduling and passing all required inspections. Failure to obtain proper inspections and/or approvals, or send the

required documentation, within 4 months of completion of work, will result in the revocation of the permit and the issuance of an Official Notice to remove the antenna installation from the building, or site, at the expense of the applicant. A per diem penalty may be issued for each day the antennas remain after the compliance date passes.

(147168) *Subsection 3302.4.* Add new Subsection 3302.4. Construction in Occupied Buildings., to read as follows:

"*Subsection 3302.4. **Construction in Occupied Buildings.*** Existing occupied buildings and/or spaces shall not remain occupied during construction operations.

"**Exception.** Where the building or space is adaptable to a phasing operation that clearly demonstrates to the building official that the health, safety, and welfare of the occupants of that building is not jeopardized in any way by the construction project, and that the provisions set forth in subsection 3302.3.1 can be met."

(148169) *Subsection 3302.4.1.* Add new Subsection 3302.4.1. Safety Requirements., to read as follows:

"3302.4.1. **Safety Requirements.** All buildings/spaces approved by the building official for construction scheduled to occur while the buildings/spaces are occupied shall conform to all applicable City of Gaithersburg codes (including a phasing plan as determined by the City), policies and procedures.

(149170) *Subsection 3303.1. **General.*** All demolitions of structures, partial or full, shall conform to all applicable City of Gaithersburg codes, policies and procedures.

(150171) *Appendix C. **Group U, Agricultural Buildings.*** Appendix C is hereby adopted in its entirety.

(152172) *Appendix G. **Flood Resistant Construction.*** Appendix G is hereby adopted in its entirety and amended as follows:

"*Appendix G. Section G102.1. **General.*** Add new paragraph 11.

11. The provisions of Chapter 10 of the City of Gaithersburg Code.

*Section G102.2. **Establishment of flood hazard areas.*** Replace the parentheses and the phrase within the parentheses with the effective date of this regulation.

(153173) *Appendix H. **Signs.*** Appendix H is adopted in its entirety except for any instances where there is a conflict with the City of Gaithersburg Sign Ordinance (City Code, Chapter 24, Article IX) or any sign-related

amendments of this document, any of which shall take precedence over this appendix.

(154174) *Appendix I. Patio Covers.* Appendix I is hereby adopted in its entirety.

(155175) Add new Appendix O.

*Appendix O. Radon Gas Methods.* Refer to the 2018 International Residential Code, Radon (Appendix F) is hereby adopted by the City of Gaithersburg as Appendix O for the 2018 International Building Code in its entirety and shall apply to all residential uses, 4 stories and greater in height above grade plane, including Use and Occupancy classifications.

(156176) Add new Appendix P.

Appendix P. Appendix F of the 2018 International Residential Code. Appendix F of the International Residential Code is hereby adopted in its entirety and shall apply to all residential Use and Occupancy classifications in the International Building Code - IBC.

## ARTICLE II. - THE INTERNATIONAL RESIDENTIAL CODE (2018)

### Sec. 5-4. – Building Code—Adoption of the International Residential Code (2018)

The International Residential Code (2018), unless specified otherwise, as published by the International Code Council, Inc., is hereby adopted as the building code for one- and two-family dwellings and townhouses in the City, except as modified by Section 5-5.

### Sec. 5-5. – Modifications to the International Residential Code 2018.

The International Residential Code 2018, adopted by Section 5-4, is hereby modified by the City as follows:

- (1) *General:* Whenever the words "name of jurisdiction or jurisdiction" appear in this code, insert the words "the City of Gaithersburg."
- (2) *General:* Whenever the words "building official" appear in this code, they shall be deemed to mean the city manager or designee.
- (3) *General:* Whenever the words "department" or "department of building safety" appear in this code, they shall be deemed to represent the City of Gaithersburg, Department of Planning and Code Administration, Permits and Inspection Department.
- (4) *Subsection R101.2. Scope.* To the Exception, add the following:

**Exception.** Existing buildings, as defined by the Maryland Building Rehabilitation Code, undergoing repair, alterations or additions and

change of occupancy shall be permitted to comply with the Maryland Building Rehabilitation Code.

- (5) *Section R103.* DEPARTMENT OF BUILDING SAFETY. Delete.
- (6) *Subsection R105.2. Work Exempt from Permit.* Delete items #1, 2, 3, and 5 and 10 from the "**Building**" list.  
In item #7, Delete "swimming", and change 24 inches (610 mm) to 18 inches (457 mm)
- (7) *Subsection R108.2. Schedule of Permit Fees.* Delete the word "gas and plumbing"; delete the words "applicable governing authority" and replace with "the Mayor and City Council."
- (8) *Subsection R109.1.2. Plumbing, mechanical, gas, and electrical systems inspections.* Delete the words "plumbing and gas."
- (9) *Subsection R109.1.3. Floodplain inspections.* In addition to the requirements of this subsection, all requirements of the City of Gaithersburg Floodplain Regulations (City Code, Chapter 10) shall apply.
- (10) *Subsection R109.1.5. Other inspections.* At the end of the paragraph, add the following: "and all other inspections listed in the City of Gaithersburg inspection guide and/or required by department policy."
- (11) *Subsection R109.2. Inspection Agencies.* After the word accept, insert the following phrase, "as required by department policy".
- (12) *Subsection R109.3. Inspection Requests.* Add the following to the end of the paragraph: Any overtime inspection request(s) must be made a minimum of 48 hours in advance.
- (13) *Subsection 109.3.1.* Add new Subsection 109.3.1.

*Subsection 109.3.1. Third Party Inspections.*

*R109.3.1. Applicability.* The Certified (Third-Party) Inspections Program is the City of Gaithersburg, MD's policy for "third-party" inspections of commercial and residential projects requiring construction or maintenance inspections by Inspections staff. This program is pursuant to the Code of the City of Gaithersburg, MD., and the International Building Code, and also applies to projects using the International Existing Building Code. Questions may be directed to Inspections staff, (301) 258-6330.

**Exception:** This program does not apply to construction under the Special Inspections Program, nor to new residential construction of Groups R-3 or R-4 within the scope of the International Residential Code, nor to fire detection, fire protection or fire suppression systems, nor to inspections by other City agencies.

The Certified Inspections Program offers property owners and construction contractors of commercial and residential construction

projects the option for certain construction inspections to be performed and certified by private sector “third-party” engineers and inspectors, to the extent specified below, when approved in advance by the City of Gaithersburg. The Inspections staff will accept, review and approve such certified inspections, in lieu of inspections by Inspections staff, except in situations where there is specific cause that a particular report shall be rejected. The Inspections staff will monitor the quality of the certified inspections. The Inspections staff will continue to provide full support to inspection requests for projects not involved in this certified inspections program.

Private sector “third-party” inspection firms and personnel shall be employed directly by the project owner, shall be independent of the project architect or engineering design firm or contractors performing the work, and shall have no personal financial interest in the project. The building official, on a project -by-project basis, shall approve both the inspection firm and its personnel prior to commencement of construction.

*Subsection R109.3.2. Personnel Credentials.* Inspections shall be conducted under the direct supervision of, and certified by, a Registered Design Professional, licensed in the State of Maryland. The Registered Design Professional and Registered Design Professional’s field inspector personnel shall all possess appropriate State of Maryland or International Code Council, Inc. (ICC) inspector credentials. An inspector or Registered Design Professional approving work that is not in conformance with the City-approved plans and the Code of the City of Gaithersburg, MD. may lose City approval to perform future inspections.

(14) *Subsection R110.3. Certificate issued.* Delete items 3., 4., 5., 7., and 8.

(15) Add new *Subsection R110.6.:*

*Subsection R110.6. Property Corners.* "Permanent Property Corners" to read as follows: Permanent property corners shall be installed and identified prior to final use and occupancy approval.

(16) *Section R112.* Delete and replace with the following:

"*Section R112.* BOARD OF APPEALS. Any decision or order of the City manager or designee under this chapter may be appealed within 30 days of the date of such decision or order to the City Board of Appeals. Any decision of the City Board of Appeals may be appealed to the Circuit Court within 30 days of the date of the Board's written decision. Such appeals shall be governed by the Maryland Rules of Procedure. Any decision of the Circuit Court may be appealed to the appellate courts of this state."

(17) *Subsection R113.4. Violation penalties.* Delete the phrase "subject to penalties as described by law", and replace with "guilty of a municipal infraction, enforceable and punishable by a fine and/or penalty as established by the Mayor and City Council pursuant to Sections 1-9

through 1-11 of the City Code, and that each day that a violation exists shall be deemed a separate offense."

"In addition thereto, the City may institute injunctive, mandamus, or any other appropriate action or proceedings at law or equity for enforcement of this Chapter, or to correct violations of this Chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate form of remedy or relief."

- (18) *Subsection R114.2. Unlawful Continuance.* Delete the phrase "subject to penalties as described by law", and replace with "liable to a fine or civil penalty as established by the Mayor and City Council, pursuant to Section 1-10 of the City "In addition thereto, the City may institute injunctive, mandamus, or any other appropriate action or proceedings at law or equity for enforcement of this Chapter, or to correct violations of this Chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate form of remedy or relief."
- (19) *Section R202. DEFINITIONS.* Add term "Authority Having Jurisdiction."  
**AUTHORITY HAVING JURISDICTION.** (AHJ). An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or procedure. Further defined under 2018 IBC Section 104, Duties and Powers of Building Official.
- (20) *Section R202. DEFINITIONS.* Add the term "Certify".  
**CERTIFY.** Use of the word "certify" or "certification" constitutes an expression of professional opinion regarding those facts or findings, which are the subject of the certification.
- (21) *Section R202. DEFINITIONS.* Add term "Climbable".  
**CLIMBABLE.** To go up or ascend, by using the hands and feet, or feet only, i.e. "to climb up a ladder". Definition of term as related to railings, fences, gates, and other devices provided to prevent unrestricted area access to areas typically requiring restriction due to personal safety reasons.
- (22) *Section R202. DEFINITIONS.* Add the term "Electric Vehicle Charging Station."  
**ELECTRIC VEHICLE CHARGING STATION.** One or more dedicated parking spaces that are provided to accommodate charging of electric motor vehicles.
- (23) *Section R202. DEFINITIONS.* Add the term "Final Grading Report".  
**FINAL GRADING REPORT.** A grading report stamped and signed by a registered design professional certifying that the building pad was

constructed in conformance with the recommendations set forth in the geotechnical report. This report contains explicit information and data that verifies compliance with the geotechnical report of record including any approved supplements or addendums.

- (24) *Section R202. DEFINITIONS. Foster Care Facilities.* change “2 1/2” to “2”.
- (25) *Section R202. DEFINITIONS.* Add the term “Geotechnical Report (Soils Report).”

**GEOTECHNICAL REPORT (SOILS REPORT).** Data and engineering recommendations resulting from site exploration, which evaluates the soil conditions and general site characteristics and suitability of the site for the proposed construction. A registered design professional shall prepare and seal the report.

- (26) *Section R202. DEFINITIONS.* Add term “Level 2 Finish.”

**LEVEL 2 FINISH.** Drywall is typically required as part of a fire separation from the dwelling to the garage. As part of that system, a joint compound is applied over all fastener heads and beads. Joint compound applied over the body of the tape at the time of tape embedment shall be considered a separate coat of joint compound and shall satisfy the conditions of this level. The surface is left free of excess joint compound. Ridges and tool marks are acceptable for a Level 2 finish in areas where the final surface appearance is not of concern.

- (27) *Section R202. DEFINITIONS.* Add the term “Refusal.”

**REFUSAL.** Refusal while advancing an exploration is recognized as defined by ASTM D 1586.

- (28) *Section R202. DEFINITIONS.* Add the term “Shade Structure.”

**Shade Structure.** A structure with not less than 50 percent of its perimeter wall area unenclosed, has no interior partitions, and provides solar or weather protection for uses accessory to a building of any occupancy. Shade structures shall not apply to cabanas, canopies, roof structures over vehicle drive-through lanes (porte-cocheres), parking facilities, playground structures, or industrial uses.

- (29) *Section R202. DEFINITIONS.* Add the term “Structural/Geotechnical Observation.”

**STRUCTURAL/GEOTECHNICAL OBSERVATION.** The visual observation of the structural system encompassing the structure, foundation elements and the bearing or supporting soils of the foundation elements by a registered design professional for general conformance to the approved construction documents. Structural observation does not

include or waive the responsibility for the inspection required by Section 110.

(30) *Section R202. DEFINITIONS. TOWNHOUSE.* Revise the definition of Townhouse and add the following to the last sentence;

“, and as recorded on a final site plan, or map.”

(~~30~~31) *Section R202. DEFINITIONS.* Add the term “Vacant.”

**VACANT.** A building not occupied by one or more persons for a period of at least ninety (90) days.

(~~31~~32) LOCAL CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA shall be inserted in TABLE No. R301.2(1) as follows:

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA PARAMETERS			
Ground Snow Load	30 PSF	Mean Annual Temp	55 ° F.
Wind Speed	115 Mph Ultimate	Winter Design Temp	13 ° F.
Weathering	Severe	Air Freezing Index	300
Frost Depth	30 Inches	Topographic Effects	No
Termite	Moderate To Heavy	Flood Hazard	Chap 10, City Code (04/27/1992)
Decay	Slight To Moderate	Seismic Design Category	B

Ice Shield Underlay Required	Yes		
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(3233) Add MANUAL J DESIGN CRITERIA to TABLE No. R301.2(1) as follows:

MANUAL J DESIGN CRITERIA PARAMETERS			
Elevation	348 Ft.	Cooling Temp Difference	
Latitude Longitude	39.1434° N. 77.2014° W.	Wind Velocity Heating	
Winter Heating		Wind Velocity Cooling	
Summer Cooling		Coincident Wet Bulb	75
Altitude Correction Factor		Daily Range	M
Indoor Design Temp		Winter Humidity	
Design Temp Cooling		Summer Humidity	
Heating Temp Difference			

(3334) *Subsection R301.2.4. Final Floodplain construction.* After the words *Table 301.2(1)* add "and in accordance with City of Gaithersburg Code Chapter 10."

(3435) *Table No. 301.5. Minimum Uniformly Distributed Live Loads.* Change Deck loading from 40 PSF to 60 PSF Live Load.

Add new line Occupied Roofs. Deck loading for defined roof occupancy shall be 60 PSF Live Load, + 10 PSF Dead Load.

(3536) *Section R302. Fire Resistant Construction.* Delete all references of P2094 and replace with 'NFPA 13D with City amendments.

(~~3637~~) *Table R302.6. Dwelling Garage Separation.* Add further definitive surface finish description to the table as follows:

SEPARATION	MATERIAL
From the residence and attics.	Not less than 1/2 inch gypsum board or equivalent applied to the garage side (walls). Not less than 5/8 inch gypsum board or equivalent applied to ceilings. Minimum "Level 2" drywall product compatible surface finish required.
From habitable rooms above the garage.	Not less than 5/8 inch Type "X" gypsum board or equivalent. Minimum "Level 2" drywall product compatible surface finish required.
Structure(s) supporting floor/ceiling assemblies used for separation required by this section.	Not less than 1/2 inch gypsum board or equivalent. Minimum "Level 2" drywall product compatible surface finish required.
Garages located less than 3 feet from a dwelling unit on the same lot.	Not less than 1/2 inch gypsum board or equivalent applied to the interior side of exterior walls that are within this area. Minimum "Level 2" drywall product compatible surface finish required.

(~~3738~~) *Section R306. SANITATION.* Add new Subsection R306.5.

*Subsection R306.5. "Pressure Sewer Systems Involving the Use of Grinder Pumps"* to read as follows: The use of a pressure sewer system involving the installation and use of a grinder pump is prohibited unless the following requirements are met.

- (1) Prior to the issuance of a building permit, the applicant shall submit to the City the sum of Seven Thousand Five Hundred Dollars (\$7,500) per dwelling unit to be placed in an escrow account to be devoted to future maintenance and repairs of grinder pumps and appurtenance facilities.
- (2) The City shall relinquish such payment upon written request to any lawfully formed condominium association or home owner's association responsible for the common maintenance of property within which the dwelling units are located; provided that such condominium home owner's association covenants with the City to escrow such funds in a separate account and use such funds only for the repair and maintenance of the grinder pumps and appurtenance associated with properties within the boundaries of their association.

- (3) Should there be no condominium or homeowner's association involved with the dwelling units constructed, the City shall reimburse a property owner whose property is secured by escrowed funds for maintenance and repairs of the property owners grinder pump and appurtenance not to exceed Seven Thousand Five Hundred Dollars (\$7,500) upon written verified request of said property owners."
- (~~3839~~) *Subsection R307.1. Toilet, Bath, and Shower Spaces.* Remove "and in accordance with P2705.1"
- (~~3940~~) *Subsection R311.7.8. Handrails.* Change "four" to "three".
- (~~4041~~) Add new Subsection R312.1.5.:
- Subsection R312.1.5. Climbable Guard.* Required guards shall not be constructed with intermediate horizontal rails or other ornamental pattern that results in a "climbable" ladder effect. See definition in Section 202 for "climbable" for clarification.
- (~~4142~~) *Section R312. GUARDS AND WINDOW FALL PROTECTION.*
- Subsection R312.2.1.* Where required. After the word ramps, delete the word "and", then after the word "landings," add "and retaining walls".
- (~~4243~~) *Section R313. AUTOMATIC FIRE SPRINKLER SYSTEMS.*
- Subsection R313.2.1. Design and Installation.* Remove "section P2904 or"
- (~~4344~~) *Section R314. SMOKE ALARMS.*
- Subsection R314.2.2. Exception 1.* Remove "or the addition of a porch or deck".
- (~~4445~~) *Section R319. SITE ADDRESS.*
- Subsection R319.1. Address identification.* Remove "or alphabetical letters". Change 4 to 5 and 102 mm to 127 mm.
- Add *Subsection R319.2. Vehicular access.* Residences accessed from a dedicated public alley, side street or designated fire lane shall conspicuously post an official address at least two (2) inches in height so that it is visible from the public alley, side street or designated fire lane.
- (~~4546~~) *Section R320. ACCESSIBILITY.*
- Section R321. Scope.* Add the following: The Maryland Department of Labor, Licensing, and Regulations, Division of Labor and Industry, regulates the design, installation, inspection, and testing of all hoisting and conveying equipment.

(4647) *Subsection R321.1. Elevators.* Add following the first sentence as follows: The elevator equipment, and similar conveying systems, provided in privately owned single-family residential dwellings:

1. Shall not be required to comply with the requirement to accommodate a horizontally carried and positioned 6 foot 8 inch rescue ladder.
2. Shall not be required to enclose the hoistway with a fire-resistance rated shaft, if the elevator shaft is protected with an approved automatic sprinkler system.
3. Shall comply with all other applicable requirements of the International Building Code.
4. Shall be subject to the applicable requirements of the Maryland Public Safety Article, Title 12, Subtitle 8.
5. Shall be listed for use by a nationally recognized testing laboratory (NRTL), installed in strict accordance with the listing and the manufacturer's installation requirements.

(4748) *Subsection R321.2. Platform Lifts.* Add following at the end of the first sentence as follows: "and requirements of the State of Maryland.

(4849) *Subsection R321.3. Accessibility.* Delete the phrase "Chapter 11 of the International Building Code, shall comply with ICC A117.1" and replace with "the applicable provisions of "The Maryland Accessibility Code – ADAAG/2010." At the end of the paragraph, add the following sentence, "LULA elevators and private residence elevators are considered a type of passenger elevator that serve as part of an accessible route."

(4950) Add new *Section R328 "VISUAL MOLD"* to read as follows:

**VISUAL MOLD.** All structures constructed under the provisions of this code shall be free from any signs of visual mold. Construction materials that exhibit visual signs of mold shall be removed and replaced with new material in kind.

**Exception:** At the discretion of the Building Official (AHJ), non-porous materials may be treated to remove mold as directed by an approved environmental engineer (with credentials) as accepted by the City of Gaithersburg."

(5051) Add new *Section 329. ELECTRIC VEHICLE CHARGING STATION PRE-WIRE.*

Add new *Subsections R329.1., R329.2. and R329.3.* to read as follows:

*R329.1. Scope.* Provide a “rough-in (including ring and string)” for accommodation of a future electric vehicle charging station installation consistent with the National Electric Code (2017) Article 625. The installation would be required for apartments and ground-oriented homes including single-family homes, duplexes, townhouses and row homes. The electrical infrastructure to support the charging station does not need to be installed immediately.

*R329.2. General.* This section outlines the requirements for providing the electric vehicle charging station pre-wire. In addition to the one 125-volt receptacle outlet required for each car space by NEC Section 210.52(G)(1), every new garage or carport that is accessory to a one or two family dwelling or townhouse shall include a rough in outlet, to accommodate the future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet, installed in accordance with the requirements of the Electrical Code.

*R328.2. Minimum requirements.*

1. 3/4” minimum conduit size.
2. #8 minimum wire size.
3. A wiring system between a future electric charging station and a power source (such as the electric panel of adequate size to accept an additional minimum circuit amperage equal to 50 amps).
4. Opening and penetration protection for the rough-in shall be provided in accordance with R302.5 Dwelling-garage opening and penetration protection.

(5152) *Subsection R403.1.6.2. New Subsection 403.1.6.2.*

*R403.1.6.2. Bottom (Sill) Plate Anchorage.* Where field conditions preclude the placement of the minimum bottom plate anchors, a registered design professional may provide a design for the attachment in accordance with accepted engineering practice. Detail(s) shall be submitted for City approval (to be made part of the permit documents), signed and sealed (State of Maryland) by the registered design professional.

(5253) *Section R405. FOUNDATION DRAINAGE.*

*Subsection R405.1. Concrete Masonry Foundations.* Add a new sentence to the end of the first sentence to read as follows:

"Perimeter drains shall also be installed under all concrete slabs."

- (5354) *Section 406. FOUNDATION WATERPROOFING AND DAMPPROOFING.*  
*Subsection R406.1. Concrete and Masonry Foundation Damp Proofing.* Add a new sentence to the end of the section to read as follows:  
"All wall ties used in concrete foundation walls shall be coated with approved heavy bituminous material."
- (5455) *Section 507. EXTERIOR DECKS.*  
*Subsection 507.1. Decks.* At the end of the first sentence add "and in accordance with City policy and deck permit guidelines."
- (5556) *Section R507. EXTERIOR DECKS.*  
*Subsection 507.3.1. Footings, minimum size.* Add: Minimum footing size shall be in accordance with City Deck Permit Guidelines or based on tributary area.
- (5657) *Section R507. EXTERIOR DECKS.* Delete Tables 507.3.1., R507.5, R507.6, and R507.9.1.3 (1). Add:  
**Decks** shall be designed and constructed in accordance with City Deck Permit Guidelines, Design for Code Acceptance (DCA) 6 - Prescriptive Residential Wood Deck Construction Guide (latest edition) and department policy.
- (5758) *Section R507. EXTERIOR DECKS.* Add new Subsection R507.2.1.2. End Use Wood Products.  
*R507.2.1.2. End Use Wood Products.* Pressure Treated Wood use shall be in accordance with the latest adopted requirements/guidelines as established by the American Wood Products Association (AWPA). Ground Contact (UC4A) treated wood shall be used in all applications typically where components are considered;
1. Difficult to maintain, repair or replace and are critical to the performance and safety of the structure.
  2. Does not permit air circulation or water drainage underneath the structure.
  3. When installed less than 6" above the ground.
  4. When wetted on a frequent or recurring basis such as wind and wave action.
  5. Where vegetation, leaf litter, or other debris will typically build up and remain in contact with the treated wood product.
- (59) *Subsection R703.11.3.* Add new Subsection R703.11.3

703.11.3. Combustible exterior wall coverings. Exterior siding made with any plastic, vinyl, or similar polymer material must be installed with a noncombustible substrate (exterior wall sheathing) directly beneath it.

(5860) *Section R807. ATTIC ACCESS.*

*Subsection R807. 1. Attic Access.* After the first sentence of the second paragraph, add the following sentence to read as follows: "Attic access openings shall not be installed in closets with a depth and width of less five (5) feet in either direction, and shall not be directly above a vertical line extending from the outside edge of any wall shelving." After the last sentence, add the following: Insulation of the attic access opening shall be in accordance with current IECC insulation requirements in all construction.

(61) Subsection R907.1.1. Add new Subsection R907.1.1.

907.1.1. System information. System dead loads shall be provided and indicated on the submitted permit drawings.

(62) Add new section; Section R1007 Special Fireplace and Appliance Requirements.

R1007.1 Installation within a dwelling unit. All fireplace or appliance installations within a dwelling unit shall comply with the following requirements:

1. If the fireplace or gas appliance is located in a sleeping room or an adjacent bathroom, then a permanent, unobstructed fresh air supply shall be provided directly from the exterior of the structure to the fire box.
2. The supply duct shall be a minimum 4" (102mm) or as directed in the manufacturer's listing.

Exception:

1. A decorative electrical appliance
2. Un-vented heater that is specifically listed for sleeping rooms
3. All decorative gas or electrical appliances shall comply with their listing and the manufacturer's installation instructions.

(63) Add new section; Section R1007 Special Fireplace and Appliance Requirements.

**R1007 Special Fireplace and Appliance Requirements**

R1007.1 Installation within a dwelling unit. All fireplace or appliance installations within a dwelling unit shall comply with the following requirements:

1. If the fireplace or gas appliance is located in a sleeping room or an adjacent bathroom, then a permanent, unobstructed fresh air supply

shall be provided directly from the exterior of the structure to the firebox.

2. The supply duct shall be a minimum 4" (102mm) or as directed in the manufacturer's listing.

Exception:

1. A decorative electrical appliance
2. Un-vented heater that is specifically listed for sleeping rooms
3. All decorative gas or electrical appliances shall comply with their listing and the manufacturer's installation instructions.

(5964) Delete Chapters 25 through 43.

(6065) *Appendix F. RADON CONTROL METHODS.* Appendix F is hereby adopted in its entirety.

(6166) *Appendix K. SOUND TRANSMISSION.* Appendix K is hereby adopted in its entirety.

(6267) *Appendix Q. TINY HOUSES.* Appendix Q is hereby adopted in its entirety.

(6368) Add Subsection AQ101.2.

*Subsection AQ101.2. **Applicability.*** Tiny houses shall meet the site zoning and construction parameters as established by the City of Gaithersburg, Department of Planning and Code Administration, Planning Division, and shall be securely attached as a permanent installation on a foundation. If as a mobile unit prior to construction/installation, wheels and axles, or other transport, or transport assist devices, must be removed.

### **ARTICLE III. - THE INTERNATIONAL EXISTING BUILDING CODE (2018)**

#### **Sec. 5-6. – Existing Buildings – Adoption of the International Existing Building Code (2018)**

The International Existing Building Code (2018), as published by the International Code Council, Inc., is hereby adopted as the building alteration and renovation in the City, except as modified by Section 5-7.

#### **Sec. 5-7. – Modifications to the International Existing Building Code 2018.**

The International Existing Building Code 2018, adopted by Section 5-6, is hereby modified by the City as follows:

Amend the paragraph by adding the following:

- (1) General. Whenever the words "building official" appear in this code, they shall be deemed to represent the city manager or designee.
- (2) Subsection 101.1. **Title.** Replace the parentheses and the phrase in the parentheses with "City of Gaithersburg MD."
- (3) General. Whenever the words "name of jurisdiction" appear in this code, insert the words "the City of Gaithersburg".
- (4) General. Whenever the words "department" or "department of building safety" appear in this code, they shall be deemed to represent the City of Gaithersburg, Department of Planning and Code Administration, Permits and Inspections Division.
- (5) General. Delete all references to "the ICC Electrical Code" in this (IBC) or any other so named International Code adopted by this ordinance, and replace with "the City of Gaithersburg Code, Chapter 7, Electricity."
- (6) General. Delete all references to the phrase: "International Fire Code" and replace it with the following phrase "the City of Gaithersburg Code, Chapter 11, Fire Safety Code."
- (37) *Subsection 101.4. **Applicability.*** Add new Subsection 101.4.3.  
*Subsection 101.4.3. **Severability.*** The provisions of these regulations are severable. If a court of competent jurisdiction holds that a provision is invalid or inapplicable, the remainder of the regulation remains in effect.
- (8) Subsection 102.6. Add new *Subsection 102.6. **Accessibility*** to read as follows:  
102.6. **Accessibility.** "Whenever the IBC, or any of the ICC Series Codes, references IBC Chapter 11 or ANSI A 117.1., replace those references with the Maryland Accessibility Code- ADAAG/2010."
- (49) *Subsection 108.6. **Refunds*** .Delete in entirety.
- (510) *Subsection 108.1. **Payment of Fees.*** Add sentence, with the following: "Required fees shall be paid for each separate permit application".
- (611) SECTIONS 108.6. **Refunds.** Delete in entirety.
- (712) *Subsection 109.5. **Inspection requests.*** Add the following to the end of the paragraph: Any overtime inspection request(s) must be made a minimum of 48 hours in advance.
- (813) *Section 112. BOARD OF APPEALS.* Delete *Sections 112.1, 112.2 and 112.3* in entirety.
- (914) Add new *Subsection 112.1.* as follows:  
"*Subsection 112.1. **Board of Appeals.*** Any decision or order of the City Manager or duly appointed designee under this chapter may be appealed within 17 days of the date of such decision or order to the City Board of Appeals. Any decision of the City Board of Appeals may be appealed to

the Circuit Court within 30 days of the date of the Board's written decision. The Maryland Rules of Procedure shall govern such appeals. Any decision of the Circuit Court may be appealed to the appellate courts of this state."

(4015) *Section 202. GENERAL DEFINITIONS.* Add term "Authority Having Jurisdiction" (AHJ).

**AUTHORITY HAVING JURISDICTION. (AHJ).** An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or procedure. Further defined under 2018 IBC Section 104, Duties and Powers of Building Official.

(4116) *Section 202. GENERAL DEFINITIONS.* Add term "Climbable."

**CLIMBABLE.** To go up or ascend, by using the hands and feet, or feet only, i.e. "to climb up a ladder". Definition of term as related to railings, fences, gates, and other devices provided to prevent unrestricted area access to areas typically requiring restriction due to personal safety reasons.

(4217) *Section 202. GENERAL DEFINITIONS.* Add term "Level 2 Finish."

**LEVEL 2 FINISH.** Drywall is typically required as part of a fire separation system. As part of that system, a joint compound is applied over all fastener heads and beads. Joint compound applied over the body of the tape at the time of tape embedment shall be considered a separate coat of joint compound and shall satisfy the conditions of this level. The surface is left free of excess joint compound. Ridges and tool marks are acceptable for a Level 2 finish in areas where the final surface appearance is not of concern.

(4318) **SECTION 305, Accessibility For Existing Buildings.**

Add new Subsection 305.1.1. Applicable Code.

*Subsection 305.1.1. Applicable Code.* "Whenever the IBC, or any of the ICC Series Codes, references the IBC Chapter 11 or ANSI A 117.1., replace those references with the Maryland Accessibility Code - ADAAG/2010."

## **ARTICLE IV. - THE INTERNATIONAL GREEN CONSTRUCTION CODE (2018)**

### **Sec. 5-8. – Existing and New Buildings – Adoption of The International Green Construction Code (2018).**

The International Green Construction Code (2018), as published by the International Code Council, Inc., is hereby adopted as the building code governing existing building alteration and renovation in the city, except as modified by [Section 5-9](#).

### **Sec. 5-9. – Modifications to the International Green Construction Code 2018**

The International Green Construction Code 2018, adopted by Section 5-8, is hereby modified by the City as follows:

- (1) *General.* Whenever the words "building official" appear in this code, they shall be deemed to represent the City Manager or designee.
- (2) *General.* Whenever the words "Department" or "Department of Building Safety" appear in this code, they shall be deemed to represent the City Of Gaithersburg, Department of Planning and Code Administration, Permits and Inspection Department.
- (3) *Subsection 101.1. Title.* Replace the parentheses and the phrase in the parentheses with "City of Gaithersburg MD."
- (4) *Subsection 101.3 (2.). Scope.* To the last sentence ending "projects," add, ", 7500 square feet and larger."
- (5) *Subsection 101.4. Applicability.* Add new Subsection 101.4.3. Severability.  
*Subsection 101.4.3. Severability.* The provisions of these regulations are severable. If a court of competent jurisdiction holds that a provision is invalid or inapplicable, the remainder of the regulation remains in effect.
- (6) Add new Subsection 104.4.1. Third Party Inspections.

#### **Subsection 104.4.1. Third Party Inspections.**

*Subsection 104.4.1. Applicability.* The Certified (Third Party) Inspections Program is the City of Gaithersburg, MD's policy for "third-party" inspections of commercial and residential projects requiring construction or maintenance inspections by Inspections staff. This program is pursuant to the Code of the City of Gaithersburg, MD., and the International Building Code, and also applies to projects using the International Existing Building Code. Questions may be directed to Inspections staff, (301) 258-6330.

**Exception:** This program does not apply to construction under the Special Inspections Program, nor to new residential construction of Groups R-3 or R-4 within the scope of the International Residential Code, nor to fire detection, fire protection or fire suppression systems, nor to inspections by other City agencies.

The Certified Inspections Program offers property owners and construction contractors of commercial and residential construction projects the option for certain construction inspections to be performed and certified by private sector "third-party" engineers and inspectors, to the extent specified below, when **approved in advance by the City** of Gaithersburg. The

Inspections staff will accept, review and approve such certified inspections, in lieu of inspections by Inspections staff, except in situations where there is specific cause that a particular report shall be rejected. The Inspections staff will monitor the quality of the certified inspections. The Inspections staff will continue to provide full support to inspection requests for projects not involved in this certified inspections program.

Private sector “third-party” inspection firms and personnel shall be employed directly by the project owner, shall be independent of the project architect or engineering design firm or contractors performing the work, and shall have no personal financial interest in the project. The building official, on a project -by-project basis, shall approve both the inspection firm and its personnel prior to commencement of construction.

**Personnel Credentials.** Inspections shall be conducted under the direct supervision of, and certified by, a Registered Design Professional, licensed in the State of Maryland. The Registered Design Professional and Registered Design Professional’s field inspector personnel shall all possess appropriate State of Maryland or International Code Council, Inc. (ICC) inspector credentials. An inspector or Registered Design Professional approving work that is not in conformance with the City-approved plans and the Code of the City of Gaithersburg, MD. may lose City approval to perform future inspections.

(7) *Section 107. INSPECTIONS.*

**General.** Add the following sentence to the end of the paragraph: Any overtime inspection request(s) must be made a minimum of 48 hours in advance.

(8) *Section 108. BOARD OF APPEALS.* Delete 108.1, 108.2, and 108.3 in entirety.

(9) *Section 108.* Add new subsection 108.1.1. as follows:

"*Subsection 108.1. Board Of Appeals.* Any decision or order of the City Manager or designee under this chapter may be appealed within 17 days of the date of such decision or order to the City Board of Appeals. Any decision of the City Board of Appeals may be appealed to the Circuit Court within 30 days of the date of the Board's written decision. The Maryland Rules of Procedure shall govern such appeals. Any decision of the Circuit Court may be appealed to the appellate courts of this state."

(10) *Section 202. GENERAL DEFINITIONS.* Add the term “Authority Having Jurisdiction” (AHJ).

**AUTHORITY HAVING JURISDICTION. (AHJ).** An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or procedure. Further defined under 2018 IBC Section 104, Duties and Powers of Building Official.

(11) *Section 202. GENERAL DEFINITIONS.* Add the term “Certify.”

**CERTIFY.** Use of the word “certify” or “certification” constitutes an expression of professional opinion regarding those facts or findings which are the subject of the certification.

- (12) *Section 202. GENERAL DEFINITIONS.* Add the term “Electric Vehicle Charging Station.”

**ELECTRIC VEHICLE CHARGING STATION.** Definition: One or more dedicated parking spaces that are provided to accommodate charging of electric motor vehicles.

- (13) *Section 202. GENERAL DEFINITIONS.* Add the term “Phasing Plan.”

**PHASING PLAN.** If a space is scheduled to remain open and occupied while under renovation, a phasing plan will then be required (with City approval prior to commencement of work) detailing the proposed construction zone separation methods and the designated exiting path for each activity (section/quadrant) phase of the proposed operation(s). Provide a narrative description, proposed schedule, and a practical construction phasing plan document outlining and defining the work areas, indicating exiting path(s) and separation(s), with defined exiting length dimensions, as the work is scheduled to be accomplished while the building is occupied, that keeps the occupancy accessible and protects the safety and health of both the patrons and employee isolation from the construction activities, and provides a code-conforming egress path. A pre-construction meeting must be held prior to the start of construction. The City requires a solid barrier between construction areas and occupied areas, unless otherwise approved by the building official or fire marshal.

- (14) *Chapter 5. SITE SUSTAINABILITY.*

*Subsection 501.2 (5.2). Compliance.* Add to the end of the sentence, “, except as hereinafter amended by the City.”

- (15) *Subsection 501.3 (5.3). Mandatory Provisions.* Delete Subsections 501.3.1(5.3.1). Site Selection., through 501.3.5.2 (5.3.5.2). Walls., in entirety.

- (16) *Subsection 501.3.7 (5.3.7). Mitigation of Transportation Impacts.* Delete Sections 501.3.7(5.3.7). Mitigation of Transportation Impacts., through 501.3.7.3 (5.3.7.3). Site Vehicle Provisions., in entirety.

- (17) *Chapter 6. WATER USE EFFICIENCY.*

*Subsection 601.2.(6.2). Compliance.* Add to the end of the sentence, “, except as hereinafter amended by the City.

- (18) *Subsection 601.3.(6.3). Mandatory Provisions.* Delete Sections 601.3.1.(6.3.1)., through 601.3.1.2.3.(6.3.1.2.3)., in entirety.

- (19) *Subsection 601.3.4(6.3.4). Water Consumption Measurement.* Delete Section 601.3.4. in entirety.

- (20) *Subsection 601.3.8.(6.3.8).* **Dual Water Supply Plumbing.** Delete Sections 601.3.8 in entirety.
- (21) *Chapter 7.* **ENERGY EFFICIENCY.**  
*Subsection 701.2.(7.2).* **Compliance.** Add to the end of the sentence, “, except as hereinafter amended by the City.”
- (22) *Subsection 701.3.2.(7.3.2.).* **On-Site Renewable Energy Systems.** Delete Subsections 701.3.2.(7.3.2)., through 701.3.4.(7.3.4)., in entirety.
- (23) *Subsection 701.4.1.1.(7.4.1.1.).* **On-Site Renewable Energy Systems.** Delete Subsection 701.4.1.1.(7.4.1.1)., in entirety.
- (24) *Subsection 701.4.3.2.(7.4.3.2.).* **Ventilation Controls for Densely Occupied Spaces.** Delete Subsection 701.4.3.2 (7.4.3.2) in entirety.
- (25) *Subsection 701.4.3.2.(7.4.3.10.3.).* **Ventilation Controls for Densely Occupied Spaces.** Delete Subsection 701.4.3.10.3 (7.4.3.10.3) in entirety.
- (26) *Subsection 701.4.3.10.(7.4.3.10.).* **Automatic Control of HVAC and Lights in Hotel/Motel Guest Rooms.** Delete Subsection 701.4.3.10 (7.4.3.10) in entirety.
- (27) *Subsection 701.4.6.5.(7.4.6.5.).* **Parking and Outdoor Sales Lighting.** Delete Subsection (c) in entirety.
- (28) *Chapter 8.* **INDOOR ENVIRONMENTAL QUALITY (IEQ).**  
*Subsection 801.2.(8.2.).* **Compliance.** Add to the end of the sentence, “, except as hereinafter amended by the City.”
- (29) *Subsection 801.3.3.(8.3.3.).* **Acoustic Control.** Delete Subsections 801.3.3 (8.3.3)., through 801.3.3.2.4.(8.3.3.2.4)., in entirety.
- (30) *Subsection 801.3.3.3.3.(8.3.3.3.3.).* Delete Subsections 801.3.3.3.3. (8.3.3.3.3)., through 801.3.3.4.(8.3.3.4)., in entirety.
- (31) *Subsection 801.3.6.(8.3.6).* **Moisture Control.** Delete Subsections 801.3.6 (8.3.6)., through 801.3.8.(8.3.8)., in entirety.
- (32) *Chapter 9.* **MATERIALS AND RESOURCES.**  
*Subsection 901.2(9.2.).* **Compliance.** Add to the end of the sentence, “, except as hereinafter amended by the City.”
- (33) *Subsection 901.4.1.2.(9.4.1.2).* **Regional Materials.** Change 15% to 10%.
- (34) *Subsection 901.4.1.3.(9.4.1.3.).* **Bio-based products.** Delete Subsections 901.4.1.3.(9.4.1.3)., through 901.4.1.4.(9.4.1.4)., in entirety.
- (35) *Chapter 10.* **CONSTRUCTION AND PLANS FOR OPERATIONS.**  
*Subsection 10.2.(10.2).* **Compliance.** Add to the end of the sentence, “, except as hereinafter amended by the City.”
- (36) *Subsection 1001.3.1.1.1.(10.3.1.1.1).* **FPT Requirements.** Delete paragraph 1001.3.1.1.1 b. and e. in entirety.

- (37) *Subsection 1001.3.1.1.2.(10.3.1.1.2).* **Acoustical Control.** Delete Subsection 1001.3.1.1.2.(10.3.1.1.2). in entirety.
- (38) *Subsection 1001.3.1.2.1.(10.3.1.2.1).* **Systems to be Commissioned.** Delete paragraph 1001.3.1.2.1. c., f., and h., in entirety.
- (39) *Subsection 1001.3.1.4.(10.3.1.4).* **Erosion And Sedimentation Control.** Delete Subsection 1001.3.1.4.(10.3.1.4). in entirety.
- (40) *Subsection 1001.3.2.(10.3.2.).* **Plans for Operations.** Delete Subsections 1001.3.2.(10.3.2)., through 1001.3.2.1.(10.3.2.1)., in entirety.
- (41) *Subsection 1001.3.2.4.(10.3.2.4).* **Transportation Management.** Delete Subsection 1001.3.2.4.(10.3.2.4)., in entirety.
- (42) Add new section.

Appendix J. OPTION FOR RESIDENTIAL COMPLIANCE USING THE NATIONAL GREEN BUILDING STANDARD. Appendix J is hereby adopted in its entirety.

## **ARTICLE V. THE INTERNATIONAL MECHANICAL CODE (2018)**

### **Sec. 5-10. – Mechanical Code—Adoption of the International Mechanical Code (2018).**

The International Mechanical Code (2018), as published by the International Code Council, Inc., is hereby adopted as the mechanical code in the City, except as modified by Section 5-11.

### **Sec. 5-11. – Modifications to the International Mechanical Code 2018.**

The International Mechanical Code (2018), adopted by Section 5-10, is hereby modified by the City as follows:

- (1) *General.* Whenever the words "name of jurisdiction" appear in this code, insert the words "the City of Gaithersburg".
- (2) *General.* Whenever the words "building official" appear in this code, they shall be deemed to mean the city manager or designee.
- (3) *General.* Whenever the words "department" or "department of building safety" appear in this code, they shall be deemed to represent the City of Gaithersburg, Department of Planning and Code Administration, Permits and Inspections Division.
- (4) *General.* Delete all references to "the ICC Electrical Code" in this (IMC) or any other International Code adopted by this ordinance, and replace with "the City of Gaithersburg Code, Chapter 7, Electricity."
- (5) *Chapter 1.* **SCOPE AND ADMINISTRATION.**

*Section 101. GENERAL.* Administration of the City Mechanical Code shall be performed exactly as described in Section 5-3 of the City Building Code, as adopted by this ordinance.

- (6) *Subsection 101.1. Title.* The (Name of Jurisdiction) shall be "the City of Gaithersburg, MD".
  
- (7) *Subsection 101.2. Scope.* Amend second sentence to 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.
  
- (8) *Subsection 101.4. Applicability.* Add new Subsection 101.4.3.  

*101.4.3. Severability:* The provisions of these regulations are severable. If a court of competent jurisdiction holds that a provision is invalid or inapplicable, the remainder of the regulation remains in effect.
  
- (9) *Subsection 103.* Delete in entirety.
  
- (10) *Subsection 106.4.3.* Delete in entirety.
  
- (11) *Subsection 106.4.4.* Delete in entirety.
  
- (12) *Subsection 106.5.* Delete in entirety.
  
- (13) *Subsection 107.2.2* Add the following to the end of the paragraph: Any overtime inspection request(s) must be made a minimum of 48 hours in advance.
  
- (14) *Section 109. MEANS OF APPEAL.* Delete in 109.1, 109.2, 109.3, 109.4, 109.5, 109.6, and 109.7 in entirety.
  
- (15) *Section 109.* Add new Subsection 109.1.1. as follows:  

*"Subsection 109.1. Board of Appeals.* Any decision or order of the City Manager or duly appointed designee under this chapter may be appealed within 17 days of the date of such decision or order to the City Board of Appeals. Any decision of the City Board of Appeals may be appealed to the Circuit Court within 30 days of the date of the Board's written decision. The Maryland Rules of Procedure shall govern such appeals. Any decision of the Circuit Court may be appealed to the appellate courts of this state."
  
- (14) *Section 202. GENERAL DEFINITIONS.* Add term "Authority Having Jurisdiction" (AHJ).  

**AUTHORITY HAVING JURISDICTION" (AHJ).** An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or procedure. Further

defined under 2018 IBC Section 104, Duties and Powers of Building Official.

- (17) *Subsection 302.6* Add new Subsection 302.6

*Subsection 302.6. Supports and Anchorage.* All appliances located on roofs shall rest on a manufacturer's standard perimeter support, self-flashing roof curb, framed steel support, or 4 X 4 treated lumber as a minimum. The appliances shall be securely affixed in an approved manner to resist vibration and wind loads.

- (18) *Subsection 306.1.* Add new Subsection 306.1.1

*Subsection 306.1.1. Heating Appliances.* Electric, fossil or solid fuel fired appliances shall not be installed under any stairway or landing.

- (19) *Subsection 306.3. Appliances in attics.* After the last sentence, add the following: Access to the attic opening shall be provided by a permanent or pull-down stairway (subject to IECC insulation requirements) in all new construction. In existing installations, portable ladders shall be acceptable.

- (20) *Subsection 504.1.1.* Add new Subsection 504.1.1.

*Subsection 504.1.1. Dryer Duct Installation.* Exhaust ductwork shall be installed in strict accordance with the dryer manufacturer's instructions. Ductwork installed in an unconditioned area shall be insulated to reduce condensation and potential lint build-up within the duct, and shall slope downward toward the exterior. These ducts shall be similarly insulated to IECC Section 403.3.1 requirements (R6) for unconditioned areas for a minimum of 6 feet from the exterior wall where located outside of the "conditioned" envelope.

- (21) *Subsection 504.6.4.2.* Delete the Section in entirety.

- (22) *Subsection 506.1.* At the end of the first sentence, add the following: "and NFPA 96 in accordance with Chapter 11, City Code Chapter 11, the City Fire Safety Code. Add the sentence "Where discrepancies occur, the most stringent requirement will apply." after the first sentence.

- (23) *Subsection 506.3.2.5.* Change "light test" to "smoke test". Delete 2nd paragraph.

- (24) *Subsection 506.3.9.* Change the heading of the Subsection title to "**Grease Duct Vertical and Horizontal Cleanouts.**" In item #1, change "20 feet" to "12 feet". Add item #7 to read, "Vertical rises where personnel entry is not possible, adequate access for cleaning shall be provided on each floor level."

- (25) *Subsection 506.3.12. Grease Duct Fire-Resistive Access Opening.* After the last sentence, add "Follow NFPA 96 section 7.8.3 for additional termination requirements."

- (26) *Subsection 507.1. General.* At the end of the first sentence, add the phrase, Chapter 11, the City of Gaithersburg Fire Safety Code."
- (27) *Subsection 606.2.1. Return Air Systems.* Add the words "Supply and" to the beginning of the heading. Add the words "supply and" to the beginning of the heading. Add the words, "supply and" after the words, "in" in the first sentence. Add the following: "Smoke detectors shall be placed in air distribution systems as required by Chapter 11, the City of Gaithersburg Fire Safety Code," referencing NFPA 90A.

Under the heading **Exception**, add the words "Return air:" to the beginning of the first sentence. After the last sentence, add "Smoke detectors shall not be required for fan units whose sole purpose is to remove air from the inside of the building to the outside of the building. (NFPA 90A)."

- (28) *Subsection 606.2.2. Common Supply and Return Air Systems.* Delete the entire subsection and replace with the following: "Smoke detectors shall be placed in air distribution systems as required by Chapter 11, Chapter 11, the City of Gaithersburg Fire Safety Code, referencing NFPA 90-A."
- (29) *Subsection 607.5.5. Shaft Enclosures.*

**Exceptions:**

- 2. Replace the phrase "In Group B and R occupancies equipped throughout with an automatic sprinkler system in accordance with Section 903 .3 .1.1 of the International Building Code, smoke dampers are not required at penetrations of shafts where" with the following: "In buildings, other than Group H occupancies, equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903 .3 .1.2, smoke dampers are not required at:"

- (30) *Section 608.* Add new Section 608.  
*Section 608.* EMERGENCY AND STANDBY POWER SYSTEMS.
- (31) *Subsection 608.1.* Add new Section [F] 608.1.  
*Subsection 608.1. Installation.* Emergency and standby power systems required by the City Fire Safety Code or the International Building Code shall be installed in accordance with NFPA 110 and NFPA 111. Existing installations shall be maintained in accordance with the original approval.
- (32) *Subsection 608.1.1.* Add new Section [F] 608.1.1.  
*Subsection 608.1.1. Stationary Generators.* Stationary emergency and standby power generators required by the International Building Code, or Chapter 11, the City Fire Safety Code, shall be listed in accordance with UL 2200.
- (33) *Subsection 608.2.* Add new Subsection [F] 608.2.

*Subsection 608.2. Standby Power.* Where the standby system is a generator set inside a building, the system shall be located in a separate room enclosed with a 2-hour fire barrier constructed in accordance with section 707 or horizontal assemblies constructed in accordance with section 712 of the International Building Code, or both. System supervision with manual start and transfer features shall be provided at the fire command center.

- (34) *Subsection 608.2.1.* Add New Subsection [F] 608.2.1.

*Subsection 608.2.1. Ventilation Air.* Ventilation air shall be supplied directly from a source outside the building by an exterior wall opening or from a source outside the building by a 2-hour fire rated air transfer system. (NFPA 110).

- (35) *Subsection 608.2.2.* Add new Subsection [F] 608.2.2.

*Subsection 608.2.2. Discharge Air.* Discharge air shall be directed outside the building by an exterior wall opening or to an exterior opening by a 2-hour rated air transfer system. (NFPA 110).

- (36) *Subsection 608.2.3.* Add new Subsection [F] 608.2.3.

*Subsection 608.2.3. Fire Dampers.* Fire dampers, shutters or other self-closing devices shall not be permitted in ventilation or discharge air openings or ductwork for standby power systems. (NFPA 110).

- (37) *Subsection 608.2.4.* Add new Subsection [F] 608.2.4.

*Subsection 608.2.4. Motor Operated Dampers.* Motor operated dampers, when used, shall be spring operated to open and motor closed. (NFPA 110).

- (38) *Subsection 1001.1. Scope.* Add the following sentence at the end of the first sentence, "The provisions of this section are applicable only if not covered by the regulations of WSSC code and/or the State of Maryland Boiler and Pressure Vessel regulations."

- (39) **Roof Screening of Rooftop Mechanical Equipment.** Mechanical Equipment Screening shall be provided as described in amendment #100 to the City Building Code (Chapter 5, Article I, Section 5-3).

## **ARTICLE VI. - THE INTERNATIONAL ENERGY CONSERVATION CODE (2018)**

### **Sec. 5-12. - Energy Conservation Code - Adoption of the International Energy Conservation Code (2018)**

The International Energy Conservation Code (2018) as published by the International Code Council, Inc., is hereby adopted as the energy conservation code for the City, except as modified by Section 5-13.

**Sec. 5-13. – Modifications to the International Energy Conservation Code 2018**

The International Energy Conservation Code (2018) adopted by Section 5-12, is hereby modified as follows:

- (1) *General.* Whenever the words "name of jurisdiction" appear in this code, insert the words "the City of Gaithersburg".
- (2) *General.* Whenever the words "building official" appear in this code, they shall be deemed to represent the city manager or designee.
- (3) *General.* Whenever the words "department" or "department of building safety" appear in this code, they shall be deemed to represent the City of Gaithersburg, Department of Planning and Code Administration, Permits and Inspections Division.
- (4) *General.* Delete all references to "the ICC Electrical Code" in this (IBC) or any other International Code adopted by this ordinance, and replace with "Chapter 7, Electricity, the City of Gaithersburg Code."
- (5) *General.* Chapter 1 - Except for direct references to anything related to energy conservation, Chapter 1 of this code is hereby deleted. Administration of the City Energy Conservation Code shall be performed exactly as described in Section 5-3 of the City Building Code, as adopted by this ordinance.
- (6) *Subsection C105.5./R105.5.* Add the following to the end of the paragraph: Any overtime inspection request(s) must be made a minimum of 48 hours in advance.
- (7) *Section C109/R109.* BOARD OF APPEALS. Delete C109.1, R109.1, C109.2, R109.2, C109.3, and R109.3 in entirety.
- (8) Add new Subsection C109.1/R109.1. as follows:  
*"Section C109.1/R109.1. **Board of Appeals.** Any decision or order of the City Manager or duly appointed designee under this chapter may be appealed within 17 days of the date of such decision or order to the City Board of Appeals. Any decision of the City Board of Appeals may be appealed to the Circuit Court within 30 days of the date of the Board's written decision. The Maryland Rules of Procedure shall govern such appeals. Any decision of the Circuit Court may be appealed to the appellate courts of this state."*
- (9) *Section C202/R202.* DEFINITIONS. Add term "Authority Having Jurisdiction" (AHJ).

**AUTHORITY HAVING JURISDICTION. (AHJ).** An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or procedure. Further defined under 2018 IBC Section 104, Duties and Powers of Building Official.

- (10) Section C202/R202. DEFINITIONS. Add the term “Certify”.

**CERTIFY.** Use of the word “certify” or “certification” constitutes an expression of professional opinion regarding those facts or findings, which are the subject of the certification.

- (11) Section C202/R202 DEFINITIONS Add definition of Luminaire, as follows:

Luminaire: A complete lighting unit consisting of a light source, such as a lamp or lamps, together with the parts designed to position the light source and connect it to the power supply. It may also include parts to protect the light source or the ballast or to distribute the light. The individual components of a luminaire (i.e., lamp, ballast, driver, reflector, etc.) do not constitute a luminaire.

- (12) Section R403.6 Mechanical Ventilation (Mandatory)

Add exception to the section, as follows:

R403.6 Mechanical ventilation (Mandatory).

Exception: Where clothes dryer exhaust vents terminate vertically at a roof, back draft dampers are not permitted.

- (13) Table 406.4 MAXIMUM ENERGY RATING INDEX

Revise table to reflect City adopted value for ERI.

<u>CLIMATE ZONE</u>	<u>ENERGY RATING INDEX</u>
<u>4</u>	<u>62 54</u>

- (14) Section C503.6 Lighting Systems.

Revise section C503.6 to add an exception, as follows:

2. Alterations that replace only the bulb and ballast within the existing luminaires in a space provided that the alteration does not increase the installed interior lighting power.

## **ARTICLE VII. - THE INTERNATIONAL PLUMBING CODE (2018)**

### **Sec. 5-14. – Plumbing Code – Adoption of the Plumbing Code 2018.**

The International Plumbing Code 2018, as published by the International Code Council, Inc., is hereby adopted as the plumbing code for the city, except as modified by Section 5-15.

**Sec. 5-15. – Modifications to the International Plumbing Code 2018.**

The International Plumbing Code 2018, adopted by Section 5-14, is hereby modified by the City as follows:

- (1) *General.* Any plumbing systems work relating to site/buildings/structures whether existing or new, are administered by the Washington Suburban Sanitary Commission (WSSC). All code requirements, amendment(s) and modification(s) are defined and enforced by their regulation(s) and inspection(s) practices for compliance. Adoption by the City of this code shall apply only to items that are not addressed or covered by the current Plumbing and Gasfitting regulations of the Washington Suburban Sanitary Commission (WSSC).
- (2) *General.* Whenever *the* words "building official" appear in this code, they shall be deemed to represent the City Manager or designee.
- (3) *Subsection 101.1. Title.* Replace the parentheses and the phrase in the parentheses with "City of Gaithersburg."
- (4) *Subsections 106.5.3, 106.5.4, and 106.6.* Delete in entirety.
- (5) *Subsections 107.2.2. Inspection requests.* Add the following to the end of the paragraph: An overtime inspection request(s) must be made a minimum of 48 hours in advance.
- (6) *Section 109. MEANS OF APPEAL.* Delete in entirety.
- (7) Add new Subsection 109.1. as follows:

*Subsection 109.1. Board of Appeals.* Any decision or order of the City Manager or duly appointed designee under this chapter may be appealed within 17 days of the date of such decision or order to the City Board of Appeals. Any decision of the City Board of Appeals may be appealed to the Circuit Court within 30 days of the date of the Board's written decision. The Maryland Rules of Procedure shall govern such appeals. Any decision of the Circuit Court may be appealed to the appellate courts of this state."
- (8) *Section 202. GENERAL DEFINITIONS.* Add term "Authority Having Jurisdiction." (AHJ).

**AUTHORITY HAVING JURISDICTION. (AHJ).** An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or procedure. Further defined under 2018 IBC Section 104, Duties and Powers of Building Official.
- (9) *Section 202. GENERAL DEFINITIONS.* Add term "Certify."

**CERTIFY.** Use of the word “certify” or “certification” constitutes an expression of professional opinion regarding those facts or findings, which are the subject of the certification.

(10) Section Chapter 2 DEFINITIONS

Add a new definition to Chapter 2

**Manmade Decorative Water Feature.** Any manmade stream, fountain, waterfall, or other water feature that does not meet the definition of a pool or spa and contains circulating water that flows or that is sprayed into the air, constructed for decorative, scenic or landscape purposes. Any manmade decorative water feature greater than 18 inches (457 mm) of maximum water level or installed overflow water depth shall meet the requirements of a swimming pool as specified in Chapters 2 through 10.

**Exceptions:** The following bodies of water shall be exempt from these requirements:

A. Manmade lakes as defined in local ordinance or administrative code.

B. Pools and spas regulated by this document or administrative code.

C. Water feature not greater than 18 inches (457 mm) of maximum water level or installed overflow water level, used in conjunction with and on the same property as a single-family residence, and available only to the family of the householder or their private guests.

**Manufactured Pool or Spa.** A listed pool, spa or water feature that is manufactured or constructed at another location, transported to the property, and placed and/or assembled at the property.

(11) Section 305 BARRIER REQUIREMENTS. Add new subsection 305.8 as follows:

305.8 **Barrier Timeliness.** All required access barrier elements shall be in place and installed prior to:

1. Installation of a pre-manufactured pool or spa.
  2. The pre-plaster inspection of a conventionally constructed pool or spa.
  3. The filling of any water feature.
- (12) Section 305 BARRIER REQUIREMENTS. Add new subsection 305.9 as follows:
- 305.9 **Responsible Party.** The owners of the property upon which pools, spas or artificial bodies of water are located are responsible to establish and maintain access barriers. The owner or developer of land adjacent to an access barrier required by this section shall not reduce, degrade, or infringe on the access barrier's compliance with this code.

## **ARTICLE VIII. – THE INTERNATIONAL FUEL GAS CODE (2018)**

### **Sec. 5-12. - Fuel Gas Code—Adoption of the Fuel Gas Code 2018.**

The International Fuel Gas Code (2018) as published by the International Code Council, Inc., is hereby adopted as the fuel gas code for the City, except as modified by Section 5-17.

### **Sec. 5-17. - Same—Modifications to the Fuel Gas Code 2018.**

The International Fuel Gas Code (2018), adopted by Section 5-16, is hereby modified as follows:

- (1) *General.* Whenever the words "name of jurisdiction" appear in this code, insert the words "the City of Gaithersburg."
- (2) *General.* Whenever the words "building official" appear in this code, they shall be deemed to represent the city manager or designee.
- (3) *General.* Whenever the words "department" or "department of building safety" appear in this code, they shall be deemed to represent the City of Gaithersburg, Department of Planning and Code Administration, Permits and Inspections Division.
- (4) *General.* Delete all references to "the ICC Electrical Code" in this (IMC) or any other International Code adopted by this ordinance, and replace with "Chapter 7, Electricity, the City of Gaithersburg Code."
- (5) *General.* Chapter 1 - Except for direct references to anything related to fuel gas, Chapter 1 of this code is hereby deleted. Administration of the

City Fuel Gas Code shall be performed exactly as described in Section 5-3 of the City Building Code, as adopted by this ordinance.

- (6) The adoption of the International Fuel Gas Code (2018) shall apply only to items that are not addressed or covered by the current Plumbing and Gasfitting regulations of the Washington Suburban Sanitary Commission (WSSC).
- (7) *Section 202. GENERAL DEFINITIONS.* Add term "Authority Having Jurisdiction" (AHJ).

**AUTHORITY HAVING JURISDICTION. (AHJ).** An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or procedure. Further defined under 2018 IBC Section 104, Duties and Powers of Building Official.

- (8) *Section 202. GENERAL DEFINITIONS.* Add the term "Certify."

**CERTIFY.** Use of the word "certify" or "certification" constitutes an expression of professional opinion regarding those facts or findings, which are the subject of the certification.

## **ARTICLE IX. THE INTERNATIONAL SWIMMING POOL AND SPA CODE 2018**

### **Sec. 5-18. Swimming Pool and Spa Code – Adoption of the Swimming Pool and Spa Code 2018.**

The International Swimming Pool and Spa Code 2018, as published by the International Code Council, Inc., is hereby adopted as the swimming pool and spa code for the city, except as modified by Section 5-19.

### **Sec. 5-19. - Modifications to the International Swimming Pool and Spa Code 2018.**

- (1) *General.* Whenever the words "name of jurisdiction" appear in this code, insert the words "the City of Gaithersburg."
- (2) *General.* Whenever the words "building official" appear in this code, they shall be deemed to represent the city manager or designee.
- (3) *General.* Whenever the words "department" or "department of building safety" appear in this code, they shall be deemed to represent the City of Gaithersburg, Department of Planning and Code Administration, Permits and Inspections Division.
- (4) *General.* Delete all references to "the ICC Electrical Code" in this (IMC) or any other International Code adopted by this ordinance, and replace with "Chapter 7, Electricity, the City of Gaithersburg Code."
- (5) *Subsection 102.1. GENERAL.* Add Subsection 102.1.1. Local Code.

102.1.1. **Local Code.** Swimming pools, Spas and Hot Tubs shall also comply with Chapter 51 of the Montgomery County Code.

- (6) *Subsection 102.2. Existing Installations.* Replace Section 102.2. with the following paragraph:

"Existing pools for which building permit applications were submitted before July 13, 1990, must be enclosed by an approved 42- inch (1067 mm) fence or wall, and any latch or lock must be no less than 3 feet from the ground, or the pool must be equipped with an automatic pool cover in lieu of a fence, and the automatic pool cover must be closed whenever the pool is not attended".

- (7) *Section 103. DEPARTMENT OF BUILDING SAFETY.* Delete in entirety.
- (8) *Subsection 105.6. Fees.* Add sentence with the following, "Required fees shall be paid for each separate permit application."
- (9) *Subsections 105.6.2. and 105.6.3.* Delete in entirety.
- (10) *Subsection 106.2. Preliminary Inspection.* At the following to the end of the paragraph: Any overtime inspection request(s) must be made a minimum of 48 hours in advance.
- (11) *Subsection 106.20.* Add new Subsection 106.20. Annual Inspection Requirements.

106.20. **Annual Inspection Requirements.** All public and community swimming pools shall be inspected on a yearly basis to determine compliance with applicable City codes and ordinances.

**Note:** Private certification by an electrician licensed in the City is permitted.

- (12) *Section 108. MEANS OF APPEAL.* Delete 108.1.,108.2., 108.3., 108.4., 108.5., 108.6. and 108.7., in entirety.
- (13) Add new Subsection108.1. as follows:

*Subsection 108.1. Board of Appeals.* Any decision or order of the City Manager or duly appointed designee under this chapter may be appealed within 17 days of the date of such decision or order to the City Board of Appeals. Any decision of the City Board of Appeals may be appealed to the Circuit Court within 30 days of the date of the Board's written decision. The Maryland Rules of Procedure shall govern such appeals. Any decision of the Circuit Court may be appealed to the appellate courts of this state."

- (14) *Chapter 2. DEFINITIONS.*

*Section 202. GENERAL DEFINITIONS.* Add term "Authority Having Jurisdiction" (AHJ).

**AUTHORITY HAVING JURISDICTION. (AHJ).** An organization, office, or individual responsible for enforcing the requirements of a code or

standard, or for approving equipment, materials, an installation, or procedure. Further defined under 2018 IBC Section 104, Duties and Powers of Building Official.

- (15) *Section 202. GENERAL DEFINITIONS.* Add term “Climbable.”

**CLIMBABLE.** To go up or ascend, by using the hands and feet, or feet only, i.e. “to climb up a ladder”. Definition of term as related to railings, fences, gates, and other devices provided to prevent unrestricted area access to areas typically requiring restriction due to personal safety reasons.

- (16) *Section 202. GENERAL DEFINITIONS.* Add term “**Manmade Decorative Water Feature .**”

**Manmade Decorative Water Feature.** Any manmade stream, fountain, waterfall, or other water feature that does not meet the definition of a pool or spa and contains circulating water that flows or that is sprayed into the air, constructed for decorative, scenic or landscape purposes. Any manmade decorative water feature greater than 18 inches (457 mm) of maximum water level or installed overflow water depth shall meet the requirements of a swimming pool as specified in Chapters 2 through 10.

**Exceptions:** The following bodies of water shall be exempt from these requirements:

A. Manmade lakes as defined in local ordinance or administrative code.

B. Pools and spas regulated by this document or administrative code.

C. Water feature not greater than 18 inches (457 mm) of maximum water level or installed overflow water level, used in conjunction with and on the same property as a single-family residence, and available only to the family of the householder or their private guests.

**Manufactured Pool or Spa.** A listed pool, spa or water feature that is manufactured or constructed at another location, transported to the property, and placed and/or assembled at the property.

- (1617) *Subsection 302.1. Electrical.* Delete all code references to the "ICC Electrical Code" in this (IMC) or any other International Code adopted by this ordinance, and replace with "Chapter 7, Electricity, the City of Gaithersburg Code."

- (1718) *Subsection 305.1.1.* Add new Subsection 305.1.1

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

(1819) *Subsection 305.2.1. Barrier height and clearances.* In item 1. Change “48 inches (1219 mm)” to “60 inches (1524 mm).”

(1920) *Subsection 305.2.2. Openings.* Add the following to the end of the sentence: "and the barrier shall not have a pattern or design that is “climbable”.

(2021) *Subsection 305.3.3. Latches.* To the end of the second sentence, add the following: "latches shall be placed a minimum of 4 feet above the ground and the gate thereon shall not have a pattern or design that is “climbable.”

(2122) *Subsection 305.4. Structure wall as a barrier.* In Item 1. First sentence, change “48 inches (1219 mm)” to “60 inches (1524 mm)”.

(2223) *Section 305 BARRIER REQUIREMENTS.* Add new subsection 305.8 as follows:

305.8 **Barrier Timeliness.** All required access barrier elements shall be in place and installed prior to:

1. Installation of a pre-manufactured pool or spa.
2. The pre-plaster inspection of a conventionally constructed pool or spa.
3. The filling of any water feature.

(2324) *Section 305 BARRIER REQUIREMENTS.* Add new subsection 305.9 as follows:

**305.9 Responsible Party.** The owners of the property upon which pools, spas or artificial bodies of water are located are responsible to establish and maintain access barriers. The owner or developer of land adjacent to an access barrier required by this section shall not reduce, degrade, or infringe on the access barrier's compliance with this code.

## **ARTICLE X. – THE INTERNATIONAL CODE COUNCIL PERFORMANCE CODE (2018)**

### **Sec. 5-20. – Performance Code - Adoption of the Performance Code 2018.**

The International Code Council Performance Code (2018) as published by the International Code Council, Inc., is hereby adopted as the performance code for the City, except as modified by Section 5-21.

**Sec. 5-21. - Same—Modifications to the Performance Code 2018.**

The International Code Council Performance Code (2018), adopted by Section 5-20, is hereby modified as follows:

- (1) General. Whenever the words "name of jurisdiction" appear in this code, insert the words "the City of Gaithersburg."
- (2) General. Whenever the words "building official" appear in this code, they shall be deemed to represent the city manager or designee.
- (3) General. Whenever the words "department" or "department of building safety" appear in this code, they shall be deemed to represent the City of Gaithersburg, Department of Planning and Code Administration, Permits and Inspections Division.
- (4) Accessibility General. "Whenever any of the ICC Series Codes directly reference IBC Chapter 11 or ANSI A 117.1., or the words "accessibility, or sentences that infer accessibility" appear in this code, replace those references with the Maryland Accessibility Code-- ADAAG/2010."
- (5) Fire General. Whenever any of the ICC Series Codes directly reference the  
"International Fire Code" or the words "fire and/or fire prevention" appear in this code, replace those references with "Chapter 11, the City of Gaithersburg Fire Safety Code."
- (6) Plumbing General. Whenever any of the ICC Series Codes directly reference the "International Plumbing Code", delete the reference and insert the phrase "Plumbing and Gasfitting Regulations of the Washington Suburban Sanitary District." For the references to the "International Private Sewage Disposal Code", delete the reference and replace with "the Montgomery County Department of Health."
- (7) Electrical Whenever the words "department" or "department of building safety" appear in this code,
- (8) Section 202. GENERAL DEFINITIONS. Add term "Authority Having Jurisdiction" (AHJ).  
**AUTHORITY HAVING JURISDICTION. (AHJ).** An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or procedure. Further defined under 2018 IBC Section 104, Duties and Powers of Building Official.
- (9) Section 202. GENERAL DEFINITIONS. Add the term "Certify."

**CERTIFY.** Use of the word “certify” or “certification” constitutes an expression of professional opinion regarding those facts or findings, which are the subject of the certification.

## **ARTICLE XXI. – THE MARYLAND ACCESSIBILITY CODE – ADAAG/2010**

### **Sec. 5-2022. Accessibility Code – ADAAG/2010 – Adoption of the Accessibility Code - ADAAG/2010.**

The Maryland Accessibility Code – ADAAG/2010, is hereby adopted as the accessibility code for the City, except as clarified by Section 5-23.

### **Sec. 5-2423. – Clarifications to the Maryland Accessibility Code – ADAAG/2010.**

- (1) **AMBULATORY STALLS:** Where water closet compartments are installed in a toilet room or bathing room, at least one wheelchair-accessible compartment shall be provided. Where the combined total water closet compartments and urinals installed in a toilet room or bathing room is six or more, at least one ambulatory accessible water closet compartment shall be provided in addition to the wheelchair-accessible compartment.
- (2) **ADA SIDEWALL GRAB BAR REQUIREMENTS: SIDEWALL GRAB BARS:** The accessible stall grab bar requirements are as follows: Grab bars shall be installed on the rear wall and on the sidewall closest to the water closet. These bars shall have a diameter of 1-1/4 inches to 2 inches, however, the US Access Board recommends the use of 2 inch bars exclusively, and be mounted to allow 1-1/2 inches clearance from the inside of the bar to the wall on which they are located. Bars shall be so installed to support a minimum of 250 lbs. of force, applied any direction, and assure any decorative flanges as part of the bar(s) employed are attached properly to the wall with no sharp edges.
  - a. The Side Wall Horizontal Bar shall be 42” minimum in length, leading edge located 12” maximum from the rear wall and extending 54” from the rear wall.
  - b. A vertical grab bar 18” minimum in length shall be mounted with the leading bottom edge of the bar located between 39” and 41” above the floor and with the centerline of the bar located between 39” and 41” from the rear wall.
  - c. The Rear Wall Grab Bar shall be 36” minimum in length, and extend from the centerline of the water closet 12” minimum on the side closest to the sidewall and 24” minimum on the transfer side. Approved alternate recessed sink layouts may shorten the overall length of this bar.
- (3) **SEC.36.203.9 EMPLOYEE WORK AREAS.**

SEC.36.203.9 Employee Work Areas. Amend the paragraph, after enter, and before exit, insert the words “circulate, egress, alarm wiring”.

(4) SEC.36.213.2 Toilet Rooms and Bathing Rooms.

SEC.36.213.2 Toilet Rooms and Bathing Rooms. Amend the section by adding the following to the end of the paragraph, before the exceptions: Changing stations are required in toilet room(s) and the minimum installation requirements are found in the ICC amendments, Section 1204.5 and 1204.6, as applicable.

(35) SPECIFIC ACCESSIBILITY PARKING REQUIREMENTS FOR ELECTRIC VEHICLES, PUBLIC PARKING WITH ELECTRIC VEHICLE CHARGING STATIONS (EVCS).

SEC.36.402 ACCESSIBILITY FOR ELECTRIC VEHICLE CHARGING STATIONS (EVCS) PARKING.

Electric vehicle parking space(s), where scheduled to include a charging station device, shall be provided with an access aisle to accommodate accessibility, and signage indicating that the space is for the exclusive use of electric vehicles.

(a) When providing EVCS access, by one or more spaces, at least one space shall be accessible by the inclusion of a 5 ft. wide access aisle, but not mandated to only disabled persons. The space(s) shall be located in close proximity to the building or facility entrance and connected to a barrier-free accessible route of travel. The EVCS space requirement, if then so used by a physically challenged individual, does not have to be a specifically reserved/marked/used space, only accessible for use by a physically challenged individual. It shall be available for use by all persons with no specific signage requirement.

(b) Where required by statute to provide an accessible space (with EVCS access), an EVCS space shall be placed next to a dedicated accessible space, where the charging unit can be shared by both spaces, or provided with a separate designated space with a charging station device.

(6) Add new section to: **Sec. 5-23. – Clarifications to the Maryland Accessibility Code – ADAAG/2010.**

1109.16 GENERAL. Where Electric Vehicle Charging Stations are provided, all charging stations shall be provided in accordance with this section.

1109.16.1 EXISTING FACILITIES. Where Electric Vehicle Charging Stations are either added or altered within a facility having existing Electric Vehicle Charging Stations, the requirements this section shall apply only to the newly installed or altered Electric Vehicle Charging Stations.

1109.16.2 MINIMUM NUMBER. Where Electric Vehicle Charging Stations are provided for public use, the minimum number of accessible Electric Vehicle Charging Stations shall be provided in accordance with Table 1109.16.2. Where new Electric Vehicle Charging Stations are installed in facilities with existing Electric Vehicle Charging Stations, the total number provided in Table 1109.16.2 shall include both existing and new Electric Vehicle Charging Stations. Where

an Electric Vehicle Charging Station charger can simultaneously charge more than one vehicle, the number of Electric Vehicle Charging Station chargers provided shall be considered equivalent to the number of electric vehicles that can be simultaneously charged.

Parking spaces serving Electric Vehicle Charging Stations per this section shall not account for any of the required accessible parking spaces on the site unless specifically provided with accessible identification signage.

**Exception:**

1. Electric Vehicle Charging Stations not available to the general public and intended for use by a designated vehicle or driver shall not be required to comply with this section. Examples include, but are not limited to, charging stations serving public or private fleet vehicles, assigned to an employee, or serving private residences.

Table 1109.16.2 Electric Vehicle Charging Stations for Public Use

<b><u>Number of EV Charging Stations Provided</u></b>	<b><u>Minimum Number of Adaptable EV Charging Stations Required</u></b>
<u>1 to 25</u>	<u>1</u>
<u>26 to 50</u>	<u>2</u>
<u>51 to 75</u>	<u>3</u>
<u>76 to 100</u>	<u>4</u>
<u>Over 101</u>	<u>4, plus 1 for each 300 over 100</u>

1109.16.3 VEHICLE SPACE SIZE. Parking spaces serving adaptable Electric Vehicle Charging Stations shall be sized the same as an accessible parking space including both the parking space and the accessible aisle serving it.

1109.16.3.1 VAN SPACE. A minimum of one (1) parking space serving an adaptable Electric Vehicle Charging Station shall be sized the same as a van-accessible parking space including both the parking space and the accessible aisle serving it.

1109.16.4 OPERABLE PARTS AND RELATED EQUIPMENT. Pay terminals, operable parts, graphic displays and other related features shall be accessible.

1109.16.5 ACCESSIBLE ROUTES. Accessible routes shall be provided to serve Electric Vehicle Charging Stations.

1109.16.5.1 BUILDING OR FACILITY. Adaptable Electric Vehicle Charging Stations that serve a building or facility on the same site shall be located along an accessible route providing access to an accessible building entrance. Where

Adaptable Electric Vehicle Charging Stations do not serve a building or facility on the same site, they shall be located along an accessible route providing access to the public way.

1109.16.5.2 CHARGING STATIONS. Adaptable Electric Vehicle Charging Stations shall be provided with an accessible route between the accessible aisle serving it and all related operable parts and other equipment. When a vehicle is being charged, the accessible route shall not be obstructed by the cable between the vehicle and the charging station.

1109.16.6 ACCESSIBLE IDENTIFICATION SIGNS. Adaptable Electric Vehicle Charging Stations shall be identified by the International Symbol of Accessibility.

**Exception:**

1. Where a total of ten or fewer Electric Vehicle Charging Stations are provided, accessible identification signage is not required.

(47) EXCERPTS FROM ADA, TITLE III AS REFERENCED IN THE "MARYLAND ACCESSIBILITY CODE", ALTERATIONS AND DISPROPORTIONALITY.

SEC.36.402. ALTERATIONS.

(a) GENERAL.

- (1) Any alteration to a place of public accommodation or a commercial facility, after January 26, 1992, shall be made so as to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.
- (2) An alteration is deemed to be undertaken after January 26, 1992, if the physical alteration of the property begins after that date.
- (3) When barriers still exist in a building, any alterations to a primary function area may trigger demand for readily achievable ADA compliance upgrades. Per ADA, the additional amount the entity is required to spend over the amount of the actual construction costs would be 20% max., dedicated to removing any remaining barriers.
- (4) If the total cost for compliance exceeds the 20 percent threshold, the entity must still make the path of travel accessible to the extent possible without going over 20 percent requirement, giving priority to those elements that provide the greatest degree of access, as outlined under paragraph "Duty to Provide Accessible Features in the Event of Disproportionality".

(b) ALTERATION. For the purposes of this section, an alteration is a change to a place of public accommodation or a commercial facility that affects or could affect the usability of the building or facility or any portion thereof.

- (1) Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or

rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.

- (2) If existing elements, spaces, or common areas are altered, then each such altered element, space, or area shall comply with the applicable provisions of appendix A to this part.
- (c) **TO THE MAXIMUM EXTENT FEASIBLE.** The phrase “to the maximum extent feasible”, as used in this section, applies to the occasional case where the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible shall be made accessible. If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to persons with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments).

**(8) SEC.36.403. ALTERATIONS: PATH OF TRAVEL.**

- (a) **GENERAL.** An alteration that affects or could affect the usability of or access to an area of a facility that contains a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration.
- (b) **PRIMARY FUNCTION.** A “primary function” is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the customer services lobby of a bank, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public accommodation or other private entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, and restrooms are not areas containing a primary function.
- (c) **ALTERATIONS TO AN AREA CONTAINING A PRIMARY FUNCTION.**
  - (1) Alterations that affect the usability of or access to, an area containing a primary function, the altered area and the amenities serving the altered area must be made accessible, unless the costs for these changes are disproportionate.

- (2) For the purposes of this section, alterations to windows, hardware, controls, electrical outlets, and signage shall not be deemed alterations that affect the usability of or access to an area containing a primary function.
  - (3) Restriping of parking lots is regarded as an alteration and must be brought up to current code requirements establishing ADA access.
- (d) LANDLORD/TENANT: If a tenant is making alterations as defined in Sec.36.402 that would trigger the requirements of this section, those alterations by the tenant in areas that only the tenant occupies do not trigger a path of travel obligation upon the landlord with respect to areas of the facility under the landlord's authority, if those areas are not otherwise being altered.
- (e) PATH OF TRAVEL.
- (1) A "path of travel" includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility. Accessible route is to the facility front door and must be maintained.
  - (2) An accessible path of travel may consist of walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements. Maximum open gap width between sidewalk panels shall be 1/2 inch. Accessible route paving material installation shall be firm, stable, and slip resistant. No beveled paving materials shall be used in the accessible path of travel route. Carpeting shall not be installed on ramps.
  - (3) Accessible route and arrival point are a priority regarding the 20% rule, except in historic applications, see disproportionality below.
  - (34) For the purposes of this part, the term "path of travel" also includes the restrooms, telephones, and drinking fountains serving the altered area.
- (f) DISPROPORTIONALITY.
- (1) Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area.
  - (2) Costs that may be counted as expenditures required to provide an accessible path of travel may include:

- (i) Costs associated with providing an accessible entrance and an accessible route to the altered area, for example, the cost of widening doorways or installing ramps;
  - (ii) Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls;
  - (iii) Costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices, or installing a telecommunications device for deaf persons (TDD);
  - (iv) Costs associated with relocating an inaccessible drinking fountain.
- (g) DUTY TO PROVIDE ACCESSIBLE FEATURES IN THE EVENT OF DISPROPORTIONALITY.
- (1) When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs.
  - (2) In choosing which accessible elements to provide, priority shall be given to those elements that will provide the greatest access, in the following order:
    - (i) An accessible entrance;
    - (ii) An accessible route to the altered area;
    - (iii) At least one accessible restroom for each sex or a single unisex restroom;
    - (iv) Accessible telephones;
    - (v) Accessible drinking fountains; and
    - (vi) When possible, additional accessible elements such as parking, storage, and alarms.

(98) SEC 36.404.2.9 DOOR AND GATE OPENING FORCE. Amend the section by adding the following to the end of the numbered definitions.

3. Exterior doors: 8 pounds (35.58 N) maximum.

(10) SEC 36.604.8.1.2 DOORS. Amend the section by adding the following to the end of the paragraph. Toilet compartment doors shall have ADA compliant thumb-turn or sliding latching hardware.

(11) SEC 36.606.5 EXPOSED PIPES AND SURFACES. Amend the section by adding a second sentence. In a gang facility, all piping, whether or not specifically designated for the physically challenged, shall be insulated.

(12) SEC 36.606.5 EXPOSED PIPES AND SURFACES.

(13) ADA REQUIREMENT WAIVERS.

In some instances, the Maryland ADA requirements exceed the current Federal ADA 2010 requirements. Only those requirements (set by the state of Maryland) are subject to waiver request, as Federal requirements are absolute and are not subject to waiver. Persons interested in waiver applications must apply to the Building Codes Administrator, with the Maryland State Department of Labor, with all defining documents for waiver request consideration. The term "grandfather" does not apply to ADA requirements

## **ARTICLE XIXII. - ADDITIONAL FIRE SAFETY REQUIREMENTS FOR CERTAIN MULTI-FAMILY RESIDENTIAL STRUCTURES**

### **Sec. 5-2224. - Automated sprinkler systems.**

- (a) A vacant multi-family residential structure containing four (4) or more dwelling units may not be reoccupied until automated sprinkler systems are installed pursuant to the requirements of the applicable National Fire Protection Association Sprinkler Standard.
- (b) For the purposes of this section, the following terms shall be defined as indicated:
  - (1) **Building.** Any structure used or intended for supporting or sheltering any use or occupancy.
  - (2) **Dwelling unit.** One or more rooms arranged for complete, independent housekeeping purposes with space for eating, living, and sleeping; facilities for cooking; and provisions for sanitation.
  - (3) **Multi-family residential structure.** A building or portion thereof containing four (4) or more dwelling units with independent cooking and bath facilities
  - (4) **Vacant.** A building not occupied by one or more persons for a period of at least ninety (90) days.

ADOPTED by the City Council this 18th day of February, 2020.

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JUD ASHMAN, MAYOR and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 18th day of February, 2020. APPROVED by the Mayor of the City of Gaithersburg this 18th day of February, 2020.

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JUD ASHMAN, MAYOR

THIS IS TO CERTIFY, that the foregoing Ordinance was adopted by the City Council of the City of Gaithersburg, in public meeting assembled on the 18th day of February, 2020; and that the same was APPROVED by the Mayor of the City of Gaithersburg on the 18th day of February, 2020. This Ordinance will become effective on the 9th day of March, 2020.

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Tony Tomasello, City Manager