

**CITY OF HAGERSTOWN, MARYLAND**

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HAGERSTOWN,  
BY REPEALING SECTIONS OF CHAPTER 64 *BUILDING CONSTRUCTION*,  
ARTICLE I THEREOF, *BUILDING STANDARDS*, AND  
REPLACING THE SECTIONS REPEALED WITH REVISED AND UPDATED  
SECTIONS, WHICH PROVIDE FOR BUILDING AND RESIDENTIAL STANDARDS  
AND REQUIREMENTS AND PENALTIES FOR A VIOLATION THEREOF**

**RECITALS**

WHEREAS, the City of Hagerstown has previously adopted building and residential standards in chapter 64, Article I of the Code of the City of Hagerstown (“Building Standards”); and

WHEREAS, as a result of changes in industry standards and other factors, it becomes necessary from time to time to update the standards contained therein; and

WHEREAS, the Mayor and Council desire to revise and update the Building Standards to reflect the changes in industry standards and other factors; and

WHEREAS, the Mayor and Council desire to delay enforcement of the amendments adopted within this Ordinance until January 1, 2024, in order to provide notice to the public; and

WHEREAS, the Mayor and Council desire to continue enforcement of the Building Standards in its currently existing capacity until January 1, 2024; and

WHEREAS, the Mayor and Council find it in the best interests of the citizens of the City of Hagerstown to do so.

**NOW THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Council of the City of Hagerstown, Maryland, as its duly constituted legislative body, as follows:

SECTION 1: The foregoing recitals be and are hereby incorporated herein as if restated verbatim.

SECTION 2: The Code of the City of Hagerstown is hereby amended by repealing Chapter 64, Article I, *Building Standards*, and re-enacting Chapter 64, Article I, *Building Standards* in its entirety to read as follows:

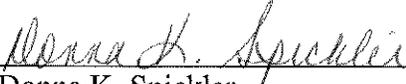
(See Attached)

SECTION 3. These amendments to the Code of the City of Hagerstown shall become effective immediately upon the effective date of this Enacting Ordinance.

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED THAT** this enacting ordinance shall become effective at the expiration of thirty (30) calendar days following its approval.

WITNESS AND ATTEST  
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE  
CITY OF HAGERSTOWN, MARYLAND

  
\_\_\_\_\_  
Donna K. Spickler,  
City Clerk

  
\_\_\_\_\_  
Tekesha Martinez, Mayor

Date of Introduction: October 24, 2023  
Date of Passage: November 21, 2023  
Effective Date: December 22, 2023

PREPARED BY:  
SALVATORE & MORTON, LLC  
CITY ATTORNEYS

# Chapter 64, Article I, *Building Standards* Applicable beginning January 1, 2024

## ARTICLE I Building Standards

### § 64-1. Adoption of standards by reference.

A certain code known as the *International Building Code*, 2021 edition, including Appendices F, H, and I, and the whole thereof, of which a copy is on file with the office of the Clerk of the City of Hagerstown, be and the same is hereby adopted and incorporated as fully as if set out at length herein.

### § 64-2. Amendments.

A. International Building Code: The following sections of the *International Building Code*, 2021 edition, including Appendices F, H, and I, are amended as follows:

1. CHAPTER 1 — SCOPE AND ADMINISTRATION, the following sections are amended to read as follows:

a. Section 101.1, Title, is amended to read as follows:

**101.1 Title.** These regulations shall be known as the *Building Code of the City of Hagerstown*, hereinafter referred to as the "City Building Code" or "this code."

b. Section 101.2, Scope, Exception, is amended to read as follows:

**Exception:** Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with *International Residential Code*, 2021 edition, including Appendices AE, AF, AH, AO, and AQ, and the whole thereof, of which a copy is on file with the office of the Clerk of the City of Hagerstown, be and the same is hereby adopted and incorporated as fully as if set out at length herein with the amendments noted in § 64-2.B.

c. Section 101.2 Scope, Exception 2 is added as follows:

**Exception 2:** Existing buildings undergoing repair, alterations, or additions, and change of occupancy shall comply with the *Maryland Building Rehabilitation Code* set forth in COMAR 09.12.58.

d. Sections 101.4.1, 101.4.2, 101.4.3, 101.4.4, 101.4.5, 101.4.6 and 101.4.7, are amended to read as follows:

**101.4.1 Gas.** Any reference to the *International Fuel Gas Code (IFGC)* shall mean the Plumbing Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article V, of the Code of the City of Hagerstown shall apply to all installations and modifications involving fuel gas.

**101.4.2 Mechanical.** Any reference to the *International Mechanical Code (IMC)* shall mean the Mechanical Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article VI, of the Code of the City of Hagerstown shall apply to all installations and modifications involving heating, air conditioning, and mechanical ventilation.

**101.4.3 Plumbing.** Any reference to the *International Plumbing Code (IPC)* shall mean the Plumbing Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article V, of the Code of the City of Hagerstown shall apply to all installations and modifications involving plumbing.

**101.4.4 Property maintenance.** Any reference to the *International Property Maintenance Code (IPMC)* shall mean the Property Maintenance Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article III, of the City Code of the City of Hagerstown shall apply.

**101.4.5 Fire prevention.** Any reference to the *International Fire Code (IFC)* shall mean the *City of Hagerstown Fire Prevention Code* (Chapter 98 of the Code of the City of Hagerstown as may be amended or restated from time to time).

**101.4.6 Energy.** Any reference to the *International Energy Conservation Code (IECC)* shall mean the *International Energy Conservation Code*, as adopted in the *Maryland Building Performance Standards* (COMAR 09.12.51), as may be amended from time to time.

**101.4.7 Existing building.** Any reference to the *International Existing Building Code (IEBC)* shall mean the *Maryland Building Rehabilitation Code* (COMAR 09.12.58), as may be amended or restated from time to time.

- e. Section 101.4.8, 101.4.9, 101.4.10, 101.4.11 and 101.4.12 are added as follows:

**101.4.8 Accessibility.** All sections of this code relating to applicable requirements for accessibility and usability of buildings and facilities by individuals with disabilities shall refer to the *Maryland Accessibility Code* (COMAR 09.12.53), as may be amended or restated from time to time.

**101.4.9 Building.** Any reference to the *International Building Code (IBC)* shall mean the Building Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article I, of the Code of the City of Hagerstown shall apply.

**101.4.10 Residential building.** Any reference to the *International Residential Code (IRC)* shall mean the Building Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article I, of the Code of the City of Hagerstown shall apply.

**101.4.11 Electrical.** Any reference to *NFPA 70* or the *National Electrical Code (NEC)* shall mean the Electrical Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article IV, of the Code of the City of Hagerstown shall apply to all electrical installations and modifications.

**101.4.12 Swimming pools and spas.** Any reference to the *International Swimming Pool and Spa Code (ISPSC)* shall mean the Building Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article I, of the Code of the City of Hagerstown shall apply.

- f. Section 103.1, Creation of an enforcement agency, is amended to read as follows:

**103.1 Creation of enforcement agency.** This code shall be administered by the Planning & Code Administration Department, herein after referred to as "the Department." The executive official in charge thereof or his designee(s) shall be known as the *code official*. Any reference to the department of building safety shall mean the Department. Any reference to the *building official* shall mean the *code official*.

g. Section 105.1, Required, is amended to read as follows:

**105.1 Required.** Any *owner* or owner's authorized agent who intends to construct, enlarge, alter, *repair*, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, *repair*, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause such work to be performed, shall first make application to the *Department* and obtain the required *permit*.

h. Sections 105.1.1 and 105.1.2 are hereby deleted in their entirety.

i. Section 105.2, Work exempt from permit, Building: Item 1 is amended to read as follows:

1. *One-story detached accessory structures used as tool and storage shed, playhouses and similar uses, provided the floor area does not exceed 100 square feet (9.29 m<sup>2</sup>).*

j. Section 105.2, Work exempt from permit, Building: Item 2 is amended to read as follows:

2. *Fences not over 7 feet (2134 mm) high unless there is a vehicular gate. [Note: These fences are still subject to permitting under the Land Management Code of the City of Hagerstown]*

k. Section 105.2, Work exempt from permit, Building: Item 10 is hereby deleted in its entirety.

l. Section 105.2, Work exempt from permit, Electrical is amended to read as follows:

**Electrical:** As noted in the City Electrical Code.

m. Section 105.2, Work exempt from permit, Gas is amended to read as follows:

**Gas:** As noted in the City Plumbing Code.

n. Section 105.2, Work exempt from permit, Mechanical is amended to read as follows:

**Mechanical:** As noted in the City Mechanical Code.

o. Section 105.2, Work exempt from permit, Plumbing is amended to read as follows:

**Plumbing:** As noted in the City Plumbing Code.

p. Section 105.2.3, Repairs, is added to read as follows:

**105.2.3 Repairs.** Application or notice to the Department is not required for ordinary repairs to structures, replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements, or the sandblasting of any wall; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

**Intentionally blank**

- q. Sections 105.3.3, 105.3.4, 105.3.5, 105.3.6 and 105.3.7 are added as follows:

**105.3.3 Site Plan Approval.** Application for building permits shall not be accepted prior to approval of the site plan, unless otherwise authorized by the code official.

**105.3.4 Associated Trade Permits.** Building permits involving the installation of any electrical wiring or plumbing associated with the installation of, remodeling of, or additions to swimming pools, hot tubs, spas, electrical signs and assemblies, and solar panels shall not be issued prior to the issuance of all associated plumbing and/or electrical permits.

**105.3.5 Water & Sewer Permits.** Building permits involving the installation of new water and sanitary sewer services shall not be issued prior to the issuance of the associated water and sewer connection permits.

**105.3.6 Withholding of permits.** Wherever the code official shall find that any person, agent, firm or corporation, whether as owner, lessee or occupant, is in violation of the provisions of this code or of the rules and regulations of any other department or agency of the City of Hagerstown in connection with the erection, maintenance, use or repair of buildings, structures, lands or equipment thereon or therein, he may refuse to grant any further permits or inspections until all violations have been corrected and approved.

**105.3.7 Transfer of Permits.** Building permits are not transferable. In the event that a change in ownership of the referenced property and/or facility occurs prior to the completion of the permitted construction, renovations, or demolition, the subsequent owner must secure a new permit prior to starting or resuming work. Fees in effect at the time of the application for the new permit shall apply.

- r. Section 105.5, Expiration, is amended to read as follows:

**105.5 Expiration.** Every permit issued by the Department under the provisions of this code shall expire and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced. Work shall be considered abandoned if no valid request for inspection is received by the Department for a period of 180 days. Before such work can be recommenced, the permit must be reactivated by submitting application for same and paying a fee as established by Department policy, providing no changes have been made or will be made in the original construction documents for such work, and further that such suspension or abandonment has not exceeded one year. Every such permit shall expire one (1) year after issuance unless an extension is granted in accordance with Section 105.5.1.

- s. Section 105.5.1 is added as follows:

**105.5.1 Extensions.** Any permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. Unless otherwise approved by the Chief Code Official, the Department shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause, in accordance with Department policy. The fee for an extension shall be as established by Department policy.

**Intentionally blank**

- t. Sections 109.2, Schedule of permit fees, and 109.4, Work commencing before permit issuance, are amended to read as follows:

**109.2 Schedule of permit fees.** A fee for each building permit and demolition permit shall be paid prior to the issuance of said permits as established in the fee schedule. Additional fees, when applicable, are as follows:

<b>Permit Fees</b>	
Additional fee for zoning certificate when required	As established by the Mayor and Council
Additional fee for Fire Marshal review when required	As specified in City Code, Chapter 98, Fire Protection
Reinstatement of expired permit	As specified by Department policy

In addition to the calculated permit fee required herein, payment of a technology fee will be required in connection with the issuance of all permits.

**109.4 Work commencing before permit issuance.** In addition to the building/demolition permit fee, an investigation fee equal to the amount of the building/demolition permit fee shall be assessed when the work to be permitted has begun prior to the issuance of the permit. The maximum additional amount to be charged for this occurrence shall be \$500.

- u. Section 109.6, Refunds, is amended to read as follows:

**109.6 Refunds.** The Department shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. For a permit in which no associated work has been done, the refund shall consist of the permit fee less the application fee and any technology fee. For this section, application fees for any new residential, commercial, or apartment permit shall be \$100.00 and miscellaneous permits shall be \$50.00.
3. For a permit in which associated work has commenced, no refund shall be applicable.

The Department shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of the payment.

- v. Section 110.3, Required inspections, is amended to read as follows:

**110.3 Required inspections.** The *code official*, upon notification from the permit holder or the permit holder's agent, shall make the inspections set forth in Sections 110.3.1 through 110.3.12. The holder of the permit shall be responsible for the scheduling of such inspections.

- w. Section 110.3.1, Footing and foundation inspection, is amended to add the following:

**110.3.1 Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required form shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job. All required foundation damp-proofing and/or waterproofing materials must be in place.

- x. Section 110.3.10.1, Ceiling close-in inspection, is added to read as follows:

**110.3.10.1 Ceiling close-in inspection.** The ceiling close-in inspection shall be made after all work required and other components to be concealed are complete, prior to the installation of suspended ceiling systems or finishes.

- y. Section 110.3.12, Final inspection, is amended to read as follows:

**110.3.12 Final inspection.** The final inspection shall be made after all work required by the building permit is completed. Final approval shall be issued only after the following conditions, if applicable, are met:

1. Final electrical approval
2. Final plumbing approval
3. Final mechanical approval
4. Fire department approval
5. Completion of all site work
6. Compliance with any special conditions of permit approval

- z. Section 110.5, Inspection requests, is amended to read as follows:

**110.5 Inspection requests.** It shall be the duty of the permit holder or their duly authorized agent to notify the Department when work is ready for inspection. Inspection requests must be made at least 24 hours in advance. In the event that the premises are not ready for the requested inspection, or the premises are not safely accessible, a re-inspection fee for each additional visit for the same inspection may be imposed. The fee for a re-inspection shall be as established by department policy.

- aa. Section 113.1, General, and 113.2, Limitations on Authority, are amended to read as follows:

**113.1 Application for appeal.** Any person directly affected by a decision of the code official, or a notice or order issued under this code shall have the right to appeal to the *board of appeals*, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The board shall not have authority to waive the requirements of this code or interpret the administration of this code.

**113.2 Board of appeals.** Any reference to a *board of appeals* in this code shall be construed to mean the City of Hagerstown Board of Code Appeals as established by Code of the City of Hagerstown, Chapter 10, Article XIV. This Board shall administer the appeal process in accordance with the Code of the City of Hagerstown, Chapter 10, Article XIV.

- bb. Sections 113.3 and 113.4 are hereby deleted in their entirety.

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cc. Section 114.4, Violation penalties, is amended to read as follows:

**114.4 Violation penalties.** Any person who shall violate a provision of this Chapter or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official or of a permit or certificate issued under the provisions of this Chapter, unless such action is specifically identified as a misdemeanor, shall be deemed to have committed a municipal infraction and shall be subject to the regulations as set forth in Chapter 1, General Provisions, Article III, Municipal Infractions, of the City Code. The fine for committing a municipal infraction under this Chapter shall be up to \$500 dollars for each violation, subject to the municipality's authority to double the fine pursuant to the Maryland Annotated Code, Local Government Article, Sections 6-106(a)(2) and 6-107. Each day that a violation continues shall be deemed a separate offense.

Actions or violations specifically identified as a misdemeanor shall be punishable by a fine of not more than \$500 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

dd. Section 115.2, Issuance, is amended to read as follows:

**115.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work, or posted upon the property. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

2. CHAPTER 3 – USE AND OCCUPANCY CLASSIFICATION, the following sections are amended to read as follows:

a. SECTION 305.2.3, Five or fewer children in a dwelling unit, is amended to read as follows:

**305.2.3 Eight or fewer children in a dwelling unit.** A facility such as the above within a dwelling unit and having eight or fewer persons receiving custodial care shall be classified as Group R-3 occupancy or shall comply with the *International Residential Code*.

b. SECTION 308.5.1, Classification as Group E, is amended to add the following exception:

Exception: A childcare facility may be classified as I-4 when the facility is classified as a day care occupancy under the State Fire Prevention Code.

c. SECTION 308.5.4, Five or fewer persons receiving care in a dwelling unit, is amended to read as follows:

**308.5.4 Eight or fewer persons receiving care in a dwelling unit.** A facility such as the above within a dwelling unit and having eight or fewer persons receiving custodial care shall be classified as Group R-3 occupancy or shall comply with the *International Residential Code*.

3. CHAPTER 4 – SPECIAL DETAILED REQUIREMENTS BASED ON OCCUPANCY AND USE, Section 411.5, Puzzle Room Exiting, Exception #3 is amended to read as follows:

3. All exits and exit access doors from each puzzle room shall be open and readily available upon activation by the automatic fire alarm system, automatic sprinkler system, a manual control at a constantly attended location and shall have a readily accessible control located inside each puzzle room.

4. CHAPTER 5 – GENERAL BUILDING HEIGHTS AND AREAS, Table 508.4, Required Separation of Occupancies is amended to read as follows:

**TABLE 508.4  
REQUIRED SEPARATION OF OCCUPANCIES (HOURS)**

OCCUPANCY	A, E		I-1 <sup>a</sup> , I-3, I-4		I-2		R <sup>a</sup>		F-2, S-2 <sup>b</sup> , U		B <sup>d</sup> , F-1, M, S-1		H-1		H-2		H-3, H-4		H-5	
	S	NS	S	NS	S	NS	S	NS	S	NS	S	NS	S	NS	S	NS	S	NS	S	NS
A, E	1	2	1	2	2	NP	1	2	N	1	1	2	NP	NP	3	4	2	3	2	NP
I-1 <sup>a</sup> , -3, I-4	—	—	1	2	2	NP	1	NP	1	2	1	2	NP	NP	3	NP	2	NP	2	NP
I-2	—	—	—	—	N	N	2	NP	2	NP	2	NP	NP	NP	3	NP	2	NP	2	NP
R <sup>a</sup>	—	—	—	—	—	—	1	1	1 <sup>c</sup>	2 <sup>c</sup>	1	2	NP	NP	3	NP	2	NP	2	NP
F-2, S-2 <sup>b</sup> , U	—	—	—	—	—	—	—	—	1	2	1	2	NP	NP	3	4	2	3	2	NP
B <sup>d</sup> , F-1, M, S-1	—	—	—	—	—	—	—	—	—	—	1	2	NP	NP	2	3	1	2	1	NP
H-1	—	—	—	—	—	—	—	—	—	—	—	—	N	NP	NP	NP	NP	NP	NP	NP
H-2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	N	NP	1	NP	1	NP
H-3, H-4	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	NP	1	NP
H-5	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	N	NP

- S = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.  
 NS = Buildings not equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.  
 N = No separation requirement.  
 NP = Not permitted.  
 a. See Section 420.  
 b. The required separation from areas used only for private or pleasure vehicles shall be reduced by 1 hour but not less than 1 hour.  
 c. See Section 406.3.2 and 406.6.4.  
 d. See Section 422.2 for ambulatory care facilities.  
 e. Occupancy separations that serve to define fire area limits established in Chapter 9 for requiring fire protection systems shall also comply with Section 707.3.10 and Table 707.3.10 in accordance with Section 901.7.

5. CHAPTER 7 – FIRE-RESISTANCE-RATED CONSTRUCTION, Section 706.6, Vertical continuity is amended to add the following to the list of exceptions:

7. *In Groups R-2 and R-3, as applicable in Section 101.2, walls are permitted to terminate at the roof sheathing or deck in Types III, IV, and V construction, if:*
- 7.1 *The roof sheathing or deck is constructed of approved noncombustible materials or of fire-retardant-treated wood for a distance of 4 feet (1,220 mm) on both sides of the wall; or*
  - 7.2 *The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 for Group R-2, and 903.3.1.1, 903.3.1.2, or 903.3.1.3 for Group R-3; or*
  - 7.3 *All of the following:*
    - 7.3.1 *The roof is protected with 5/8-inch (15.9 mm) Type X gypsum board directly beneath the underside of the roof sheathing or deck, supported by a minimum of 2-inch (51 mm) ledgers attached to the side of the roof framing members, for a minimum distance of 4 feet (1,220 mm) on both sides of the fire wall; and*
    - 7.3.2 *Openings in the roof are not located within 4 feet (1,220 mm) of the firewall; and*
    - 7.3.3 *The roof is covered with a minimum Class C roof covering.*

6. CHAPTER 9 – FIRE PROTECTION SYSTEMS, the following sections are amended to read as follows:

- a. SECTION 907.2.1.1, System Initiation in Group A occupancies with an occupant load of 1,000 or more, is amended as follows:

**907.2.1.1 System Initiation in Group A occupancies with an occupant load of 300 or more.** Activation of the fire alarm in Group A occupancies with an *occupant load* of 300 or more shall initiate a signal using an emergency voice/alarm communication system in accordance with Section 907.5.2.2.

**Exception:** Where *approved*, the prerecorded announcement is allowed to be manually deactivated for a period of time, not to exceed 3 minutes, for the sole purpose of allowing a live voice announcement from an *approved, constantly attended location*.

- b. SECTION 907.2.11.2, (Fire Alarm and Detections Systems) R-2, R-3, R-4, and I-1, is amended to add Section 907.2.11.2.1, Alterations, repairs, and additions, as follows:

**907.2.11.2.1 Alterations, repairs, and additions.** When interior alterations, repairs or additions requiring a building permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be equipped with smoke alarms located as required for new dwellings; the smoke alarms shall be interconnected and hardwired.

**Exception:** Interconnection and hard wiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for hard wiring and interconnection without the removal of interior finishes.

7. CHAPTER 10 – MEANS OF EGRESS, the following sections are amended to read as follows:

- a) SECTION 1004.8, Concentrated business use areas, is amended to read as follows:

**1004.8 Concentrated business use areas.** The *occupant load* factor for concentrated business use shall be applied to telephone call centers, nail salons, trading floors, electronic data processing centers and similar business use areas with a higher density of occupants than would normally be expected in a typical business occupancy environment. Where approved by the *building official*, the *occupant load* for concentrated business use areas shall be the actual *occupant load*, but not less than one occupant per 50 square feet (4.65 m<sup>2</sup>) of gross occupiable floor space.

**Intentionally blank**

- b) SECTION 1015.2, Where required, is amended to read as follows:

**1015.2 Where required.** *Guards* shall be located along open-sided walking surfaces, including *mezzanines, equipment platforms, aisles, stairs, ramps*, landings, and rooftop egress routes that are located more than 30 inches (762 mm) measured vertically to the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. *Guards* shall be adequate in strength and attachment in accordance with Section 1607.9.

**Exception:** *Guards* are not required for the following locations:

1. On the loading side of loading docks or piers.
2. On the audience side of *stages* and raised *platforms*, including *stairs* leading up to the *stage* and raised *platform*.
3. On raised *stage* and *platform* floor areas, such as runways, *ramps* and side *stages* used for entertainment or presentations.
4. At vertical openings in the performance area of *stages* and *platforms*.
5. At elevated walking surfaces appurtenant to *stages* and *platforms* for access to and utilization of special lighting or equipment.
6. Along vehicle service pits not accessible to the public.
7. In assembly seating areas at cross aisles in accordance with Section 1030.17.2.
8. On the loading side of station platforms on fixed guideway transit or passenger rail systems.

- c) SECTION 1015.2.2, Rooftop egress routes, is added as follows:

**1015.2.2 Rooftop egress routes.** Guards shall be provided where the rooftop is used as a means of egress from Group R occupancies. Guards shall be installed the entire length of the designated walking surface as defined in Section 1024.1.1, from the exit access doorway or window to the exit access stairway leading to the exit discharge. The guards shall be constructed so as to prevent the passage of a sphere 21 inches (533 mm) in diameter, unless the exit access is within 36 inches (965mm) of a roof edge or open side of a walking surface and such edge or open side is located more than 30 inches (762 mm) above the floor, roof, or grade below, then the requirements of Section 1015.4 shall apply.

- d) SECTION 1024.1.1, Rooftop egress routes, is added as follows:

**1024.1.1 Rooftop egress routes.** Where the rooftop is to be used as a means of egress from Group R occupancies, approval by the code official must be obtained and a designated walking surface must be provided. The designated walking surface shall be of the required width to serve the occupant load as specified in Section 1005.1 or be not less than 36 inches (914 mm) in width, shall have a slope less than or equal to a 4:12 slope in any direction, shall have a slip resistant coating or other approved surface covering, and shall be provided guards in accordance with Section 1015.2.2. The designated walking surfaces shall be maintained free of hazards such as sharp or protruding objects, loose boards, corrosion, leaks, spills, snow, and ice.

8. CHAPTER 11 – ACCESSIBILITY is hereby deleted in its entirety and replaced with the Maryland Accessibility Code as set forth in COMAR 09.12.53.

9. CHAPTER 12 – INTERIOR ENVIRONMENT, Section 1208.4, Efficiency dwelling units, is amended to read as follows:

**1208.4 Efficiency dwelling units.** *Efficiency dwelling units* shall conform to the requirements of the code except as modified herein:

1. The unit shall have a living room of not less than 190 square feet (17.7 m<sup>2</sup>) of floor area.
2. The unit shall be provided a separate closet.
3. For other than *Accessible*, Type A and Type B dwellings units, the unit shall be provided with a kitchen sink, cooking appliance and refrigerator, each having a clear working space of not less than 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
5. The total square footage shall meet the minimum requirements for finished living area of the City of Hagerstown Land Management Code.

10. CHAPTER 16 – STRUCTURAL DESIGN, Section 1608.2, Ground snow loads, is amended to read as follows:

**1608.2 Ground snow loads.** The ground snow loads to be used in determining the design snow loads for roofs shall be 40 pounds per square foot.

11. CHAPTER 18 – SOILS AND FOUNDATIONS, the following sections are amended to read as follows:

- a) Section 1809.5, Frost protection, is amended to read as follows:

**1809.5 Frost protection.** Except where otherwise protected from frost, foundations, and other permanent supports of building and structures shall be protected from frost by one or more of the following methods:

1. Extending below the frost line for the municipality, 30 inches minimum.
2. Erecting on solid rock

**Exception:** Free-standing building meeting all the following conditions shall not be required to be protected:

1. Assigned to Risk Category I, in accordance with Section 1604.5;
2. Area of 170 square feet [15.79 m<sup>2</sup>] or less in area;
3. Eave height of 10 feet [3078mm] or less.

*Shallow foundations* shall not bear on frozen soil unless such frozen soil is of permanent character.

- b) Table 1809.7, Prescriptive Footings Supporting Walls of Light-Frame Construction, is amended to add footnote h as follows:

h. All structures requiring continuous footings shall be reinforced with a minimum of two (2) #4 reinforcing bars or as specified by a design professional.

12. CHAPTER 23 – WOOD, Section 2308.3.1, Foundation plates or sills, is amended to read as follows:

**2308.3.1 Foundation plates or sills.** Foundation plates or sills resting on concrete or masonry foundations shall comply with Section 2304.3.1. Foundation plates or sills shall be bolted or anchored to the foundation with not less than ½-inch-diameter (12.7 mm) steel bolts or *approved* anchors spaced to provide equivalent anchorage as the steel bolts. Bolts shall be embedded not less than 7 inches (178 mm) into concrete or masonry. The bolts shall be located in the middle third of the width of the plate. Bolts shall be spaced not more than 4 feet (1219 mm) on center and there shall be not less than two bolts or anchor straps per piece with one bolt or anchor strap located not more than 12 inches (305 mm) or less than 4 inches (102 mm) from each end of each piece. Bolts in sill plates of braced wall lines in structures over two stories above grade shall be spaced not more than 4 feet (1219 mm) on center. A properly sized nut and washer shall be tightened on each bolt to the plate.

13. CHAPTER 24 – GLASS AND GLAZING, Section 2406.1, Human impact loads, is amended by adding Section 2406.1.5, to read as follows:

**2406.1.5 Code Conflict.** In the event of conflict between this chapter and the requirements for safety glazing set forth in Public Safety Article, Title 12, Subtitle 4, of the Annotated Code of Maryland, the requirements set forth in the Annotated Code of Maryland shall prevail.

14. CHAPTER 27 – ELECTRICAL is hereby deleted in its entirety.

15. CHAPTER 28 – MECHANICAL SYSTEMS is hereby deleted in its entirety.

16. CHAPTER 29 – PLUMBING SYSTEMS is hereby deleted in its entirety.

17. CHAPTER 30 – ELEVATORS AND CONVEYING SYSTEMS, Section 3001, General, is amended to read as follows:

**3001.1 Scope.** This chapter governs the design, construction, installation, alteration and repair of elevators and conveying systems and their components. The provisions of this chapter relate to elevators and conveying systems and are in addition to and not instead of the requirements set forth in Public Safety Article, Title 12, Subtitle 8, of the Annotated Code of Maryland. In the event of a conflict between this code and the Annotated Code of Maryland, the provisions of the Annotated Code of Maryland shall prevail.

18. CHAPTER 31 – SPECIAL CONSTRUCTION, Section 3109.1, Swimming Pools, Spas and Hot Tubs, General, is amended as follows:

**3109.1 General.** The design and construction of swimming pools, spas, and hot tubs shall comply with the *International Swimming Pool and Spa Code*, and the whole thereof, of which a copy is on file with the office of the Clerk of the City of Hagerstown, be and the same is hereby adopted and incorporated as fully as if set out at length herein with the amendments noted in § 64-2.C.

**Intentionally blank**

19. Appendix H – SIGNS, is amended by adding Section H112.6, Projecting signs, to read as follows:

**H112.6 Public right-of-way.** A person shall not erect, install, rehang, or maintain over public property any sign, awning, canopy, or other overhanging device for which a permit is required under the provisions of this code until an insurance policy shall have been filed for public liability insurance in the amount of \$300,000 per accident and for property damage in the amount of \$100,000 as herein required.

Such insurance policy shall protect and save the jurisdiction of the City of Hagerstown harmless from any and all claims or demands for damages by any reason of defects in the construction or by any damage resulting from the collapse, failure, or combustion of the sign or parts thereof, and it shall be required that the City of Hagerstown be named as additional insured in the certificate of insurance, a copy of which shall be filed in the office of the City Engineer.

B. International Residential Code. The following sections of the *International Residential Code*, 2021 edition, including Appendices AE, AF, AH, AO, and AQ, are amended as follows:

1. CHAPTER 1 – SCOPE AND ADMINISTRATION, is hereby deleted in its entirety and replaced with Chapter 1, Scope and Administration, of the International Building Code referenced above with amendments contained therein in § 64-2.A.

2. CHAPTER 2 – Section R202, Definitions, Townhouse, the definition is amended to read as follows:

**TOWNHOUSE.** A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides and is separated by a property line.

3. CHAPTER 3 – BUILDING PLANNING, the following sections and table are amended to read as follows:

a. TABLE R301.2(1), Climatic and Geographic Design Criteria, is amended to read as follows:

**Table R301.2 (4)  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

Ground Snow Load <sup>o</sup> (psf)	WIND DESIGN				Seismic Design Category <sup>f</sup>	SUBJECT TO DAMAGE FROM			Winter Design Temp <sup>e</sup>	Ice Barrier Underlayment Required <sup>h</sup>	Flood Hazards <sup>g</sup>	Air Freezing Index <sup>i</sup>	Mean Annual Temp <sup>j</sup>
	Speed <sup>d</sup> (mph)	Topographic Effects <sup>k</sup>	Special Wind Region <sup>l</sup>	Wind-borne debris zone <sup>m</sup>		Weathering <sup>a</sup>	Frost Line Depth <sup>b</sup>	Termite <sup>c</sup>					
30	110	No	No	No	A	Severe	30"	Moderate To Heavy	12°F	Yes < 4:12	2017	722	53.5°F
MANUAL J DESIGN CRITERIA <sup>n</sup>													
Elevation		Latitude		Winter heating	Summer cooling	Altitude correction factor		Indoor design temperature	Design temperature cooling	Heating temperature difference			
704'		39°N		12°F	91°F	.985		70°F	75°F	58°F			
Cooling temperature difference		Wind velocity heating		Wind velocity cooling	Coincident wet bulb	Daily Range		Winter humidity	Summer humidity	-----			
16°F		15mph		7.5mph	74°F	M [Medium: 16°F -25 °F]		-----	50%	-----			

\*Subject to Notes a. through o. to this table as listed in the International Residential Code, 2021 edition.

b. SECTION R321.3, Accessibility, is amended to read as follows:

**R321.3 Accessibility.** Elevators or platform lifts that are part of an accessible route required by Maryland Accessibility Code, shall comply with the Maryland Accessibility Code [COMAR 09.12.53] as may be amended or restated from time to time.

c. SECTION R327.1, General, is amended to read as follows:

**R327.1 General.** The design and construction of swimming pools, spas, and hot tubs shall comply with the *International Swimming Pool and Spa Code*, and the whole thereof, of which a copy is on file with the office of the Clerk of the City of Hagerstown, be and the same is hereby adopted and incorporated as fully as if set out at length herein with the amendments noted in § 64-2.C.

4. CHAPTER 4 – FOUNDATIONS, the following sections are amended to read as follows:

a. SECTION R403.1, General, is amended to read as follows:

**R403.1 General.** All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, wood foundations, or other approved structural systems that shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Concrete footing shall be designed and constructed in accordance with the provisions of Section R403 or in accordance with ACI 332. All structures requiring continuous footings shall be reinforced with a minimum of two (2) #4 reinforcing bars or as specified by a design professional.

**Exception:** Footings are not required to be stepped or continuous where changes of footing elevations exceed 4 feet (1220 mm). Such footing can be connected by masonry lintels with a minimum 18 inches (457 mm) of bearing on steel reinforced footings.

b. SECTION R403.1.4.1, Frost protection, is amended to read as follows:

**R403.1.4.1 Frost protection.** Except where erected upon solid rock or otherwise protected from frost, foundation walls, piers and other permanent supports of all buildings and structures shall extend no less than 30 inches (762 mm) below finished grade.

**Exception:** Storage buildings and other structures, 170 square feet (16 m<sup>2</sup>) or less in area and ten feet (3048 mm) or less in eave height.

**Intentionally blank**

c. SECTION R403.1.6, Foundation Anchorage, is amended to read as follows:

**R403.1.6 Foundation Anchorage.** Wood sill plates and wood walls supported directly on continuous foundations shall be anchored to the foundation in accordance with this section.

Cold-formed steel framing shall be anchored directly to the foundation or fastened to wood sill plates anchored to the foundation. Anchorage of cold-formed steel framing and sill plates supporting cold-formed steel framing shall be in accordance with this section and Section R505.3.1 or R603.3.1, as applicable. Wood sill plates supporting cold-formed steel framing shall be anchored to the foundation in accordance with this section.

Wood sole plates at all exterior walls on monolithic slabs, wood sole plates of braced wall panels at building interiors on monolithic slabs and all wood sill plates shall be anchored to the foundation with minimum ½-inch-diameter (12.7mm) anchor bolts spaced a maximum of 4 feet (1220 mm) on center or approved anchors or anchor straps spaced as required to provide equivalent anchorage to ½-inch-diameter (12.7 mm) anchor bolts. Bolts shall extend a minimum of 7 inches (178 mm) into concrete or grouted cells of concrete masonry units. The bolts shall be located in the middle third of the width of the plate. A nut and washer shall be tightened on each anchor bolt. There shall be not fewer than two bolts per plate section with one bolt located not more than 12 inches (305 mm) or less than seven bolt diameters from each end of the plate section. Interior bearing wall sole plates on monolithic slab foundation that are not part of a braced wall panel shall be positively anchored with approved fasteners. Sill plates and sole plates shall be protected against decay and termites where required by Sections R317 and R318.

**Exceptions:**

1. Walls 24 inches (610 mm) total length or shorter connecting offset braced wall panels shall be anchored to the foundation with not fewer than one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels at corners as shown in item 9 of Table R602.3(1).
2. Connection of walls 12 inches (305 mm) total length or shorter connecting offset braced wall panels to the foundation without anchor bolts shall be permitted. The wall shall be attached to the adjacent braced wall panels at corners as shown in item 9 of Table R602.3 (1).

d. The following sections, figures and tables are hereby deleted in their entirety:

R403.3 Frost protected shallow foundations.

R403.3.1 Foundations adjoining frost protected shallow foundations.

R403.3.1.1 Attachment to unheated slab-on-ground structure.

Figure R403.3(1)

Table R403.3(1)

Figure R403.3(2)

Table R403.3(2)

Figure R403.3(3)

Figure R403.3(4)

R403.3.1.2 Attachment to heated structure.

R403.3.2 Protection of horizontal insulation below ground.

R403.3.3 Drainage.

R403.3.4 Termite protection.

- e. SECTION R404.3 Wood sill plates, is amended to read as follows:

**R404.3 Wood sill plates.** Wood sill plates shall be a minimum of 2 inch by 6 inch (51 mm by 152 mm) nominal lumber for basements and crawl spaces with walls supporting unbalanced fill in excess of 48 inches (1220 mm) in height. Other sill plates shall be a minimum of 2 inch by 4 inch (51 mm by 102 mm) nominal lumber. Sill plate anchorage shall be in accordance with Section R403.1.6 and R602.11.

- f. SECTION R407.3, Structural requirements, is amended to read as follows:

**R407.3 Structural requirements.** The columns shall be restrained to prevent lateral displacement at the bottom end. Wood columns shall not be less in nominal size than 4 inches by 4 inches (102 mm by 102 mm). Steel columns shall not be less than 3-inch diameter (76 mm) Schedule 40 pipe manufactured in accordance with ASTM A53/A53M Grade B or as required by design.

- g. SECTION R408.6, Finished grade, is amended to read as follows:

**R408.6 Finished grade.** The finished grade of under-floor surface shall not be any lower than the top of the footings and crawlspace piers must be dug in or backfilled to top; however, where there is evidence that the groundwater table can rise within 6 inches (152 mm) of the finished floor at the building perimeter or where there is evidence that the surface water does not readily drain from the building site, the grade in the under-floor space shall be as high as the outside finished grade, unless an approved drainage system is provided.

5. CHAPTER 5 – FLOORS, the following sections are amended to read as follows:

- a. SECTION R502.6, Bearing, is amended to read as follows:

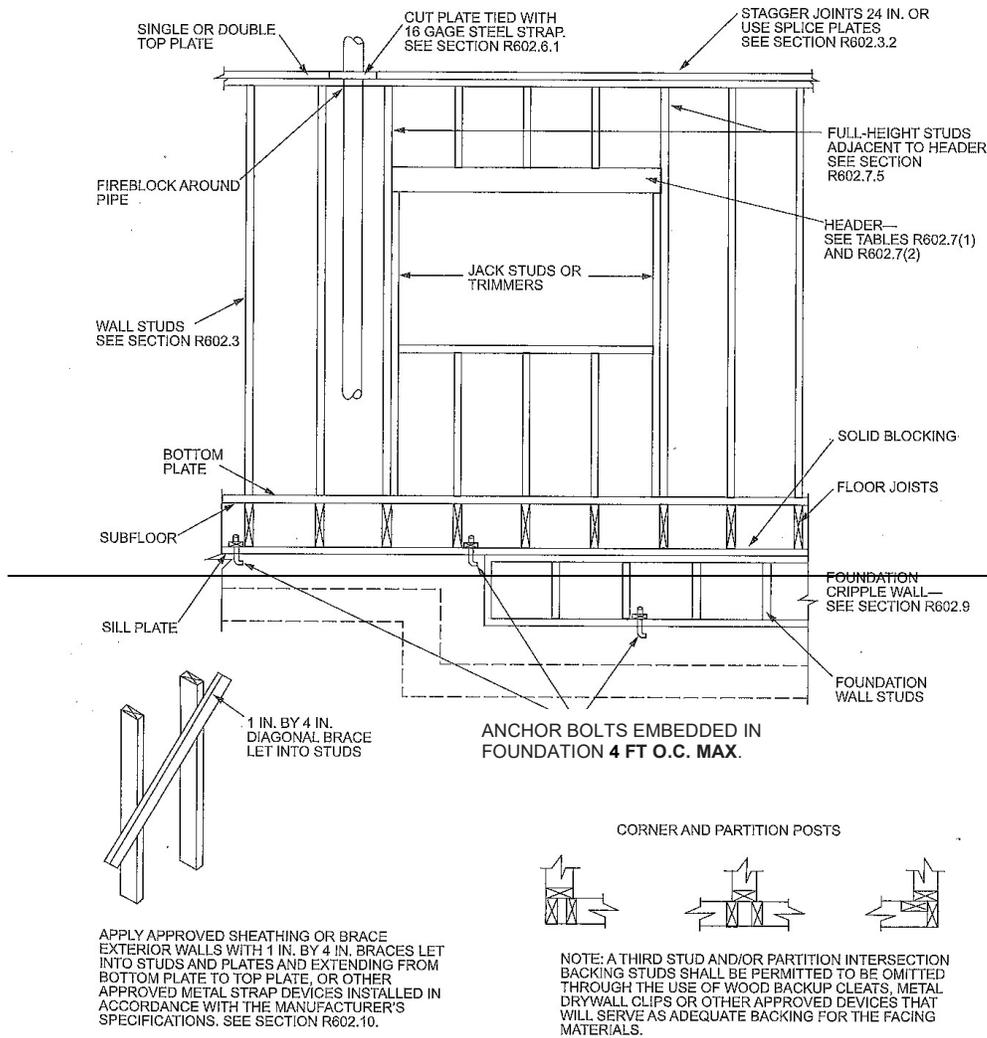
**R502.6 Bearing.** The ends of each joist, beam or girder shall have not less than 1.5 inches (38 mm) of bearing on wood or metal and not less than 3 inches (76 mm) on masonry or concrete except where supported on a 1 inch by 4 inch (25.4 mm by 102 mm) ribbon strip and nailed to adjacent stud or by the use of approved joist hangers. The bearing on masonry or concrete shall be direct, or a sill plate of 2 inch minimum (51 mm) nominal thickness shall be provided under the joist, beam, or girder. The sill plate shall provide a minimum nominal bearing area of 48 square inches (30 865 mm). When steel shims are used, the shim length and width shall provide full bearing area for the beam or girder and shall not exceed 1.5 inches (38 mm) in height.

- b. SECTION R507.1, Decks, is amended to read as follows:

**R507.1 Decks.** Wood-framed decks shall be in accordance with this section. Deck shall be designed for the *live* load required in Section R301.5 or the ground snow load indicated in Table R301.2 whichever is greater. For decks using materials and conditions not prescribed in this section, refer to Section R301. Where supported by attachment to an exterior wall, decks shall be positively anchored to the primary structure and designed for both vertical and lateral loads as applicable.

Such attachment shall not be accomplished by the use of toenails or nails subject to withdrawal. Where positive connection to the primary building structure cannot be verified during inspection, decks shall be self-supporting. For decks with cantilevered framing members, connections to exterior walls or other framing members shall be designed and constructed to resist uplift resulting from the full live load specified in Table R301.5 acting on the cantilevered portion of the deck.

6. CHAPTER 6 – WALL CONSTRUCTION, Figure R602.3(2), Framing details, is amended to read as follows:



For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

**FIGURE R602.3(2)**  
**FRAMING DETAILS**

7. The following Chapters are hereby deleted in their entirety:

Chapter 11	Chapter 16	Chapter 21	Chapter 27
Chapter 12	Chapter 17	Chapter 22	Chapter 28
Chapter 13	Chapter 18	Chapter 24	
Chapter 14	Chapter 19	Chapter 25	
Chapter 15	Chapter 20	Chapter 26	

8. CHAPTER 29 – WATER SUPPLY AND DISTRIBUTION, the following sections are amended to read as follows:

a. The following sections are hereby deleted in their entirety:

Section P2901 through Section P2903

b. SECTION P2904.2.3, Freezing areas, is amended to read as follows:

**P2904.2.3. Freezing areas.** Piping shall be protected from freezing as required by Section P2904.2.3.1. Where sprinklers are required in areas that are subject to freezing, dry-sidewall or dry-pendent sprinklers extending from a nonfreezing area into a freezing area shall be installed.

c. SECTION P2904.2.3.1, is added as follows:

**P2904.2.3.1. Freeze protection.** In localities having a winter design temperature of 32°F (0°C) or lower as shown in Table R301.2 (1) of this code, a water, soil, or waste pipe shall not be installed outside of a building, in exterior walls, in attics, or crawl spaces, or in any other place subjected to freezing temperature unless adequate provision is made to protect it from freezing by insulation or heat or both. Water Service pipe shall be installed not less than 12 inches (305 mm) deep and not less than 6 inches (152 mm) below the frost line.

d. The following sections are hereby deleted in their entirety:

Section P2905 through Section P2908

9. The following chapters are hereby deleted in their entirety:

Chapter 30	Chapter 35	Chapter 40
Chapter 31	Chapter 36	Chapter 41
Chapter 32	Chapter 37	Chapter 42
Chapter 33	Chapter 38	Chapter 43
Chapter 34	Chapter 39	

10. SECTION AQ102, Definitions, Tiny House, is amended to read as follows:

**TINY HOUSE.** A dwelling that is 500 square feet (46.5 m<sup>2</sup>) or more in floor area excluding lofts, subject to the zoning requirements of the City of Hagerstown Land Management Code.

**Intentionally blank**

C. International Swimming Pool and Spa Code. The following sections of the *International Swimming Pool and Spa Code*, 2021 edition, are amended as follows:

1. Section 101.1, Title, is amended to read as follows:

**101.1 Title.** These regulations shall be known as the *Swimming Pool and Spa Code of the City of Hagerstown*, hereinafter referred to as the "Swimming Pool and Spa Code" or "this code."

2. Section 102.7.1, Application of the International Codes, is amended to read as follows:

**102.7.1 Application of the International Codes.** Where the International Codes are referenced in this code, the provisions of the International Code shall apply to related systems and shall be considered as a part of the requirements of this code to the prescribed extent of each reference and as further regulated in 102.7.1.1 through 102.7.1.12.

**102.7.1.1 Residential building.** Any reference to the *International Residential Code (IRC)* shall mean the Building Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article I, of the Code of the City of Hagerstown shall apply.

**102.7.1.2 Building.** Any reference to the *International Building Code (IBC)* shall mean the Building Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article I of the Code of the City of Hagerstown shall apply.

**102.7.1.3 Electrical.** Any reference to the *NFPA 70* or the *National Electrical Code (NEC)* shall mean the Electrical Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article IV, of the Code of the City of Hagerstown shall apply to all electrical installations and modifications.

**102.7.1.4 Existing building.** Any reference to the *International Existing Building Code (IEBC)* shall mean the *Maryland Building Rehabilitation Code* (COMAR 09.12.58), as may be amended or restated from time to time.

**102.7.1.5 Mechanical.** Any reference to the *International Mechanical Code (IMC)* shall mean the Mechanical Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article VI, of the Code of the City of Hagerstown shall apply to all installations and modifications involving heating, air conditioning and ventilation.

**102.7.1.6 Fire prevention.** Any reference to the *International Fire Code (IFC)* shall mean the *City of Hagerstown Fire Prevention Code* (Chapter 98 of the Code of the City of Hagerstown as may be amended or restated from time to time.

**102.7.1.7 Gas.** Any reference to the *International Fuel Gas Code (IFGC)* shall mean the Plumbing Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article V, of the Code of the City of Hagerstown shall apply to all installations and modifications involving fuel gas.

**102.7.1.8 Energy.** Any reference to the *International Energy Conservation Code (IECC)* shall mean the *International Energy Conservation Code*, as adopted in the *Maryland Building Performance Standards* (COMAR 09.12.51), as may be amended from time to time.

**102.7.1.9 Property maintenance.** Any reference to the *International Property Maintenance Code (IPMC)* shall mean the Property Maintenance Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article III, of the City Code of the City of Hagerstown shall apply.

**102.7.1.10 Plumbing.** Any reference to the *International Plumbing Code (IPC)* shall mean the Plumbing Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article V, of the Code of the City of Hagerstown shall apply to all installations and modifications involving plumbing.

**102.7.1.11 Accessibility.** All sections of this code relating to applicable requirements for accessibility and usability of buildings and facilities by individuals with disabilities shall refer to the *Maryland Accessibility Code (COMAR 09.12.53)*, as may be amended or restated from time to time.

**102.7.1.12 Swimming pools and spas.** Any reference to the *International Swimming Pool and Spa Code (ISPSA)* shall mean the Building Code of the City of Hagerstown as adopted by the Mayor and City Council. The provisions of Chapter 64, Article I, of the Code of the City of Hagerstown shall apply.

3. Section 103.1, Creation of an enforcement agency, is amended to read as follows:

**103.1 Creation of enforcement agency.** This code shall be administered by the Planning & Code Administration Department, herein after referred to as "the Department." The executive official in charge thereof or his designee(s) shall be known as the *code official*. Any reference to the department of building safety shall mean the Department.

4. Section 105.1, When required, is amended to read as follows:

**105.1 When required.** Any *owner*, or owner's authorized agent who desires to construct, enlarge, alter, repair, move, demolish a pool or spa or to erect, install, enlarge, alter, repair, remove, convert, or replace any associated pool or spa system, the installation of which is regulated by this code, or to cause such work to be performed, shall first make application to the *Department* and obtain the required permit for the work.

5. Section 105.2, Application for permit, is amended to read as follows:

**105.2 Application for permit.** Each application for a permit, with the required fee, shall be filed with the Department on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or owner's authorized agent. The permit application shall contain such other information required by the code official.

6. Section 105.4.3, Expiration, is amended to read as follows:

**105.4.3 Expiration.** Every permit issued by the Department under the provisions of this code shall expire and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced. Work shall be considered abandoned if no valid request for inspection is received by the Department for a period of 180 days. Before such work can be recommenced, the permit must be reactivated by submitting application for same and paying a fee as established by Department policy, providing no changes have been made or will be made in the original construction documents for such work, and further that such suspension or abandonment has not exceeded one year. Every such permit shall expire one (1) year after issuance unless an extension is granted in accordance with Section 105.5.4.

**Intentionally blank**

7. Section 105.4.4, Extensions, is amended to read as follows:

**105.4.4 Extensions.** Any permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. Unless otherwise approved by the Chief Code Official, the Department shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause, in accordance with Department policy. The fee for an extension shall be as established by Department policy.

8. Section 108.2, Schedule of permit fees, and 108.4 Work commencing before permit issuance, is amended to read as follows:

**108.2 Schedule of permit fees.** A fee for each building permit and demolition permit shall be paid prior to the issuance of said permits as established in the fee schedule. Additional fees, when applicable, are as follows:

**Permit Fees**

Additional fee for zoning certificate when required	As established by the Mayor and Council
Additional fee for Fire Marshal review when required	As specified in City Code, Chapter 98, Fire Protection
Reinstatement of expired permit	As specified by Department policy

In addition to the calculated permit fee required herein, payment of a technology fee will be required in connection with the issuance of all permits.

**108.4 Work commencing before permit issuance.** In addition to the permit fee, an investigation fee equal to the amount of the permit fee shall be assessed when the work to be permitted has begun prior to the issuance of the permit. The maximum additional amount to be charged for this occurrence shall be \$500.

9. Section 108.6, Refunds, is amended to read as follows:

**108.6 Refunds.** The Department shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. For a permit in which no associated work has been done, the refund shall consist of the permit fee less the application fee and any technology fee. For this section, application fees for any new residential, commercial, or apartment permit shall be \$100.00 and miscellaneous permits shall be \$50.00.
3. For a permit in which associated work has commenced, no refund shall be applicable.

The Department shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of the payment.

10. Section 110.3, Required inspections and testing, is amended to read as follows:

**110.3 Required inspections and testing.** Pool and spa installations or alterations thereto, including equipment, piping, and appliances related thereto, shall be inspected by the code official to ensure compliance with the requirements of this code. The holder of the permit shall be responsible for the scheduling of such inspections.

11. Section 110.5, Inspection requests, is amended to read as follows:

**110.5 Inspection requests.** It shall be the duty of the permit holder or their duly authorized agent to notify the Department when work is ready for inspection. Inspection requests must be made at least 24 hours in advance. In the event that the premises are not ready for the requested inspection, or the premises are not safely accessible, a re-inspection fee for each additional visit for the same inspection may be imposed. The fee for a re-inspection shall be as established by department policy.

12. Section 111.1, General, and 111.2 Limitations on authority, are amended to read as follows:

**111.1 Application for appeal.** Any person directly affected by a decision of the code official, or a notice or order issued under this code shall have the right to appeal to the *board of appeals*, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The board shall not have authority to waive the requirements of this code or interpret the administration of this code.

**111.2 Board of appeals.** Any reference to a *board of appeals* in this code shall be construed to mean the City of Hagerstown Board of Code Appeals as established by Code of the City of Hagerstown, Chapter 10, Article XIV. This Board shall administer the appeal process in accordance with the Code of the City of Hagerstown, Chapter 10, Article XIV.

13. Sections 111.3 and 111.4 are hereby deleted in their entirety.

14. Section 113.4, Violation penalties, is amended to read as follows:

**113.4 Violation penalties.** Any person who shall violate a provision of this Chapter or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official or of a permit or certificate issued under the provisions of this Chapter, unless such action is specifically identified as a misdemeanor, shall be deemed to have committed a municipal infraction and shall be subject to the regulations as set forth in Chapter 1, General Provisions, Article III, Municipal Infractions, of the City Code. The fine for committing a municipal infraction under this Chapter shall be up to \$500 dollars for each violation, subject to the municipality's authority to double the fine pursuant to the Maryland Annotated Code, Local Government Article, Sections 6-106(a)(2) and 6-107. Each day that a violation continues shall be deemed a separate offense.

Actions or violations specifically identified as a misdemeanor shall be punishable by a fine of not more than \$500 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

15. Section 114.2, Issuance, is amended to read as follows:

**114.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work, or posted upon the property. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

**Intentionally blank**

16. Section 305.5, Onground residential pool structure as a barrier, is amended to read as follows:

**305.5 Onground residential pool structure as a barrier.** An onground *residential* pool wall structure or a barrier mounted on top of an onground *residential* pool structure shall serve as a barrier where all the following conditions are present:

1. Where only the pool wall serves as the barrier, the bottom of the wall is on grade, the top of the wall is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, the wall complies with the requirements of Section 305.2 and the pool manufacturer allows the wall to serve as a barrier.
2. Where a barrier is mounted on top of the pool wall, the top of the barrier is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, and the wall and the barrier on top of the wall comply with the requirements of Section 305.2.
3. Ladders or steps used as a means of access to the pool must be surrounded by a barrier that meets the requirements of Section 305.
4. Barriers that are mounted on top of onground *residential* pool walls are installed in accordance with the pool manufacturer's instructions.

**Intentionally blank**

**§ 64-3. Licenses and working permits.**

- A. **Licenses required.** All carpenters and/or contractors who desire to engage or work in the business of real estate repair and/or construction within the City of Hagerstown are required to procure a license or working permit, and it shall be unlawful for any person, firm, association or corporation to do any carpentry or construction work relating to real estate in the City of Hagerstown unless first licensed to do so as hereinafter provided.
- B. **Employment of unlicensed personnel prohibited.** It shall be unlawful for any owner, lessee or agent or other person having any authority or duty in connection with any building or premises within the City of Hagerstown to employ any person, firm, association, or corporation to do any construction or repair work in any such building or premises unless such person, firm, association, or corporation is so licensed.
- C. **Qualifications.** The license required hereunder shall be granted by the Department upon proof by an applicant of at least four years of practical experience in the trade and the payment of the license fee and the posting of a bond as hereinafter provided.
- D. **License duration; fees.** The license period shall be for a maximum period of two years and shall expire December 31 of each odd calendar year. The license fee shall be as established in the fee schedule.
- E. **Technology fee.** In addition to the annual license fee required herein, each licensee shall be required to pay a technology fee in connection with the issuance of each license. The amount of the technology fee shall be as established in the fee schedule.
- F. **Filing of bond required.** Upon the issuance of a license and before engaging in business, every licensee shall file with the Department a bond in the amount of \$20,000 with approved security conditioned to keep and save the City of Hagerstown free and harmless from any damages or expense in connection with any work or act arising out of the license so issued by the Department to such carpenters and/or contractors. These bonds shall be made in favor of the City of Hagerstown, Maryland, and filed with the Department.
- G. **Corporate licensing.** A construction firm, association or corporation shall require only one license; provided, however, that all construction and/or repair work is done by employees of the licensed firm, association or corporation which shall be responsible for the work and acts of such employees.
- H. **Licenses nontransferable.** No carpenter, construction firm, association or corporation shall allow his/her or its name or license to be used by any other person, firm, association, or corporation for doing construction and/or repair work or for any purpose whatsoever.
- I. **Suspension or revocation of license:** The code official may suspend or revoke any license for failure to correct faulty work, for performing work without proper permits, for engaging in unsafe acts or operating in an unsafe manner or for lending his/her name or license to others for the purpose of obtaining building permits. The holder of said license or working permit may appeal the suspension or revocation to the Board of Code Appeals, as outlined in Chapter 10, Article XIV, of the Code of the City of Hagerstown.
- J. **Violations and penalties.** Any violation of this § 64-3, Licenses and working permits, shall be considered a municipal infraction and subject to the regulations as set forth in Chapter 1, General Provisions, Article III, Municipal Infractions, of the City Code with a maximum fine of \$500.

**§ 64-4. Title.**

The *International Building Code*, 2021 edition, including Appendices F, H, and I along with the amendments in § 64-2, shall be known as the "*Building Code of the City of Hagerstown*".

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