

Mayor and Council Work Session October 3, 2023 Agenda

"The City of Hagerstown will inspire an inclusive, business-friendly, and sustainable community with clean, safe, and vibrant neighborhoods."

"The City of Hagerstown shall be a community focused municipality"

**The agenda and meeting packet is available at
www.hagerstownmd.org/government/agenda**

"Communication is key in all aspects of life" - Author Unknown

4:00 PM WORK SESSION

- 4:00 PM** 1. Proclamations:
1. Character Counts! Week – Carolyn Brooks, Founder & Director Character Counts! Washington County, Maryland
2. Domestic Violence Awareness Month – Mark Pennington, Assistant Director – CASA
3. Fire Prevention Month – Dale Fishack, Fire Marshal & Adam Hopkins, Battalion Chief
- 4:10 PM** 2. Community Coalition 2023 Lobbying Review – *Paul Frey, President – Washington County Chamber of Commerce and Jim Kercheval, President – Greater Hagerstown Committee*
- 4:25 PM** 3. Invest Hagerstown and Partners in Economic Progress (PEP) Guidelines and Application Updates - *Christopher Siemerling, Economic Development Specialist*
- 4:35 PM** 4. Building and Trade Codes Update - *Blaine Mowen, Chief Code Official and Pamela Harris, Building Inspector*
- 4:50 PM** 5. Tax Sale Properties -- *Paul Fulk, Neighborhood Services Manager*
- 5:05 PM** 6. Antietam Creek – Source Water Supply - *Nancy Hausrath, Director of Utilities*

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Proclamations:

1. Character Counts! Week – Carolyn Brooks, Founder & Director Character Counts! Washington County, Maryland
2. Domestic Violence Awareness Month – Mark Pennington, Assistant Director – CASA
3. Fire Prevention Month – Dale Fishack, Fire Marshal & Adam Hopkins, Battalion Chief

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Community Coalition 2023 Lobbying Review – *Paul Frey, President – Washington County Chamber of Commerce and Jim Kercheval, President – Greater Hagerstown Committee*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

WCCC_Agenda_List_Ranking_2023_09_22.pdf

2023_Results_for_WCCC_Agenda12.pdf

Description

WC Community Coalition
Draft Legislative Agenda
2023 Outcomes for
Community Coalition
Agenda

Washington County Community Coalition Draft Legislative Agenda

Proposed Items for Consideration:

Note: Below are the results of all items being considered for the WCCC 2024 agenda. Our lobbyist is reviewing the list and will provide his feedback. The partners still need to prioritize these items and reduce the agenda to a workable size based on the state projections for budget shortfalls and limited capital funds for new projects. It will be difficult to get more than 1 or 2 projects funded this year – so our lobbyist recommended limiting your capital project requests. Please discuss your group's priorities on this list and any new items we should consider before the next meeting. Our next meeting to discuss final priorities will be on October 11th where we hope to approve our agenda for 2024. Each partner must send a representative to take part in these final discussions (or send your feedback to GHC ahead of time). Only contributing partners will have a vote in crafting the final agenda.

RANK	PARTNER	AGENDA ITEM	COMMENTS
Transportation			
1	County	I-81 – Phase 2 Construction and Phase 3 Design	<i>Construct Phase 2 in a timely manner and add \$10M to next year's MD CTP for design and engineering of the remaining phases to the PA Line. Identify construction funds for final phases. Scott Hobbs will update blue sheet.</i>
2	County	I-70 at MD 65 Interchange	<i>Similar request as in past years. Scott Hobbs will update blue sheet.</i>
	Williamsport	Rt 11 Bridge Relocation/Replacement	<i>Reported that the team is currently awaiting the completion of the Preliminary Environmental Report (PEL) from the State Highway Administration (SHA). Upon receipt of the PEL Study, the team will adjust and modify their one-pager to incorporate the information and recommendations. Need to consider timing and specific ask for 2023 due to the cost and time it will take to do a full feasibility and environmental (NEPA) study (3-5 years) as well as engineering/design.</i>
Community Revitalization			
1	City	Hagerstown Field House (Indoor Facility)	<i>City officials noted it was their top project with a \$17M request – the same as last year. Total estimated cost \$24.7M</i>
1	City	Tax Sale and Vacant Abandoned Properties legislation (one bill)	<i>2023 House Bill 780 Tax Sales – Property Maintenance and Nuisance Condition Violation Judgments and Foreclosure Proceedings, and its cross-file SB 563, did not pass. Possibly re-introduce this year</i>
	Williamsport	Springfield Manor	<i>Requesting financial support for the Springfield Manor project. This endeavor involves a multi-phase approach, which includes acquisition, rehabilitation, and subsequent marketing of Springfield Manor for educational purposes.</i>
	County	Doleman Black Heritage Museum	<i>Request (similar to last year): \$1,019,500 in State funding assistance for continued schematic design (\$226,500) and design development (\$793,000)</i>
Health/Public Safety			
1	Chamber and GHC and City	Long Term Water and Wastewater Infrastructure Needs Study	<i>Request for long-term study looking at overall distribution of water in city and county to better understand entire system infrastructure needs over the next 30 years and necessary upgrades that will be required to handle new growth. There are some immediate upgrades that can be done at the RC water plant and City will send out a blue sheet.</i>
RANK	PARTNER	AGENDA ITEM	COMMENTS
Health/Public Safety (cont.)			
	County	Public Safety Training Building: Phase 2	<i>County is committed to further develop the project by focusing on several key aspects, including the expansion of the tactical village, the addition of new training structures, and the construction of a high bay building designed for indoor elevated training and equipment storage.</i>
Tourism			
1	CVB	CVB's New Visitors Center (Antietam paper building)	<i>Noted as CVB's top and only priority. CVB provided details about the Visitor Welcome Center budget. The architect's estimate is \$3,753,860.</i>

			<i>Starting Request: \$3,750,000 but pending grant applications may lower final request if awarded. Note: ARC grant money approved for design in 2022 (\$500K) was lost as it could not be used before grant deadline as the project could not proceed until construction funds are identified.</i>
Education			
1	WCFL	New Williamsport Library	<i>WCFL is currently waiting on various items related to landowner and rezoning matters for the Williamsport property and do not anticipate adding this project as an agenda item in 2024 due to shovel readiness. But they plan to bring this item back to the table in 2025.</i>

Notes:

- *“Rank” is tentative and was provided by the Coalition Partner representative whose entity suggested this specific agenda item. We have a ranking for each partner’s “capital” item under each category as well as a separate ranking for their “policy/legislative” items. Rank reflects their ranking compared to the other items that this partner submitted. It is not a ranking compared to all the items on the list. Rankings will not be reflected in our 2024 Legislator booklet – they are only for internal use as we go through our agenda setting process and for our lobbyist to better understand our overall agenda.*
- **Highlighted Agenda Items:**
 - **Green** – reflects items that were unanimously accepted to be on this list (to occur at next meeting)
 - **Yellow** – reflects items that more information was needed and may be on the final list. Our “rules of the road” approved by the partners requires all agenda items have a specific state ask. Some partners are still working to get the information needed which may reflect a yellow status
 - **Red** – reflects items that were chosen not to be on the 2024 list at this time – but could be agenda items in future years
- *Partner submitting the item has been assigned to do a Blue Sheet with detailed information, state ask, and graphics*

2023 Watch List:

Monitor any legislation or policy changes that impact Washington County

- 2008 Tourism Promotion Act (State DMO’s proposing increase in annual allocation)
- Community College Formula Funding – *monitor effects on HCC’s funding*
- State libraries request to increase annual capital funding for libraries and state resource center funding
- Gaming revenue protection
- Shifting of liabilities from state to localities
- USMH operational funding - Advocate for sufficient funding to successfully operate and grow USMH.
- Commission Transportation Revenue & Infrastructure impacts on our county
- Highway User Revenue restoration
- Route 11 Potomac River Bridge Deterioration
- State funding of K-12 education – MD Blueprint for Education – *monitor effects on our County*
- Changes in annexation or tax differential laws between counties and municipalities

Misc. Items.

- Work to secure visits from new key Maryland Committees (House Appropriations, Senate Budget & Tax, etc.) as well as New Governor’s Administration.

Wednesday, January 31, 2024 – Day in Annapolis

- Lunch with Western MD Delegation (11:30am – 1:00pm)
- Large Group Meetings with State VIP’s (1:00pm – 4:00pm)
- Washington Co. Reception (4:30 - 6:30pm)



2023 Outcomes for Community Coalition Agenda

(AS OF 4/12/23)

Transportation:

- **I-81: (County)**
 - **REQUEST:** Start construction on Phase 2 within the next fiscal year, allocate planning/engineering funding in the next CTP for the final phase to complete the widening to the Pennsylvania line, and plan for construction funding for the remainder of the project.
 - **RESULT:** \$100M was added to the state's draft Consolidated Transportation Plan (CTP) by Gov. Hogan in December. We were able to keep this new money in the CTP plan that was ultimately approved by General Assembly and supported by Gov. Moore.
- **I-70/MD-65 Interchange improvements (County & Hagerstown)**
 - **REQUEST:** State begin the design stage, and program construction funding for improvements into MDOT's Consolidated Transportation Plan.
 - **RESULT:** No new construction money added to MD CTP
- **Rt 11 Bridge Relocation/Replacement (Town of Williamsport)**
 - **REQUEST:** \$1 million to fund a Planning & Environmental Linkages Study to determine the feasibility, location, and potential environmental impacts of relocating the bridge.
 - **RESULT:** Worked \$1M of funding for PELL Study into the State's CTP from the State Highway Administration budget

Community Revitalization:

- **Hagerstown Field House (Hagerstown)**
 - **REQUEST:** Support Hagerstown's effort to construct an indoor sports turf Sportsplex on the site of the former Municipal Stadium, including consideration of State bond financing to aid in delivering this project to our citizens. Amount of Funding Requested: \$17,000,000.
 - **RESULT:** \$2M of funding originally preauthorized in 2021 remained in capital budget and an additional \$1M was added in 2023 (Total \$3M)
- **Tax Sale and Vacant Abandoned Properties Legislation (Hagerstown)**
 - **REQUEST:** Pass Legislation to streamline the tax sale and acquisition process for vacant abandoned properties.
 - **RESULT:** The bill package related to tax sales and vacant abandoned properties partially passed. HB 779 Tax Sales – Revisions, sponsored by Delegates Buckel, Grossman, and Hinebaugh, has passed and awaits approval by the Governor. The Senate cross-over bill, sponsored by Senators Corderman, McKay, and Rosapepe, has passed as well. House Bill 780 Tax Sales – Property Maintenance and Nuisance Condition Violation Judgments and Foreclosure Proceedings, and its cross-file SB 563, did not pass.

Education:

- **Study to Assess Athletic Facilities at Hagerstown Community College (HCC)**
 - **Request:** \$500,000 to study the scope of use of all of HCC's athletic facilities, make recommendations for renovations, and determine what future potential is available to maximize the current land use to meet County athletic, recreational, and community needs. Direct the Maryland Stadium Authority to commission this study and report its findings
 - **RESULT:** The Washington County Athletic Recreational Community Center ARCC and Athletic Fields – MSA Study - \$125,000 from the Legislative Bond Initiative Program (formerly bond bills) was funded by the House and Senate
- **Pittsburg Institute of Aeronautics (PIA) Expansion (County)**
 - **REQUEST:** \$1M of State Funding for expansion project
 - **RESULT:** No new State money was provided

Health and Public Safety

- **Public Safety Training Building: Apparatus operator and defensive driving track (County)**
 - **Request:** *\$2.25M to build an apparatus operator and defensive driving track*
 - **RESULT:** *\$2,250,000 included in original Capital Budget*
- **24-Hour Crisis Center (Hagerstown)**
 - **REQUEST:** *State Funding for a new 24-hour Crisis Center (amount TBD)*
 - **RESULT:** *No Information provided on this*
- **Water and Wastewater Infrastructure Study (Hagerstown)**
 - **Request:** *State financial support to fund a 30-year water and wastewater infrastructure study (estimated at \$1M)*
 - **RESULT:** *No new State money was provided*

Tourism:

- **CVB's New Visitors Center (Antietam paper building) (CVB)**
 - **REQUEST:** *Capital Improvement Funds to construct a new Washington County, MD Visitor Welcome Center (Cost Estimate \$3.5 mil)*
 - **RESULT:** *No State money was provided*
- **Douglas G. Bast Museum of History Preservation Project – (CVB)**
 - **Request:** *\$875,000 in State funding to assist with the project*
 - **RESULT:** *\$200,000 from the Legislative Bond Initiative Program (formerly bond bills) was funded by the House and Senate*
- **Doleman Black Heritage Museum (DBHM) – (City/County)**
 - **REQUEST:** *\$1,019,500 in State funding assistance for continued schematic design (\$226,500) and design development (\$793,000)*
 - **RESULT:** *No State money was provided during session. A couple members of the delegation are working to set up a meeting with DBHM and Secretary of DHCD Jake Day*

FYI - Other Local Projects Funded That Were NOT Part of the Coalition's Agenda:

(Initiated by other groups and/or delegation members)

CAPITAL BUDGET ITEMS:

- *Washington Co, Museum of Fine Arts – \$1,250,000 (plus pre-authorized \$1.5M for FY'25)*
- *Town of Boonsboro – Drinking Water and Wastewater Infrastructure - \$1,000,000*
- *Chase Six Boulevard (Smithsburg) – Campus Avenue Realignment and Intersection - \$500,000*
- *Korean War Veterans Museum - \$25,000*
- *Springfield Farm Manor House (Williamsport) - \$320,000*
- *Robert W. Johnson Community Center - \$2,500,000 (Sen. Benson)*
- *Hagerstown School Renovation - \$750,000*

MISCELLANEOUS ITEMS FROM BOND BILLS:

- *Meritus School of Osteopathic Medicine - \$1,500,000*
- *Hancock Downtown Beautification - \$100,000*
- *Interfaith Service Coalition – Property Upgrades - \$45,000*
- *North High 400m Running Track – Practice Track - \$50,000*

OTHER:

- *HCC's Advanced Training Center - \$294,000 (from Community College Construction Grant Program)*
- *2022 MSA stadium legislation – Amended to allow MSA to access \$20M more as needed for cost increases in our downtown Hagerstown stadium*

2023 Watch List:

Monitor any legislation or policy changes that impact Washington County

- **MD Commuter Train Study** – *Track feasibility study that includes service to Washington County*
 - *No new changes following passage from last year. Study ongoing*
- **MD Great Outdoors Act** – *Track to see that \$3M Grant Pool stayed funded*
 - *No new changes following passage from last year (\$160M remains in full program)*
- **Gaming revenue protection**
 - *No legislation affecting gaming*
- **Shifting of liabilities from state to localities**
 - *TBD – but no major shifts noted*
- **USMH operational funding** - *Advocate for sufficient funds to successfully operate and grow USMH.*
 - *Univ of Maryland system received expected amount of funding*
- **Highway User Revenue protection and restoration**
 - *No new changes*
- **Legislation impacting water system usage, rate structures, fee collection, disconnection, etc.**
(Track and legislative or policy impacts of Federal “Water Affordability Act”)
 - *TBD*
- **State funding of K-12 education – MD Blueprint for Education**
 - *Full Funding passed*
- **Revisions to the Tourism Promotion Act of 2008** (Senate Bill 458) - *Increase the grant pool from its original \$2.5M to \$10M – statewide DMO bill*
 - *No State money was provided during session (Senate supported some increase, but didn't pass in the House)*
- **Cannabis Administration and Opportunity Act** – *Track impact in Washington County*
 - *Impacts still TBD – but no major concerns noted*
- **“America 250” Planning/Funding** (Nation’s 250th Anniversary in 2026) – *Inclusion of Washington County as part of Maryland’s destination locations and events plan*
 - *TBD*

Misc. Items.

- Work to secure visits from new key Maryland Committees (House Appropriations, Senate Budget & Tax, etc.) as well as New Governor’s Administration.
 - *Still TBD - but some positive communications took place at Day in Annapolis and throughout session*

THANKS TO ALL OF OUR PARTNERS, OUR STATE DELEGATION, AND LOBBYISTS FOR THEIR HARD WORK AND SUPPORT

SAVE THE DATE:

2024 Day in Annapolis

Wednesday, January 31, 2024

(Coalition travels to Annapolis to meet with General Assembly officials)

and

Washington County Legislative Reception

4:30pm – 6:30pm at The Calvert House, Annapolis, MD

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Invest Hagerstown and Partners in Economic Progress (PEP) Guidelines and Application Updates - *Christopher Siemerling, Economic Development Specialist*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

100323_WS_PEP_Updates.pdf

Description

Invest Hagerstown and Partners in Economic Progress (PEP) Guideline and Application Updates.



CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

14 N. Potomac Street • Suite 200A • Hagerstown, MD 21740

Email: DCED@Hagerstownmd.org

Telephone: 301.739.8577, Ext. 111 • Website: www.hagerstownmd.org/DCED

TO: Scott Nicewarner, City Administrator

FROM: Chris Siemerling, Economic Development Specialist

DATE: October 03, 2023

RE: Invest Hagerstown and Partners in Economic Progress (PEP) Guideline and Application Updates

At the October 3, 2023 Work Session, staff will review final revised guidelines and application forms for the Invest Hagerstown and PEP Programs. This is a follow up to the July 18, 2023 Work Session at which policy changes were discussed of which nine of the ten would be implemented.

Attachments:

1. Summary of Proposed Guideline Changes from 7/18/2023 Work Session
2. Required Motion
3. DRAFT Invest Hagerstown City-Center Redevelopment Grant Guidelines & Application Forms
4. DRAFT Invest Hagerstown City-Wide Redevelopment Grant Guidelines & Application Forms
5. DRAFT Invest Hagerstown Rental Rehabilitation Grant Guidelines & Application Forms
6. DRAFT Partners in Economic Progress (PEP) Guidelines & Application Forms

c: Review Committee
Jill Thompson, Director of Community & Economic Development

Proposed Invest Hagerstown (IH)/Partners in Economic Progress (PEP) Updates

Proposed Mayor and City Council Review:

1. (PEP): Clarification that PEP Funding is utilized after any/all Local/State/Federal commercial rental assistance programs and not just Project Restore cases.
 - a. Change of lease terms may be required for applicants utilizing these programs.
2. (PEP): Proposed expansion of Commercial Tenant Rental Assistance PEP benefit to include storefronts for retail/restaurants.
3. (PEP): Proposed increase of the total maximum Commercial Tenant Rental Assistance PEP benefit incentive from the existing \$24,000, to a maximum of \$30,000.
4. (PEP): Proposed addition of a time limit of five (5) years for Commercial Tenant Rental Assistance PEP benefit and Permit Fee Waivers for tenant fit-out after project completion.
 - a. Effective for new applications if approved by Mayor and Council.
 - b. Existing approved buildings passed the 5-year timeline will receive a letter detailing eligibility status.
5. (IH): Proposed requirement of walkthroughs of applicant properties with projects that are defined as “In Progress”, with no more than 15% of total work completed by cost, excluding contractor deposits, at time of application for the proposed scope of work they are applying for.
6. (IH): Proposed change for Invest Hagerstown projects that are in-progress. The applicant will be required to demonstrate expenditures equal to the grant and required match to work that was completed within 30 days prior to date of approval and the required date of completion.
 - a. This would change from the current 90 days prior to date of approval.
7. (IH City Center + PEP): Proposed requirement of providing “As-Built” Drawings upon project completion.
 - a. This will assist with administration of PEP Benefits.
8. (IH City Center + PEP): Clarification of Core Systems to include:
 - a. All floors shall be flat and non-trip.
9. (IH): Proposed requirement that if applicant is not the owner of the property, a lease is a required attachment. Applicant must then demonstrate they are responsible for the expense of the scope of work proposed.

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

DATE: October 24, 2023

TOPIC: **Approval of FY2024 Invest Hagerstown and Partners in Economic Progress (PEP) Program Guideline Changes**

Charter Amendment	—
Code Amendment	—
Ordinance	—
Resolution	—
Other	<u>X</u>

MOTION:

I hereby move for the Mayor and City Council to approve the attached and revised guidelines and application forms for the following programs:

- 1- Invest Hagerstown City Center Redevelopment Grant,
- 2- Invest Hagerstown City-Wide Redevelopment Grant,
- 3- Invest Hagerstown Rental Rehabilitation Grant,
- 4- Partners in Economic Progress (PEP).

Staff may make administrative edits with the approval of the City Administrator.

DATE OF INTRODUCTION:	10/24/2023
DATE OF PASSAGE:	10/24/2023
EFFECTIVE DATE:	10/24/2023



CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

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Telephone: 301.739.8577, Ext. 111 • Website: www.hagerstownmd.org/DCED

INVEST HAGERSTOWN

PROGRAM GOALS

In partnership with private developers, the City of Hagerstown wishes to:

1. Inspire and enable significant redevelopment, both city-wide and in the urban core, reusing and repurposing existing vacant and under-utilized properties, in which there are significant market and/or physical condition barriers to development or redevelopment.
2. Create the opportunity for new jobs throughout the City of Hagerstown and Washington County.
3. Increase the value of Hagerstown's commercial and mixed use properties.
4. Strengthen and improve market rate rental properties and increase homeownership.

CITY CENTER Redevelopment Grant Program Guidelines

CITY CENTER Program Summary

1. Grants from a minimum \$150,000 to maximum of \$250,000.

City Center		Required Match (at Least)	Project Total (at least)
Grant Minimum	\$150,000	\$300,000	\$450,000
Grant Maximum	\$250,000	\$500,000	\$750,000

2. The grants require a 2:1 match from the developer. Example: a \$200,000 grant would require a \$400,000 investment from the developer, for a total project investment of \$600,000.
3. A project may be defined as planned or in progress. Completed projects are ineligible. For projects that are planned, projects must start within 6 months of application. For projects that are in- progress, the applicant will be required to demonstrate expenditures equal to the grant and the required match (\$250K + \$500K = \$750K) related to work that was completed within 30 days prior to date of approval and the required date of completion. The City determines the required date of completion based on the project completion date shown on the application plus reasonable contingency.
4. Applications that are defined as "In Progress" must have no more than 15% of total work completed by cost, excluding contractor deposits, at time of application for the proposed scope of work applicants are applying for.
5. The Review Committee shall require a walkthrough of applicant properties with projects that are defined as "In Progress" prior to application approval.
6. Applications are reviewed first by a committee. Recommended applications are forwarded to the Mayor and Council for final consideration and approval.
7. Funding will be awarded upon completion of an approved project and development plan.

8. The first priority funding area shall be the one block radius from the Public Square (see attached map) although other applications for projects in the City Center will be considered.
9. Acquisition costs shall not be considered a part of the project cost.
10. All projects shall comply with federal, State and local codes, laws and ordinances.
11. All grants are subject to funding availability.

I. CITY CENTER Eligibility Criteria

1. Project is within the City-Center/Mixed Use Zoning District, although the first priority funding area shall be the block radius from the Public Square (see attached map).
2. Bricks and mortar renovation or new construction projects.
3. Commercial professional office, retail and mixed-use projects.
4. Total project cost, not including acquisition, must demonstrate a minimum 2 for 1 match. For example, a \$200,000 grant application must show a \$400,000 developer contribution.
5. If an applicant is not the owner of the property, a draft or signed lease is a required attachment. Applicant must demonstrate they are responsible for the expense of the scope of work proposed.
6. The building and all core systems must meet all City of Hagerstown code requirements upon project completion. The core systems include:
 - a. Base lighting, emergency and exit lighting for each shell tenant space in accordance with the Building and Life Safety Codes.
 - b. Central HVAC providing adequate heat and ventilation for each shell tenant space in accordance with the Mechanical Code. Any modifications or additions made at tenant fit-out must be done under a separate mechanical permit.
 - c. Required fire separation between the tenant space and corridors and exit access in accordance with the Building Code. If building plans show individual tenant spaces at start of project, required fire separation between tenant spaces must be complete prior to time each space is presented to tenant for finishing/fit out.
 - d. Accessible routes, accessible parking (if required), accessible toilet facilities, accessible drinking fountains, accessible entrances and exits are all required items for the building shell in accordance with the Maryland Accessibility Code and the Building Code.
 - e. Phone/datacom wiring from the main point of service to each shell tenant space.
 - f. Completed building thermal envelope in accordance with the Energy Conservation Code.
 - g. Address identification for the building.
 - h. Automatic sprinkler protection in accordance with the Existing Building Code.
 - i. Floors shall be flat and non-trip;
7. Any new residential units created must meet the following minimum square footages requirements:
 - a. 400 Sq Ft for an efficiency unit.
 - b. 500 Sq Ft for a one-bedroom unit.
 - c. 650 Sq Ft for a two-bedroom unit
 - d. 900 Sq Ft for a three-bedroom unit.
8. For a project with Artist Live-Work Spaces, any live-work unit created must meet the following minimum square footage requirements:
 - a. 800 sq.ft. for an efficiency unit.

- b. 1,000 sq.ft. for a one-bedroom unit.
 - c. 1,300 sq.ft. for a two-bedroom unit.
 - d. 1,800 sq.ft. for a three-bedroom unit.
9. For a mixed-use (commercial/residential) project, the following amenities must be included in each residential unit:
- a. Fully sprinklered
 - b. Central HVAC system
 - c. Washer and dryer
 - d. Dishwasher
 - e. Fully wired for new technologies including phone/Datacom
 - f. Wood veneer or solid wood kitchen and bathroom cabinets
 - g. Approved solid surface counter tops in kitchen and bathrooms
 - h. Refinished or new hardwood floors or wall-to-wall carpeting in areas other than kitchen and bathrooms
 - i. Where possible, outdoor amenities should be provided for tenants (e.g., balconies, roof top decks, back porches, sunrooms, etc.)
10. For a project with Artist Live-Work Spaces, the following minimum amenities must be included in each live-work unit:
- a. All items listed in #8 above.
 - b. Ability to vent odors to the outdoors in accordance with the Mechanical Code.
 - c. Plumbed to allow for easy installation of slop sinks.
 - d. Utility capacity to meet needs of different art forms, including electric, gas, water and wastewater.
 - e. Sound transmission rating between units of a minimum STC 60 for partition walls.
11. In mixed-use and commercial buildings, the ground floor storefront spaces shall be used for retail, restaurants, branch banks, personal service businesses (e.g., hair salons), arts and entertainment enterprises, educational facilities, and other similar high intensity uses that attract pedestrian traffic which will support other downtown businesses and contribute to the vitality of the downtown. An office use may be located in a storefront space if the business owner is an owner- occupant of a residential unit on an upper floor of the same building. All other professional and non-profit office tenants shall not be located in storefront spaces. If the building has a common entrance for all tenants without display windows for tenants, offices may locate throughout the first floor.
12. Application must be aligned with the City of Hagerstown's vision for the City Center.

II. CITY CENTER Ineligible Applications

- 1. Entirely residential projects.
- 2. Projects that do not meet the minimum investment threshold.
- 3. Applicants who are not in good standing with the City, County, State or Federal Governments.
- 4. Non-profit development applicants.

III. CITY CENTER Funding Guidelines

- 1. Funding may be secured by multiple sources.
- 2. Applicants may apply and utilize other grant and incentive programs.
- 3. More than one grant application may be accepted for the same property when being used for separate businesses and separate projects with separate scopes of work. Only one City-Center Redevelopment Grant will be awarded per property.

Examples:

A property owner may use a grant to renovate a building to improved shell condition and a tenant within the same building may use a grant for tenant space improvements and fit out.

Two separate tenants may each use a grant for tenant space improvements and fit out in a multi-tenant building for two separate businesses.

Two grants may not be used for the same business and same project within the same property.

4. The applicant should be the party responsible for the costs of the improvements.
5. No City loans, grants or pass through funding may be used as a part of the applicant's match.

IV. CITY CENTER Program Process

1. A development plan, which outlines the renovation schedule and major components of the project, shall accompany the application form.
2. Applications shall be reviewed by a committee called the Invest Hagerstown Committee, consisting of:
 - a. Community & Economic Development Director
 - b. Planning & Code Administration Director
 - c. Finance Director
 - d. Community Development Manager
 - e. Neighborhood Services Manager
 - f. Business Development SpecialistPlus, applications will be sent for comments to:
 - g. Member of the Planning Commission
 - h. Hagerstown Loan Review Authority Member
 - i. Historic District Commission Member (when property is located in a Historic District)
3. Applications are accepted on a continual basis and the Invest Hagerstown Committee will review applications received monthly.
4. The Invest Hagerstown Committee will evaluate the application against the following criteria:
 - a. Adherence to the Eligibility Criteria for City-Center Grants outlined in Section I.
 - b. Consistency with goals of the Invest Hagerstown City Center program
 - c. Aesthetic impact on immediate neighborhood
 - d. Financial feasibility of proposed funding sources
 - e. Potential for job creation
 - f. Development experience of applicant
 - g. Proposed timeline and completion date
 - h. Investment impact
5. The applications and development plans that the Invest Hagerstown Committee recommends will be sent to the Mayor and Council in a Regular Session for consideration and final approval.
6. The approved applicants will receive a Letter of Commitment from the City of Hagerstown which may be used to assist in financing the project.
7. The project will be regulated through Planning and Code Administration Department.

8. Monthly status updates shall be supplied by the developer to the Invest Hagerstown Committee through the City of Hagerstown Department of Community and Economic Development – dcled@hagerstownmd.org .
9. As-Built Drawings shall be provided to the Department of Community and Economic Development upon project completion.
10. When the project is complete according to the approved application and development plan, the City shall award the grant money.

[vs. 10.25.2023]



CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

14 N. Potomac Street • Suite 200A • Hagerstown, MD 21740

Email: DCED@Hagerstownmd.org

Telephone: 301.739.8577, Ext. 111 • Website: www.hagerstownmd.org/DCED

INVEST HAGERSTOWN

CITY-WIDE Redevelopment Grant Program Guidelines

CITY-WIDE Program Summary

1. Grants from a minimum of \$5,000 to a maximum of \$25,000

City-Wide		Required Match (at Least)	Project Total (at least)
Grant Minimum	\$5,000	\$10,000	\$15,000
Grant Maximum	\$25,000	\$50,000	\$75,000

2. The grants require a 2:1 match from the developer. Example: a \$20,000 grant would require a \$40,000 investment from the developer, for a total project investment of \$60,000.
3. A project may be defined as planned or in progress. Completed projects are ineligible. For projects that are planned, project must start within 6 months of application. For projects that are in-progress, the applicant will be required to demonstrate expenditures equal to the grant and the required match (\$25K + \$50K = \$75K) related to work that was completed within 30 days prior to date of approval and the required date of completion. The City determines the required date of completion based on the project completion date shown on the application plus reasonable contingency.
4. Applications that are defined as "In Progress" must have no more than 15% of total work completed by cost, excluding contractor deposits, at time of application for the proposed scope of work applicants are applying for.
5. The Review Committee shall require a walkthrough of applicant properties with projects that are defined as "In Progress" prior to application approval.
6. Applications are reviewed and approved by a committee.
7. Funding shall be awarded upon completion of project as described by the applicant in the Application and Development Plan.
8. Acquisition costs shall not be considered a part of the project cost.
9. All projects shall comply with federal, State and local codes, laws and ordinances.
10. All grants are subject to funding availability and final use restrictions.

I. CITY-WIDE Eligibility Criteria

1. Commercial professional office, retail and mixed-use projects.
2. Projects are within the Corporate Limits of the City of Hagerstown, including City Center.
3. Applicants shall be in good standing with the City of Hagerstown.
4. Total project cost, not including acquisition, must demonstrate a minimum 2 for 1 match. For example, a \$20,000 grant application must show a \$40,000 developer contribution.

5. If an applicant is not the owner of the property, a draft or signed lease is a required attachment. Applicant must demonstrate they are responsible for the expense of the scope of work proposed.

6. Bricks and mortar renovation or new construction projects.

7. Application must be aligned with the City of Hagerstown's overall vision for the city.

II. CITY-WIDE Ineligible Applications

1. Entirely residential projects.

2. Projects that do not meet the minimum investment threshold.

3. Applicants who are not in good standing with the City, County, State or Federal Governments.

4. Non-profit development applicants.

III. CITY-WIDE Funding Guidelines

1. Funding may be secured by multiple sources.

2. Applicants may apply and utilize other grant and incentive programs.

3. More than one grant application may be accepted for the same property when being used for separate businesses and separate projects with separate scopes of work. Only one City-Center Redevelopment Grant will be awarded per property.

Examples:

A property owner may use a grant to renovate a building to improved shell condition and a tenant within the same building may use a grant for tenant space improvements and fit out.

Two separate tenants may each use a grant for tenant space improvements and fit out in a multi-tenant building for two separate businesses.

Two grants may not be used for the same business and same project within the same property.

4. The applicant should be the party responsible for the costs of the improvements.

5. No City loans, grants or pass through funding may be used as a part of the applicant's match.

IV. CITY-WIDE Program Process

1. A development plan, which outlines the renovation schedule and major components of the project, shall accompany the application form.

2. Applications shall be reviewed by a staff committee called the Invest Hagerstown Committee, consisting of:

- a. Community & Economic Development Director
- b. Planning & Code Administration Director
- c. Finance Director
- d. Community Development Manager
- e. Neighborhood Services Manager
- f. Business Development Specialist

3. Applications are accepted on a continual basis and the Invest Hagerstown Committee will review applications received monthly.

4. The Invest Hagerstown Committee will evaluate the application against the following criteria:
 - a. Adherence to the Eligibility Criteria for City Wide Grants, outlined in Section I
 - b. Consistency with goals of the Invest Hagerstown City Wide program
 - c. Aesthetic impact on immediate neighborhood
 - d. Financial feasibility of proposed funding sources
 - e. Potential for job creation
 - f. Development experience of applicant
 - a. Proposed timeline and completion date
 - b. Investment impact
5. Applications approved by the Invest Hagerstown Committee will receive a Letter of Commitment from the City of Hagerstown which may be used to assist in financing the project.
6. The project will be regulated through the Planning and Code Administration Department.
7. Monthly status updates shall be supplied by the developer to the Invest Hagerstown Committee through the City of Hagerstown Department of Community and Economic Development – dcled@hagerstownmd.org .
8. When the project is complete according to the approved application and development plan, the City shall award the grant money.

Click here for the **Invest Hagerstown Grant**

Application. Return application to:

City of Hagerstown
Department of Community & Economic
Development 14 N. Potomac, Suite 200A,
Hagerstown, MD 21740 Phone: 301-739-8577 ext
111
Email: dcled@hagerstownmd.org

[vs. 10.25.2023]



CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

14 N. Potomac Street • Suite 200A • Hagerstown, MD 21740

Email: DCED@Hagerstownmd.org

Telephone: 301.739.8577, Ext. 111 • Website: www.hagerstownmd.org/DCED

INVEST HAGERSTOWN

CITY CENTER & CITY-WIDE Redevelopment Grant Program Application

Property Information

Property Address: _____, Hagerstown, MD Zip: _____

Check One: ☐ City Center Grant ☐ City Wide Grant

Check One: ☐ Commercial Building ☐ Mixed-Use Building

Applicant Information

Property Owner

Company (legal ownership of property): _____

Contact and Title: _____

Phone Number: _____

Email Address: _____

Address of Business: _____, Hagerstown, MD Zip: _____

Business Phone Number: _____ Business Website: _____

Project Information

Is this project utilizing the Opportunity Zone? ☐ Yes ☐ No

Click [HERE](#) to look up an address on the Opportunity Zone map.

If yes, the following criteria for Qualified Opportunity Zone (QOZ) property is required:

1. Was the property purchased by a QOZ Fund or QOZ business after December 31, 2017? ☐
Yes ☐ No

2. Comes into original use with the QOF or QOZ Business or is substantially improved? ☐ Yes
☐ No

3. Substantial improvement is 100% of the value of the assets, excluding land value for real estate? ☐ Yes ☐ No

Time frame for project completion (excluding tenant fit-out): _____

Expected Start Date: _____

Expected Completion Date: _____

Note: Any schedule beyond two years shall require Mayor and City Council approval.

Do tenant spaces have Use and Occupancy Permits yet? ☐ Yes ☐ No

Are new residential units proposed? ☐ Yes ☐ No

If yes, provide number of units and square footage calculations for each unit:

How many new jobs will be created within 2 years of the project completion? _____ new jobs

How many jobs will be retained as a result of this project? _____ jobs

How long has the property been 100% vacant? Since _____ (month/year)

If partially vacant, _____ % Vacant Since _____ (month/year)

Describe the investment impact and the aesthetic impact on the immediate commercial area/neighborhood:

A financing plan is a required attachment. Describe the financial feasibility of the proposed funding sources, and describe the development experience of the applicant:

Provide any additional description of how the proposed project supports the following program goals:

- Inspire and enable significant redevelopment, both city-wide and in the urban core, reusing and repurposing existing vacant and under-utilized properties.
- Create the opportunity for new jobs throughout the City of Hagerstown and Washington County.
- Increase the value of Hagerstown's commercial and mixed use properties.

Required Attachments:

- ☐ Description of proposed renovation and construction work.
- ☐ Design plans and occupancy plan.
- ☐ Project budget/construction cost estimates.
- ☐ Construction timeline.
- ☐ Financing plan showing proposed funding sources and indicating any other grants or incentives for the project.
- ☐ Draft/Signed Lease (If applicant is not the owner of the property).

Grant Request Amount: \$ _____

Total Project Cost: \$ _____

Applicants must comply with all conditions indicated on their application form and in the published Program Guidelines and subsequent information provided in support of this application and eligibility criteria of the program, particularly including receipt of buildings permits for proposed work and implementation of approved development plan and schedule. Any changes to the approved development plan and schedule must be resubmitted for review and approval of the Invest Hagerstown Committee to determine continued eligibility of the project. If a project is disqualified, any financial incentives received to date will be required to be repaid to the City. There may be additional project information requested from the developer at any time during the process.

If approved, the developer shall be responsible to report the following to the City of Hagerstown Department of Community and Economic Development – dced@hagerstownmd.org :

1. Progress reports every month on status of project milestones and any anticipated changes to the project plans;
2. Reporting to the City, at completion of construction, the square footage per use type of the renovated space (e.g., office, retail, restaurant);

Applicant Signature:

By signing below, I certify that the information above is true and correct, I agree to comply with the program requirements and eligibility as described in the Invest Hagerstown Grant Guidelines, and I understand that if my application is approved, failure to comply will result in termination of the Letter of Commitment.

Applicant's Signature

Date

Return to:

City of Hagerstown
Department of Community & Economic Development
14 N. Potomac, Suite 200A, Hagerstown, MD 21740
Phone: 301-739-8577 ext 111 Email: dced@hagerstownmd.org



CITY OF HAGERSTOWN, MARYLAND

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INVEST HAGERSTOWN – RENTAL PROPERTY REHABILITATION GRANT PROGRAM

PROGRAM GOALS

In partnership with private developers, the City of Hagerstown wishes to:

1. Inspire and enable significant redevelopment, both city-wide and in the urban core, reusing and repurposing existing vacant and under-utilized properties, in which there are significant market and/or physical condition barriers to development or redevelopment.
2. Create the opportunity for new jobs throughout the City of Hagerstown and Washington County.
3. Increase the value of Hagerstown's commercial and mixed-use properties.
4. Strengthen and improve market rate rental properties and increase homeownership.

Summary

The goal of the Rental Property Rehabilitation Program is to provide an incentive to landlords and property owners to revitalize existing rental and mixed-used buildings and units, and encourage the construction of new elements that will contribute to the overall enhancement of the City Center. This program is subject to funding availability and is on a first come, first served basis. All projects must pertain to rental properties, and landlord occupied units are applicable.

Guidelines

Program Summary

1. Grants range from a minimum of \$7,500, to a maximum of \$20,000 for rental property rehabilitation to market rate rental.
2. The grants require a 2:1 match from the developer. Example: A \$7,500 grant would require a \$15,000 investment from the developer, for a total project investment of \$22,500.

Rental Rehabilitation Grant		Required Match (at least)	Project Total (at least)
Grant Minimum	\$7,500	\$15,000	\$22,500
Grant Maximum*	\$20,000	\$40,000	\$60,000

** Projects receiving grants greater than \$7,500 require rehabilitation of two (2) or more units within a single property/parcel.*

3. A project may be defined as either planned or in progress. Completed projects are ineligible for consideration. For projects that are planned, the project must start within 6 months of application. For projects that are in-progress, the applicant will be required to demonstrate expenditures equal to the grant and the required match (example: \$7,500 + \$15,000 = \$22,500) related to work that was completed within **30 days** prior to date of approval and the required date of completion. The City determines the required date of completion based on the project completion date shown on the application plus reasonable contingency.

4. Applications that are defined as "In Progress" must have no more than 15% of total work completed by cost, excluding contractor deposits, at time of application for the proposed scope of work applicants are applying for.
5. The Review Committee shall require a walkthrough of applicant properties with projects that are defined as "In Progress" prior to application approval.
6. Applications are reviewed and approved by the Invest Hagerstown Review Committee on a first come, first served basis.
7. Funding shall be disbursed upon completion of project as described by the applicant in the Application and Development Plan.
8. Acquisition and permit costs shall not be considered a part of the project costs.
9. All projects shall comply with federal, State and local codes, laws and ordinances.
10. All grants are subject to funding availability and final use restrictions.

I. Eligibility Criteria

1. Project must be an existing rental property within the City of Hagerstown, and registered through the City's Rental Facilities Program (Rental License Program).
2. Project may be mixed-use properties where all upper floors are residential and only the first floor is commercial.
3. A developer with multiple properties in the City, is only eligible for one grant per fiscal year for one selected property. Only one grant will be awarded per property. Additional work or phases of a project for the same property are ineligible for additional, future applications. Exceptions may be made for a developer rehabilitating up to 3 contiguous properties on separate parcels in a single fiscal year.
4. The applicant must be the party responsible for the costs of the improvements.
5. Total project funds, including awarded Grant funding, must be applied to project costs directly related to meeting eligibility requirements of minimum square footages, amenities and core systems for the property.
6. Total project cost, not including acquisition, must demonstrate a minimum 2:1 match. For example, the \$7,500 grant application must show at least a \$15,000 developer contribution.
7. Residential units *created* must meet the following minimum square footages requirements:
 - a. 400 Sq Ft for an efficiency unit.
 - b. 500 Sq Ft for a one-bedroom unit.
 - c. 650 Sq Ft for a two-bedroom unit
 - d. 900 Sq Ft for a three-bedroom unit.
8. For a project with Artist Live-Work Spaces, any live-work unit *created* must meet the following minimum square footage requirements:
 - a. 800 Sq Ft for an efficiency unit.
 - b. 1,000 Sq Ft for a one-bedroom unit.
 - c. 1,300 Sq Ft for a two-bedroom unit.
 - d. 1,800 Sq Ft for a three-bedroom unit.
9. The application will be evaluated on the following list of desired amenities:
 - a. Fully sprinklered (requirement determined by the Fire Marshal);
 - b. Central or split-system HVAC system;
 - c. Washer and Dryer;
 - d. Dishwasher;
 - e. Fully wired for new technologies including phone/Datacom;

- f. Wood veneer or solid wood kitchen and bathroom cabinets;
 - g. Approved solid surface counter tops in kitchen and bathrooms;
 - h. Refinished or new hardwood floors or wall-to-wall carpeting in areas other than kitchen and bathrooms; and
 - i. Where possible, outdoor amenities should be provided for tenants (e.g., balconies, roof top decks, back porches, sunrooms, etc.).
10. For a project with Artist Live-Work Spaces, the application will be evaluated on the following list of desired amenities:
- a. All items listed in #8 above;
 - b. Ability to vent odors to the outdoors in accordance with the Mechanical Code;
 - c. Plumbed to allow for easy installation of slop sinks;
 - d. Utility capacity to meet needs of different art forms, including electric, gas, water and wastewater; and
 - e. Sound transmission rating between units of a minimum STC 60 for partition walls.
11. The building and all core systems must meet all City of Hagerstown code requirements upon project completion. The core systems include:
- a. Residential unit, commercial shell tenant space and common use area base lighting, emergency lighting, and exit signage, as applicable, is to be provided and maintained in accordance with the current Building, Electrical, and Life Safety Codes.
 - b. HVAC systems are to provide heating, cooling, and ventilation in each residential unit and commercial shell tenant space in accordance with the current Mechanical Code. A separate mechanical permit is required for any modification or addition made to a system at tenant fit-out.
 - c. Required fire separation between the residential units, commercial shell tenant spaces, and common use areas must be provided and maintained in accordance with the current Building Code.
 - d. Phone/Datacom wiring from the main point of service into each residential unit and commercial shell tenant spaces is to be provided with all penetrations of fire resistant assemblies properly sealed in accordance with the current Building Code.
 - e. Where fuel-fired heating systems are removed and replaced with all electric heating systems (baseboard or others), appropriate replacement windows and sufficient building thermal insulation is to be provided in accordance with the current Building and Energy Conservation Code to ensure each tenant is subject to reasonable electric utility costs.
12. In mixed-use buildings, the ground floor storefront spaces shall be used for retail, restaurants, branch banks, personal service businesses (e.g., hair salons), arts and entertainment enterprises, educational facilities, and other similar high intensity uses that attract pedestrian traffic which will support other downtown businesses and contribute to the vitality of the downtown. An office use may be located in a storefront space if the business owner is an owner-occupant of a residential unit on an upper floor of the same building. All other professional and non-profit office tenants shall not be located in storefront spaces. If the building has a common entrance for all tenants without display windows for tenants, offices may locate throughout the first floor.
13. Application must be aligned with the City of Hagerstown's vision for the City Center.

II. Ineligible Applications

- 1. Projects that convert owner-occupied homes to rental properties.
- 2. Projects that do not meet the minimum investment threshold.
- 3. Applicants who are not in good standing with the City, County, State or Federal Governments.

4. Non-profit development applicants.

III. Funding Guidelines

1. Funding may be secured by multiple sources.
2. Applicants may apply and utilize other grant and incentive programs.
3. No City loans, grants or pass through funding may be used as part of the applicant's match.

IV. Program Process

1. A development plan, which outlines the renovation schedule and major components of the project, shall accompany the application form.
2. Applications shall be reviewed by a committee called the Invest Hagerstown Review Committee, consisting of:
 - a. Community & Economic Development Director
 - b. Planning & Code Administration Director
 - c. Finance Director
 - d. Community Development Manager
 - e. Neighborhood Services Manager
 - f. Economic Development Specialist
3. Applications are accepted on a continual basis, and the Invest Hagerstown Review Committee will meet monthly to review submissions.
4. The Invest Hagerstown Review Committee will evaluate the application against the following criteria:
 - a. Adherence to the Eligibility Criteria for Rental Rehabilitation Grants outlined in Section I, Paragraphs 1 through 13;
 - b. Consistency with goals of the Invest Hagerstown program;
 - c. Aesthetic impact on immediate neighborhood;
 - d. Financial feasibility of proposed funding sources;
 - e. Potential for increase and/or stabilization of rent;
 - f. Potential for unit reduction;
 - g. Development experience of applicant;
 - h. Proposed timeline and completion date; and
 - i. Investment impact.
5. The approved applicants will receive a Letter of Commitment from the City of Hagerstown which may be used to assist in financing the project.
6. All work for the project must be performed by licensed, permitted contractors, and must comply with local, state, and federal codes and ordinances.
7. All code upgrades must be performed to City Code, and will be regulated through the City's Planning and Code Administration Department.
8. Following renovations, developer(s) will be required to submit a copy of the State of Maryland lead paint certificate to the City for each unit in properties constructed prior to 1978.
9. Monthly status updates shall be supplied by the developer to the Invest Hagerstown Review Committee through the City of Hagerstown Department of Community and Economic Development – dcled@hagerstownmd.org .
10. Funds will only be disbursed after staff have verified all work in the Application and Development Plan has been completed to the City's satisfaction, including all required site inspection approvals, and that the receipts requirement has been met.

Return application to:

City of Hagerstown

Department of Community & Economic Development

14 N. Potomac, Suite 200A, Hagerstown, MD 21740

Phone: 301-739-8577 ext 111

Email: dcled@hagerstownmd.org

[vs. 10.25.2023]



CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

14 N. Potomac Street • Suite 200A • Hagerstown, MD 21740

Email: DCED@Hagerstownmd.org

Telephone: 301.739.8577, Ext. 111 • Website: www.hagerstownmd.org/DCED

INVEST HAGERSTOWN

Rental Rehabilitation Grant Program Application

Property Information:

Property Address: _____, Hagerstown, MD Zip: _____

Check One: ☐ **100% Residential** ☐ **Mixed-Use Property**

Applicant Information (legal ownership of property):

Applicant's Name: _____

Applicant's Address: _____

Applicant's Phone: _____ Applicant's Email: _____

Business Name (if applicable): _____

Business Address (if applicable): _____

Business Phone Number: _____ Business Website: _____

Requested Grant Amount: \$_____ (\$7,500, max \$20,000 with rehabilitation of two or more units within a single property/parcel))

Developer Match Amount: \$_____ (2:1 required) (range \$15,000 - \$40,000+)

Total Project Cost: \$_____ (range \$22,500 - \$80,000+)

Project Information:

Date Property was Purchased: _____

Date Property was first Rented: _____

If vacant, how long has the property been 100% vacant? Since _____ (month/year)

If partially vacant, _____ % Vacant Since _____ (month/year)

Total Number of Units: _____

Is the property currently registered through the City's Rental Facilities Program (Rental License Program)? ☐ **Yes, As Of** _____ ☐ **No**

Are new residential units proposed? ☐ **Yes** ☐ **No**

Please provide the following information about each of the units:

Current

Unit #	Total Sq Ft	# Bedrooms	#Baths	Current Rent

Proposed – Following Renovation

Unit #	Total Sq Ft	# Bedrooms	#Baths	Expected Rent

Please provide a separate breakdown for any/all additional Units being renovated.

Expected Start Date: _____

Time frame for project completion: _____

Expected Completion Date: _____

Note: Any schedule beyond two years shall require Mayor and City Council approval.

1. Describe the proposed renovations, amenities and finishes. Include examples of product types proposed to be used. Attach current floor plans and photos of the unit(s). Attach proposed floor plans and design plans.
2. Describe the development experience of the applicant:
3. Describe the standard of living and aesthetical impact on the property, the rental units and the immediate neighborhood:
4. Provide any additional description of how the proposed project supports the program goal of strengthening and improving market rate rental properties by increasing and/or stabilizing rents:

Required Attachments:

- ☐ Description of proposed renovations, amenities and finishes.
- ☐ Examples of product types proposed to be used.
- ☐ Current and proposed floor plans of unit(s) and design plans.
- ☐ Project budget and construction cost estimates itemizing the scope of work for the project.
- ☐ Project timeline.
- ☐ Photo(s) including 1 front, street view of the property.
- ☐ Financing plan showing proposed funding sources and any other incentives or grants being used (bank statement, confirmed loan letter, award letters, etc.)

If approved, the developer shall be responsible to report the following to the City of Hagerstown Department of Community and Economic Development – dcled@hagerstownmd.org :

1. Progress reports every month on status of project milestones and any anticipated changes to the project plans;
2. Reporting to the City, at completion of construction, the square footage of each residential unit and any tenant space.
3. Copy of the State of Maryland Lead Paint Certificate for each unit in properties constructed prior to 1978.

Applicants must comply with all conditions indicated on their application form and in the published Program Guidelines and subsequent information provided in support of this application and eligibility criteria of the program, particularly including receipt of buildings permits for proposed work and implementation of approved development plan and schedule. Any changes to the approved development plan and schedule must be resubmitted for review and approval of the Invest Hagerstown Review Committee to determine continued eligibility of the project. If a project is disqualified, any financial incentives received to date will be required to be repaid to the City. There may be additional project information requested from the developer at any time during the process.

Applicant Signature:

By signing below, I certify that the information above is true and correct, I agree to comply with the program requirements and eligibility as described in the Invest Hagerstown Grant Guidelines, and I understand that if my application is approved, failure to comply will result in termination of the Letter of Commitment.

Applicant's Signature

Date

Return to:

City of Hagerstown
Department of Community & Economic Development
14 N. Potomac, Suite 200A, Hagerstown, MD 21740
Phone: 301-739-8577 ext 111 Email: dcled@hagerstownmd.org

[vs. 10.25.2023]



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PARTNERS IN ECONOMIC PROGRESS

The Partners in Economic Progress (PEP) Program offers incentives to building owners to renovate buildings within the PEP Zone in City Center (see map). If you are a **PROPERTY OWNER with plans to renovate your building**, please review **SECTION 1** of the following guidelines and complete the [Application Form 1](#).

After a building is renovated, the City provides the property owner with rent assistance as one of the PEP Incentives. This allows the property owner to attract businesses to the renovated building. Currently, rent assistance is only available for the following PEP approved buildings, and this incentive is subject to application by the tenant business and approval by the City:

Renovated Properties- Rent Assistance Available

- 34-36 South Potomac St. – Contact: Justin Anderson, (301) 223-1014, janderson@dmbowman.com
- 38 South Potomac St. – Contact: Justin Anderson, (301) 223-1014, janderson@dmbowman.com
- 54 South Potomac St. (Masonic Temple) - Contact: Justin Anderson, (301) 223-1014, janderson@dmbowman.com
- 138-140 West Washington St. (Wareham Building) – Contact: Krystle O'Brien, (301) 960-4881, kobrien@gideonprop.com
- 20 West Washington St. (The Grand Building) - Contact: Krystle O'Brien, (301) 960-4881, kobrien@gideonprop.com
- 5 Public Square (The Professional Arts Building)– Contact: Krystle O'Brien, (301) 960-4881, kobrien@gideonprop.com

Properties Under Renovation- Rent Assistance Not Yet Available

- 55-59 W Washington St.
- 43-53 W. Washington St.

If you are a **BUSINESS with plans to lease space in a PEP approved building**, please review **SECTION 2** of the following guidelines and complete the [Application Form 2](#).

SECTION 1

Partners in Economic Progress: Property Renovation Incentives

GOAL

The goal of Hagerstown's Partnership in Economic Progress Incentive Program (PEP) is to spark private sector investment that contributes towards the revitalization of our downtown.

APPLICATION REVIEW

All applications will be reviewed and evaluated by a committee of City staff that will include:

- a. Community & Economic Development Director
- b. Planning & Code Administration Director
- c. Finance Director
- d. Community Development Manager
- e. Neighborhood Services Manager
- f. Economic Development Specialist

ELIGIBILITY CRITERIA

1. The project must be located in the PEP zone. This zone was expanded in October 2018 to include the full City Center Mixed Use (CC-MU) Zoning District. See attached map.
2. The minimum investment for upgrade and improvement of the building by the applicant is as follows. The calculation of the minimum investment does not include property acquisition costs.
 - \$250,000 for a Commercial Project
 - \$200,000 for a Mixed-Use Project
 - \$100,000 for a Residential Project
3. Projects that meet the eligibility requirements of the Enterprise Zone Program are required to participate in the [Enterprise Zone Program](#). The Enterprise Zone Program is administered by the Hagerstown-Washington County Economic Development Commission (EDC). Point of Contact is: Linda Spence, 240-313-2280 Email: lspace@washco-md.net.
4. The building and all core systems must meet all City of Hagerstown code requirements upon project completion. The core systems include:
 - A. Base lighting, emergency and exit lighting for each shell tenant space in accordance with the Building and Life Safety Codes.
 - B. Central HVAC providing adequate heat, ventilation, and air conditioning for each shell tenant space in accordance with the Mechanical Code. Any modifications or additions made at tenant fit-out must be done under a separate mechanical permit.
 - C. Required fire separation between the tenant space and corridors and exit access in accordance with the Building Code. If building plans show individual tenant spaces at start of project, required fire separation between tenant spaces must be complete prior to time each space is presented to tenant for finishing/fit out.
 - D. Accessible routes, accessible parking (if required), accessible toilet facilities, accessible drinking fountains, accessible entrances and exits are all required items for the building shell in accordance with the Maryland Accessibility Code and the Building Code.
 - E. Phone/datacom wiring from the main point of service to each shell tenant space.
 - F. Completed building thermal envelope in accordance with the Energy Conservation Code.
 - G. Address identification for the building.
 - H. Automatic sprinkler protection in accordance with the Existing Building Code.
 - I. All floors shall be flat and non-trip.

The expectation of the PEP program is that the building is ready for occupation and leasehold spaces are at least in shell condition, needing only tenant fit-out, when offered for lease to prospective tenants.

5. For a residential project, any new residential units created must meet the following minimum square footages requirements:
 - 400 Sq Ft for an efficiency unit.
 - 500 Sq Ft for a one-bedroom unit.
 - 650 Sq Ft for a two-bedroom unit
 - 900 Sq Ft for a three-bedroom unit.
6. For a project with Artist Live-Work Spaces, any live-work unit created must meet the following minimum square footage requirements:
 - 800 sq.ft. for an efficiency unit.
 - 1,000 sq.ft. for a one-bedroom unit.
 - 1,300 sq.ft. for a two-bedroom unit.
 - 1,800 sq.ft. for a three-bedroom unit.
7. For a mixed-use (commercial/residential) project or a residential project, the following amenities must be included in each residential unit:
 - Fully sprinklered
 - Central HVAC system
 - Washer and dryer
 - Dishwasher
 - Fully wired for new technologies including phone/Datacom
 - Wood veneer or solid wood kitchen and bathroom cabinets
 - Approved solid surface counter tops in kitchen and bathrooms
 - Refinished or new hardwood floors or wall-to-wall carpeting in areas other than kitchen and bathrooms
 - Where possible, outdoor amenities should be provided for tenants (e.g., balconies, roof top decks, back porches, sunrooms, etc.)
8. For a project with Artist Live-Work Spaces, the following minimum amenities must be included in each live-work unit:
 - All items listed in #7 above.
 - Ability to vent odors to the outdoors in accordance with the Mechanical Code.
 - Plumbed to allow for easy installation of slop sinks.
 - Utility capacity to meet needs of different art forms, including electric, gas, water and wastewater.
 - Sound transmission rating between units of a minimum STC 60 for partition walls.
9. For residential projects, application must include detailed marketing plan that demonstrates how the applicant plans to attract market rate tenants to the project.
10. In mixed-use and commercial buildings, the ground floor storefront spaces shall be used for retail, restaurants, branch banks, personal service businesses (e.g., hair salons), arts and entertainment enterprises, educational facilities, and other similar high intensity uses that attract pedestrian traffic which will support other downtown businesses and contribute to the vitality of the downtown. An office use may be located in a storefront space if the business owner is an owner-occupant of a residential unit on an upper floor of the same building. All other professional and non-profit office tenants shall not be located in storefront spaces. If the building has a common entrance for all tenants without display windows for tenants, offices may locate throughout the first floor.
11. The applicant is not delinquent on any City or County taxes for the property nor shall the applicant be delinquent on any other financial obligations to the City for the property.
12. As-Built Drawings shall be provided to the Department of Community and Economic Development upon project completion.

INCENTIVES

1. Economic Rehabilitation Incentive Grant Program

This incentive provides an annual grant to the project equal to the amount paid in City property tax payments on the property, after reduction by all other tax incentive programs the property qualifies for such as the State Enterprise Zone, A&E or other City residential tax credit programs, for a period of five years. Projects that meet the eligibility requirements of the Enterprise Zone Program are required to participate in the [Enterprise Zone Program](#). This incentive is administered in the form of a grant versus a tax waiver or reduction. The property tax liability must be paid annually, in full, before the City of Hagerstown can issue the grant back amount. This incentive will be provided after the building receives a Certificate of Occupancy for at least shell condition and after all PEP building code upgrade requirements are completed. This incentive starts the first full fiscal year following the completion of the project. A fiscal year is July 1-June 30.

2. Utility Benefit/Allocation Charge Assistance

The Utilities Department will offer two free EDUs per property, valued at \$13,800, if the existing water and wastewater allocation is not sufficient enough to accommodate the proposed needs of the property. Additionally, any EDUs that are required to meet the design needs of the building may be financed for a period of up to five years at 0% interest.

3. A Development Fee Free Zone

Building, plumbing, electrical, mechanical, plan review, occupancy, and zoning fees will be waived on approved development projects **and subsequent tenant fit out for a period of five years.** The fee free zone does not apply to citation fines issued for non-compliance with code requirements or performing work without permits. Depending upon the circumstances involved, the fee free zone may not apply to fees assessed for permit renewals or re-inspection requests. Waivers will also be given for the same fees associated with tenant fit out.

4. Fast Track Construction Program

Projects shall receive a preferential timeframe for project review as follows:

Site plans shall be submitted to the City of Hagerstown's Planning and Code Administration Department. Per the Zoning Administrator's schedule, the "turnaround" time is expedited. Historic District compliance review will also be expedited.

- Prior to building permit applications, a preliminary consultation is required with the designer and the City's building plan reviewer. Building permit applications may be submitted to the City of Hagerstown's Planning and Code Administration Department at the time of site plan submittal. The permit will be routed concurrently with the site plan. Permit comments or approval will be issued promptly. The City will assign a plan reviewer to the project to ensure prompt reviews.

NOTE: *There are several qualifiers to achieving these target times:*

- The plans submitted by the developer's engineer and architect must be complete and comply with code requirements. Failure to do this will greatly jeopardize any fast track process.
- It is assumed that the project accesses City streets. If the project accesses State Highway or Washington County roads, the City has no control over the time frame to achieve an access permit from these agencies.

5. Parking Program Fee Reductions

This incentive provides one year of free parking and four years with a 50% reduction in permit fees (for tenants of eligible projects) to park in City-owned public parking lots or facilities. This incentive is limited to a maximum of one per unit for residential projects with a maximum of five for each non-residential project. This incentive may be limited to specific lots or facilities subject to availability and assignment by the City. Existing off-street parking is deducted from the eligible amount and this benefit is not transferrable. This incentive will be provided after the building receives a Certificate of Occupancy for at least the shell condition and after all PEP building code upgrade requirements are completed.

6. Code Flexibility For Rehabilitation of Existing Buildings

All plans submitted for the renovation of existing buildings will be evaluated as required and permitted by the scope to the Maryland Building Rehabilitation Code (MBRC). Periodic training on the use of the Maryland Building Rehabilitation Code (MBRC) will be provided for design professionals.

The Maryland Building Performance Standards (MBPS) applies to new construction. The Maryland Building Rehabilitation Code (MBRC) applies to the renovation of existing buildings. Many code requirements for new construction are not applicable for projects involving the renovation of an existing building, thus providing some code flexibility.

Examples of potentially acceptable existing conditions include:

- Existing stairs not in compliance with new standards for treads and risers
- Narrow corridors
- Narrow door widths
- Non-fire-rated corridor walls
- Increased dead-end corridor length
- Acceptance of existing heating, air-conditioning, and ventilation, if operable

The Maryland Building Rehabilitation Code (MBRC) is the International Existing Building Code (IEBC) with amendments by the State of Maryland.

7. Professional Assistance with Historic Tax Credit Programs

The City will provide two hours of paid assistance by a local architectural historian to advise property owners/developers on the utilization of Federal and State income tax credits for historical rehabilitation projects. This professional can guide investors on what type of work is eligible for the tax credits. The architectural historian can then be hired by investors to prepare the application forms for the credits and to interact with the Maryland Historical Trust on review of the applications.

8. Rent Assistance Incentive

This incentive will be provided for a period of five years after the building receives a Certificate of Occupancy for at least shell condition and after all PEP building code upgrade requirements are completed. Please see [SECTION 2](#) of this packet for a full description of this incentive.

Click here for the complete [PEP Application](#).

Complete the [Application Form 1 – Property Renovation](#) and return it to:

City of Hagerstown

Department of Community & Economic Development

14 N. Potomac, Suite 200A, Hagerstown, MD 21740

Phone: 301-739-8577 ext 111

Email: DCED@hagerstownmd.org

SECTION 2

Partners in Economic Progress: Rent Assistance Incentive

GOAL

The goal of Hagerstown's Partnership in Economic Progress Incentive Program (PEP) is to spark private sector investment that contributes towards the revitalization of our downtown. The purpose of the rent assistance incentive within the PEP Program is to attract businesses to the buildings participating in the PEP Program that will have a positive economic impact on the City Center. Examples of such impact are job creation in the City Center, creation of economic activity and foot traffic in the City Center, attracting additional businesses to the City Center, and/or contributing to the improvement of the vitality of existing businesses in the City Center.

APPLICATION REVIEW

All applications will be reviewed and evaluated by a committee of City staff that will include:

- a. Community & Economic Development Director
- b. Planning & Code Administration Director
- c. Finance Director
- d. Community Development Manager
- e. Neighborhood Services Manager
- f. Economic Development Specialist

ELIGIBILITY CRITERIA

1. Tenant space must be fully renovated and upgraded as part of a building improvement project complying with the PEP eligibility criteria.
2. Currently, rent assistance is only available in the following PEP approved buildings and is subject to application by the tenant business and approval by the City:
 - 34-36 South Potomac St. – Contact: Justin Anderson, (301) 223-1014, janderson@dmbowman.com
 - 38 South Potomac St. – Contact: Justin Anderson, (301) 223-1014, janderson@dmbowman.com
 - 54 South Potomac St. (Masonic Temple) – Contact: Justin Anderson, (301) 223-1014, janderson@dmbowman.com
 - 138-140 West Washington St. (Wareham Building) – Contact: Krystle O'Brien, (301) 960-4881, kobrien@gideonprop.com
 - 20 West Washington St. (The Grand Building) – Contact: Krystle O'Brien, (301) 960-4881, kobrien@gideonprop.com
 - 5 Public Square (The Professional Arts Building) – Contact: Krystle O'Brien, (301) 960-4881, kobrien@gideonprop.com

Properties Under Renovation- Rent Assistance Not Yet Available

- 55-59 W Washington St.
 - 43-53 W. Washington St.
3. This incentive will be provided for a period of five years after project completion.
 4. The PEP Rental Assistance Incentive shall be utilized after any/all other applicable Local/State/Federal commercial rental assistance programs the property or applicant may qualify for. Lease terms/durations may be required to be adjusted for applicants utilizing these programs.
 5. Businesses must be new or existing enterprises moving into the PEP zone that are not currently located in the zone, or existing businesses within the zone looking to expand. Existing businesses within the PEP zone looking for larger space within the zone may qualify for the program depending upon the demonstrated economic impact of their expansion.

6. Rental assistance is open to the First Qualified Tenant Through after renovation. A tenant suite becomes ineligible for rental assistance if it is first leased and occupied to an unqualified tenant, or a tenant that chooses not to participate in the program (for example: the tenant chooses not to commit to a 4-year lease).
7. If a space was occupied at time of and following renovation, the space becomes ineligible for future rental assistance.
8. Subject to zoning approval requirement in the Land Management Code, the Specific Categories of businesses are eligible for consideration for the Rent Assistance Program: See Attached PEP Rent Relief Eligible Business Categories.
9. Governmental agencies are not eligible for this program.
10. **Businesses must occupy first-floor retail or restaurant space, or non-storefront commercial spaces** in PEP approved buildings in the City Center. Non-storefront space is defined as a commercial building that has a common entrance for all interior tenants and does not have display windows for the interior space.
11. The business must maintain an arms-length, market rate lease with the landlord and operate its business at the tenant space for a minimum of four (4) years. If the business occupies the space for 0-24 months, they must repay 100% of the grant benefit. If the business occupies the space for 25-47 months, they shall repay a pro-rated share of the grant benefit as calculated by the City.
12. If 1st tenant vacates before the end of a benefit period, the next tenant may qualify for a prorated rental assistance if they occupy the space within 12months of vacancy.
13. Each application must include a business plan, a copy of the lease, and an explanation of the economic impact of the business on the downtown.
14. Applicants must not be delinquent on any financial obligations to the City.
15. Rent Assistance Incentives are limited to no more than one-third of all tenant spaces of a PEP approved building for tenants for which the Landlord or owner, or a principal or qualified relative of the Landlord or owner is employed, has a financial interest or is otherwise affiliated. Approval of Rent Assistance Incentives under these circumstances requires full disclosure of the relationship on the Application and compliance with all eligibility criteria enumerated herein.

INCENTIVE

The program provides a maximum total incentive of up to \$**30,000** for the first two or three years of a business' operation, with a commitment to occupy the space for a minimum of four years. Incentive payments are made monthly to the landlord.

Tenants have two options for the distribution of the incentive:

Option 1 – (24 months)

50% of monthly rent for 24 months

Maximum monthly benefit is \$**1,250**

Option 2 – (36 months)

50% monthly rent for months 1-12

Maximum monthly benefit is \$**1,250**

35% monthly rent for months 13-24

Maximum monthly benefit is \$**875**

15% monthly rent for months 25-36

Maximum monthly benefit is \$**375**

APPLICATION

Click here for the complete [PEP Application](#).

Complete the [Application Form 2 – Rent Assistance Incentive](#) and return it to:

City of Hagerstown

Department of Community & Economic Development

14 N. Potomac, Suite 200A, Hagerstown, MD 21740

Phone: 301-739-8577 ext 111

Email: DCED@hagerstownmd.org

Revised 10/25/2023



CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

14 N. Potomac Street • Suite 200A • Hagerstown, MD 21740

Email: DCED@Hagerstownmd.org

Telephone: 301.739.8577, Ext. 111 • Website: www.hagerstownmd.org/DCED



Partners in Economic Progress APPLICATION FORM 1 – PROPERTY RENOVATION

Property Information

Property Address: _____ Hagerstown, MD Zip: _____

Proposed Renovation is for:

Check One: ☐ Commercial Building ☐ Residential Building ☐ Mixed-Use Building

Applicant Information

Name: _____

Title: _____

Company: _____

Address: _____

City/State/Zip: _____

Email: _____

Website: _____

Phone: _____ Cell: _____

If the Owner of the eligible property, a principal thereof, or a qualified relative of the owner or a principal is employed by, has a financial interest in or is otherwise affiliated with the application, please fully disclose the nature and extent of the relationship below:

Project Information

Description of proposed construction and occupancy plan: _____

Time frame for project completion (excluding tenant fit-out): _____

Note: Any schedule beyond three years shall require Mayor and City Council approval.

Detailed schedule for rehab including anticipated project milestones (e.g., demo, rough-in, tenant fit-out, final inspections, COO, etc.): _____

Estimated Project Investment:

Acquisition: (if purchased) \$ _____

Renovation: \$ _____

Total Investment: \$ _____

Do tenant spaces have Use and Occupancy Permits yet? ☐ Yes ☐ No

Are new residential units proposed? ☐ Yes ☐ No

If yes, provide number of units and square footage calculations for each unit: _____

If project provides residential or artist live-work units, describe how project complies with Guidelines Criteria #5 and #8 of the PEP Eligibility Criteria: _____

Check Which Owner Incentives Will be Used: (recommend checking all)

- | | |
|--|---|
| ☐ Development Fee Free Zone | ☐ Utility Benefit/Allocation Charge Assistance |
| ☐ Fast Track Construction Program | ☐ Historic Tax Credit Assistance |
| ☐ Code Flexibility | ☐ Parking Program Fee Reductions |
| ☐ Economic Rehab Incentive Grant | ☐ Existing Incentive Programs |

Required Attachments:

- ☐ Detailed concept plans by an architect for the proposed renovation work with realistic cost estimates.
- ☐ Letters of commitment for construction financing for proposed renovation work, or other evidence that demonstrates that funding is in place for the proposed rehab.
- ☐ Copy of "Request for Enterprise Zone Qualification" form as submitted and marked received by the Hagerstown-Washington County Economic Development Commission.
- ☐ For all residential projects, attach detailed marketing plan (see Guidelines Criteria #9).

A site visit with the PEP Committee, applicant, and project architect may be required prior to approval of the application.

Applicants must comply with all conditions indicated on their application form and eligibility criteria of the program, particularly including receipt of buildings permits for proposed work and implementation of approved development plan and schedule. Any changes to the approved development plan and schedule must be resubmitted for review and approval of the PEP Committee to determine continued eligibility of the project. If a project is disqualified, any financial incentives received to date will be required to be repaid to the City.

If approved, the developer shall be responsible to report the following to the City:

1. Progress reports every six months on status of project milestones and any anticipated changes to the project plans;
2. Reporting to the City, at completion of construction, the square footage per use type of the renovated space (e.g., office, retail, restaurant);
3. Annual reports to the City on the Enterprise Zone Tax Credit amount per year, if applicable.

Applicant Signature:

By signing below, I certify that the information above is true and correct, I agree to comply with the program requirements, and I understand that failure to comply with the approved development plan and program requirements will result in repayment of any City incentives received unless alternative approvals are granted by the City.

Applicant's Signature

Date

Print Name

Return to:

City of Hagerstown
Department of Community & Economic Development
14 N. Potomac, Suite 200A, Hagerstown, MD 21740
Phone: 301-739-8577 ext 111
Email: DCED@hagerstownmd.org



Partners in Economic Progress APPLICATION FORM 2 – RENT ASSISTANCE INCENTIVE

Property Information

This application is for the Rent Assistance Incentive for the following Partners in Economic Progress (PEP) eligible property (check one):

- ☐ 34-36 South Potomac St., Suite _____
- ☐ 38 South Potomac St., Suite _____
- ☐ 54 South Potomac St., Suite _____
- ☐ 138-140 West Washington St (Wareham Building), Suite _____
- ☐ 20 West Washington St., Suite _____
- ☐ 5 Public Square (Professional Arts Building), Suite _____

Applicant Information

Name: _____

Title: _____

Company: _____

Address: _____

City/State/Zip: _____

Email: _____

Website: _____

Phone: _____ Cell: _____

Business Information

Description of Business: _____

Business NAICS Code: _____

Note: No grant will be provided unless tenant space has a Use and Occupancy Permit.

Describe the projected economic impact on City Center, including:

(Tenant Fit Out, Equipment, Start Up Expenses)

FT_____

FT_____

Increased in Employment: Current: _____ New in Next 2 years: _____ Change: _____

☐ OPTION 2- 36 months
(50% yr 1/35% yr 2/15% yr 3)

Required Attachments:

- ☐ Business Plan
- ☐ Revenue Projections
- ☐ Copy of a draft or executed lease. If a draft lease is submitted, a final executed lease reflecting the same terms and conditions will be required prior to finalization of the incentive.

Applicant Signature:

By signing below, I certify that the information above is true and correct, I agree to comply with the program requirements, and I understand that failure to comply with the approved development plan and program requirements will result in repayment of any City incentives received unless alternative approvals are granted by the City.

Applicant's Signature

Date

Return to:

City of Hagerstown
Department of Community & Economic Development
14 N. Potomac, Suite 200A, Hagerstown, MD 21740
Phone: 301-739-8577 ext 111 Email: DCED@hagerstownmd.org

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Building and Trade Codes Update - *Blaine Mowen, Chief Code Official and Pamela Harris, Building Inspector*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Building_and_Trade_Code_Updates.pdf

Description

Building and Trade Codes
Update



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

MEMORANDUM

TO: Scott Nicewarner, City Administrator

FROM: Blaine Mowen, Chief Code Official

Pamela Harris, Building Inspector III

DATE: September 28, 2023

SUBJECT: Building and Trade Codes Update

MAYOR AND COUNCIL ACTION REQUESTED

Review of the Building and Trade Codes update to include changes, amendments, and additions at the October 3rd Work Session.

BACKGROUND

The State of Maryland finally adopted the 2021 International Codes on May 29, 2023. The City has 12 months to adopt the updated codes with any local amendments or the codes go into effect as adopted by the State of Maryland.

Staff has reviewed the 2021 International Codes, along with our building and trade contractor licensees, architects and engineers, and Washington County Permits and Inspections Division for adoption as the City of Hagerstown Building and Trade Codes. Staff are proposing that most of the original amendments to the Codes remain as previously adopted in 2017 with additional amendments to provide consistency throughout the individual building and trade codes.

New provisions: Noted changes to the 2021 International Codes

- Mass timber is now specifically defined as representative of both the large wood building elements historically recognized as Heavy Timber (now Type IV-HT) construction and the three new construction types of IV-A, IV-B, and IV-C, which are based on how much timber is exposed. New criteria and special inspections have been established, applicable only to mass timber construction of Types IV-A, IV-B and IV-C, that deals with conditions where fire-resistance is required.

- Where no change in occupancy classification occurs, a change of occupancy now exists only in those buildings where 1) there is a change in a building's purpose or level of activity, 2) that functional change is such that the current IBC requires a greater degree of regulation than presently exists in the current building, and 3) the greater degree of regulation required by the current IBC occurs only in the areas of accessibility, structural strength, fire protection, means of egress, ventilation or sanitation. The intent is to limit the application of a change of occupancy where there is no change in classification to only those new uses that present a higher risk to the life safety or welfare of the occupants than was created by the previous use. This approach is also more business friendly.
- The distilling or brewing of alcohol beverages, as well as the storage of beer, distilled spirits, and wine, are now considered for hazard classification depending on the safeguards or protections provided for storage, the amount stored, type of container used for storage, and percentage of alcohol content. This change relaxes storage classification requirements.
- Provisions have been provided to make electrical vehicle charging stations in public locations accessible to individuals with disabilities.
- The plumbing code notes two approved methods of "trenchless" restoration for building sewer and building drain piping, fold and form pipe (FFP) and cured in place pipe (CIPP). Use of these options is now formally recognized in the code and no longer an alternative method, noting advantages in materials and changes in the industry.
- The use of intermodal shipping containers as buildings and structures is now specifically recognized in the building codes and criteria have been established to address the minimum safety requirements by reference to Section 3115 of the International Building Code (IBC). Additionally, ICC G5-2019 Guideline for the Safe Use of ISO Shipping Containers Repurposed as Buildings and Building Components was recently published to assist building departments in their evaluation. This change will require the City to amend Chapter 184 – Portable Storage Containers.
- Multiple clarifications and modifications have been made to the regulation of plumbing facilities to address significant issues of gender and equality of access. As a rule, the distribution of male occupants and female occupants will be based on a 50/50 split. The resulting numbers for male and female occupants are then used to establish the minimum number of fixtures required. A new allowance applies to those nonseparated ("by sex") multiple-user facilities that serve all genders. A designer could choose to provide all the required plumbing fixtures in single-user toilet rooms.
- The lack of a reliable and sufficient water supply has contributed to significant loss during construction site fires. The building code has historically mandated that an approved water supply, either temporary or permanent, be available prior to the arrival of any combustible materials on a building site. Provisions addressing the timing and availability of such water supply have been expanded and specific fire flow requirements have been established for buildings under construction.

Local amendments: The following are notable changes to the proposed amendments to the City Code.

- Rearranged the building code amendments to provide for easier identification of amendments relating to the commercial (IBC), residential (IRC), and Swimming pool and spas (ISPSC) codes.
- Amended requirements for the exits on puzzle or escape rooms to coincide with the adopted fire prevention code as administered by the Fire Marshal's office.
- Modified heating appliance safety control requirements to the mechanical, plumbing, electrical, and fuel gas codes for the safe disconnection of fuel fired appliances in case of an emergency. All trade codes now match each other verbatim.
- Adopted electrical administration sections to define more clearly the requirements for inspections, enforcement, notices and records, modifications, testing, alternative materials and design, permit application and issuance, and liability/legal defense. These additions provide the necessary protections for staff and clarification on the enforcement of provisions of the electrical code. These are protections and knowledge provided in all other building and trade codes.
- Amendments to the property maintenance code to match the intent of safety provided in building or trade amendments and provide clear communication on subjective items.

NEXT STEPS

Introduce the ordinance to update the codes for 2021 code cycle at the October 24th regular session and approve the ordinance on November 21st. The effective date of the new code adoption would be January 1, 2024. Code Administration will educate our licensed contractors on these changes prior to the effective date.

Attachments

cc: Kathleen A. Maher, Director, PCAD
Paul W. Fulk, Neighborhood Services Manager
Jason Morton, City Attorney

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, ~~G~~, 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 ~~05-16~~.

- 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: 31

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 Maryland State Fire Prevention Code (Chapter 98 of the Code of the City of Hagerstown COMAR 29.06.01)*, 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 05.02.02), 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 (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.

- 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 m²).*

- 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~~ amended 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.

- 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 replacement** permit prior to starting or resuming work. Fees in effect at the time of the application for the **new replacement** 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.

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- 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:

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 the 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~~~~400~~.

- 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 in the fee schedule.

- 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.

- 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 ~~involved~~, 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.

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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 ^a , I-3, I-4		I-2		R ^a		F-2, S-2 ^b , U		B ^d , 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 ^a , -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 ^a	—	—	—	—	—	—	1	1	1 ^c	2 ^c	1	2	NP	NP	3	NP	2	NP	2	NP
F-2, S-2 ^b , U	—	—	—	—	—	—	—	—	1	2	1	2	NP	NP	3	4	2	3	2	NP
B ^d , 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 907.2.1.2, (Fire Alarm and Detections Systems) R-2, R-3, R-4, and I-1, is amended to add Section 907.2.1.2.1, Alterations, repairs, and additions, as follows:**

907.2.1.2.1 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 m²) of gross occupiable floor space.

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- 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 m²) 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: ~~Section 1809.5, Frost protection, is amended to read as follows:~~

~~**1809.5 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 within Use Group U, 170-square feet or less in area and ten feet or less in eave height.~~

- 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 m²] 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**, ~~Swimming Pool and Spa Code~~, is ~~added~~ **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.**

~~CHAPTER 33 – SAFEGUARDS DURING CONSTRUCTION, the following sections are amended to read as follows:~~

~~a. SECTION 3302.3, Fire safety during construction, is amended to read as follows:~~

~~3302.3 Fire safety during construction.~~ Fire safety during construction shall comply with the applicable requirements of this code and the applicable provisions of the *Maryland State Fire Prevention Code* (COMAR 29.06.01), as may be amended or restated from time to time.

b. ~~SECTION 3303.7, Fire safety during demolition,~~ is amended to read as follows:

~~3303.7 Fire safety during demolition.~~ Fire safety during demolition shall comply with the applicable requirements of this code and the applicable requirements of the *Maryland State Fire Prevention Code* (COMAR 29.06.01), as may be amended from time to time.

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** Department.

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.

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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 ^a (psf)	WIND DESIGN				Seismic Design Category ^f	SUBJECT TO DAMAGE FROM			Winter Design Temp ^e	Ice Barrier Underlayment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
	Speed ^d (mph)	Topographic Effects ^k	Special Wind Region ^l	Wind-borne debris zone ^m		Weathering ^a	Frost Line Depth ^b	Termite ^c					
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 ^a													
Elevation		Latitude		Winter heating		Summer cooling		Altitude correction factor		Indoor design temperature		Design temperature cooling	
704'		39°N		12°F		91°F		.985		70°F		75°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.

SECTION R315.2.2, Exception No. 2 is hereby deleted in its entirety.

- 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 05-02-02] 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 which 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 m²) or less in area and ten feet (3048 mm) or less in eave height.

- 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 a minimum of** 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 a minimum of** 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).

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- 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** ~~approved equivalent~~.

- 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.

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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.

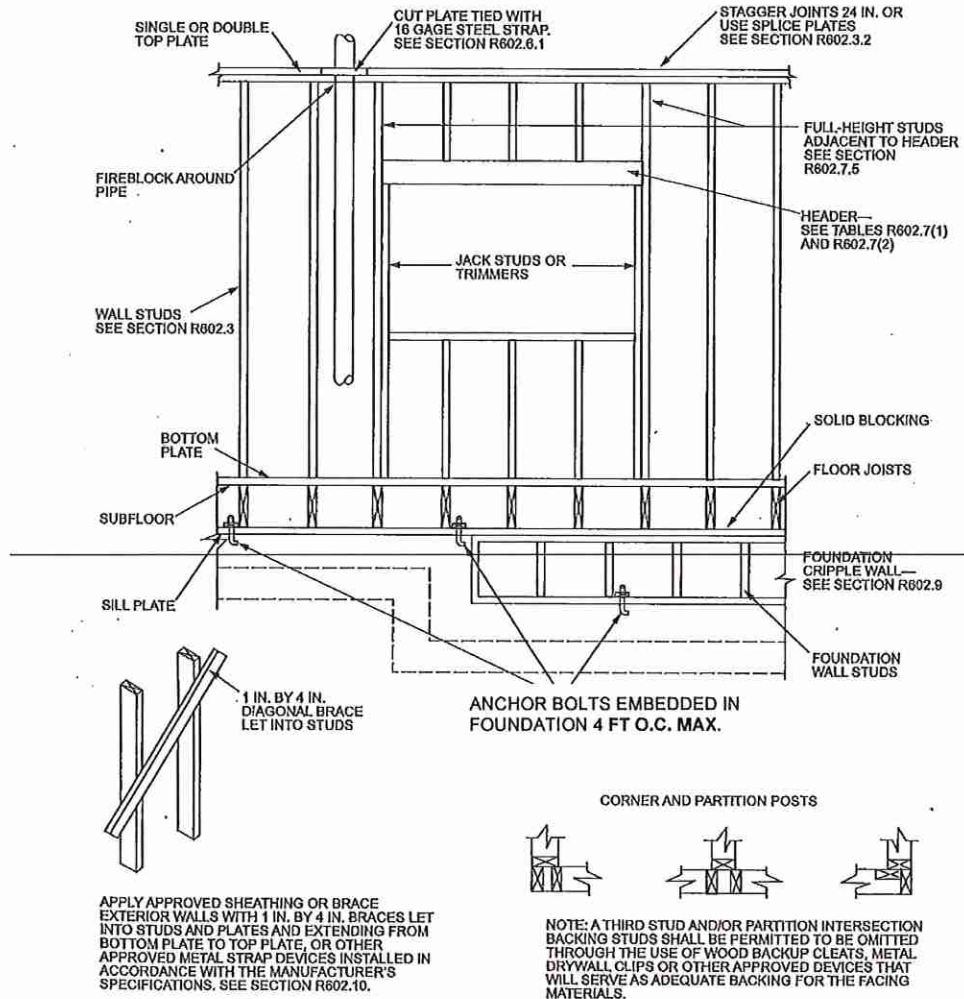
b. SECTION R507.1, Decks, is amended to read as follows:

R507.1 Decks. Wood-framed decks shall be in accordance with this section. ~~or Section R301 for materials and conditions not prescribed herein.~~ 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.

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



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 m²) or more in floor area excluding lofts, subject to the zoning requirements of the City of Hagerstown Land Management Code.

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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 05-16), 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 *Maryland State Fire Prevention Code* (Public Safety Article, §§6-101—6-602, Annotated Code of Maryland and COMAR 29.06.01), 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 05-02-07), 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~~ ~~05.02.02~~), 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 (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.

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.

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, 105.6.2, Fee schedule,~~ 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, 105.6.3, Fee refunds,~~ is amended to read as follows:

108.6 Refunds. ~~105.6.3 Fee 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 ~~110.3 106.2,~~ Required inspections and testing, is amended to read as follows:

110.3 106.2 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 ~~110.5 106.5,~~ Inspection requests, is amended to read as follows:

110.5 106.5 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** ~~in the fee schedule.~~

12. Section ~~111.1, General, 108.1, Application for appeal, and 111.2 Limitations on authority, 108.2, Membership of board,~~ are amended to read as follows:

111.1 ~~108.1~~ 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 ~~108.2~~ 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 111.4 108.2.1 through 108.7~~ are hereby deleted in their entirety.

14. Section ~~113.4 107.4,~~ Violation penalties, is amended to read as follows:

113.4 ~~107.4~~ 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, 107.5, Stop work orders,~~ is amended to read as follows:

~~**107.5 Stop work orders.** Upon notice from the code official, work on any gas system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person performing the work, or posted at the property. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of five hundred dollars (\$500.00).~~

114.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, 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.

~~Section 108.1, Application for appeal, and 108.2, Membership of board, are amended to read as follows:~~

~~108.1 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.~~

~~108.2 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.~~

~~Sections 108.2.1 through 108.7 are hereby deleted in their entirety.~~

~~Section 305.1, General, is amended to delete the noted Exceptions in their entirety.~~

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.

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§ 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~~ at 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, G, 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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Chapter 64, Article IV, *Electrical Standards*

Applicable beginning January 1, 2024

ARTICLE IV

Electrical Standards

§ 64-14. Adoption of standards by reference.

A certain code known as the *National Electrical Code*, 2020 Edition (NFPA 70), and the whole thereof, of which code 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.

§ 64-15. Title.

The *National Electrical Code*, 2020 Edition (NFPA-70) along with the additions included in §64-16 and the revisions included in §64-17, shall be known as the "*Electrical Code of the City of Hagerstown*".

§ 64-16. Additions.

The following article in its entirety is added to the aforesaid *National Electrical Code*, 2021 Edition (NFPA 70) to read as follows:

Article 89 – Administration and Enforcement

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

89.2 Scope. These regulations shall control all matters concerning the construction, alteration, addition, repair, removal, use, location, and maintenance of electrical systems of all buildings and structures and shall apply to existing or proposed buildings and structures, except as such matters are otherwise provided for in other ordinances or statutes or in the rules and regulations authorized for promulgation under the provisions of this code.

Exception: The legal use and occupancy of any structure existing on the date of adoption of this code for which approval has been received may be continued without change, except as may be specifically covered in this code, the Building Code of the City of Hagerstown, the Property Maintenance Code of the City of Hagerstown, or as may be deemed necessary by the code official for the general safety and welfare of the occupants and the public.

89.3 Application of References. Unless otherwise specifically provided in this code, all references to Article or section numbers or to provisions not specifically identified by number shall be construed to refer to such article, section, or provision of this code.

89.4 Purpose Code Remedial. This code shall be construed to secure its expressed intent, which is to ensure public safety, health, and welfare insofar as they are affected by the installation of the electrical system through sanitary equipment, light, ventilation, and fire safety and in general to secure safety to life and property from all hazards incident to design and installation.

89.5 Matters not provided for. Any requirement essential for fire or sanitary safety of an existing or proposed building or structure or for the safety of the occupants thereof and which is not specifically covered by this code shall be determined by the code official.

89.6 Continuation of Unlawful Use. The continuation of occupancy or use of a building or structure or of a part thereof contrary to the provisions of this code shall be deemed a violation and subject to the penalties as enumerated.

89.7 Other Regulations. When the provisions herein specified for safety and welfare are more restrictive than other regulations, this code shall control; but in any case, the most rigid requirements of either the Building Code of the City of Hagerstown, Electrical Code of the City of Hagerstown, Property Maintenance Code of the City of Hagerstown, or the **City of Hagerstown Maryland State** Fire Prevention Code shall apply whenever they conflict.

89.8 Severability Invalidity. In the event that any part of the provisions of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions thereof, which were determined to be legal; and it shall be presumed that this code would have been passed and shall be interpreted without such illegal or invalid parts or provisions.

89.9 Special professional services. Where applications for unusual design or magnitude are filed or where code reference standards require special engineering inspections, the code official is authorized to require full-time project representation by an engineer. This requirement shall be determined prior to the issuance of a permit and shall be a requisite for permit issuance. All fees and costs related to the performance of special professional services shall be borne by the owner.

89.10 Duties and Powers of the Code Official. This code shall be administered by the Planning & Code Administration Department, hereinafter referred to as the "Department" The executive official in charge thereof or his designee(s) shall be known as the *code official*. The code official will enforce all the provisions of this code and shall act on any question relative to the mode or manner of electrical installation, materials used or installation of service equipment in all buildings and structures except as otherwise specifically provided for elsewhere. The code official is hereby granted the authority to cease or cause to be ceased the flow of electricity to any building, structure, **hotel**, dwelling, dwelling unit, rooming unit or housing unit or group of units if, in the opinion of the code official, the continued flow of electricity poses a threat of hazard to the health, safety or welfare of the tenants or the general public. The code official shall serve notice to the owner of the property where such electricity has been discontinued, stating the reason or reasons for said discontinuance of electricity and the conditions under which the same may be restored. Notice shall be served as soon as practicable after unsafe condition is found to exist but shall not be deemed a prerequisite to the termination of the flow of electricity.

89.10.1 Inspections. The code official shall make all the required inspections or shall accept reports of inspections by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

89.10.2 Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the code official has reasonable cause to believe that there exists in any building or on any premises any

conditions or violations of this code that make the building or premises unsafe, unsanitary, dangerous or hazardous, the code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code. If such building or premises is occupied, the code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, the owner's authorized agent or other person having charge or control of the building or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry.

Where the code official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, the owner, owner's authorized agent, occupant or person having charge, care or control of any building or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

89.10.3 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

89.10.4 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

89.10.5 Department records. The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

89.10.6 Liability. The code official personally and board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

89.10.6.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

89.10.7 Modifications. Where there are practical difficulties involved with carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's authorized agent, provided that the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification conforms to the intent and purpose of this code and that such modification does not lessen health, life, and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the Department.

89.10.7.1 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the

material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, and safety. Where the alternative material, design or method of construction is not *approved*, the code official shall respond in writing, stating the reasons why the alternative was not *approved*.

89.10.7.1.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

89.10.7.2 Required testing. Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

89.10.7.2.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

89.10.7.2.2 Testing agency. Tests shall be performed by an *approved* agency.

89.10.7.2.3 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

89.10.7.3 Approved materials and equipment. Materials, equipment, and devices *approved* by the code official shall be constructed and installed in accordance with such approval.

89.10.7.3.1 Material and equipment reuse. Materials, equipment, and devices shall not be reused unless such elements have been reconditioned, tested, placed in good and proper working condition, and *approved*.

89.11 When permit is required. It shall be unlawful to install, **demolish**, or alter any wiring or equipment or engage in the installation of any electrical system which is regulated by this code without first making application to the Department and obtaining the required permit for the work. All applicable fees must be paid at the time of application. Any exemptions from obtaining a permit required by this code shall not be construed as to authorize any work to be performed in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Exception No. 1: Repairs, as defined in this code, which can be affected without implicating the restrictions and requirements of this code shall be exempted from this provision.

Exception No. 2: The following items shall be exempted from this provision:

- 1. Listed cord-and-plug connected temporary decorative lighting.*
- 2. Reinstallation of attachment plug receptacles but not the outlets therefor.*
- 3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.*
- 4. Installation of a Ground Fault Circuit Interrupter receptacle to replace an existing receptacle in the following locations: bathrooms, **kitchens**, unfinished basements, garages, and exterior/outdoors.*
- 5. In residential occupancies, the removal and replacement of an existing dishwasher provided the installation does not require replacement or rearrangement of wiring.*
- 6. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.*

7. *Replacement of receptacles without alteration of existing wiring or addition of wiring or devices to a circuit, in accordance with Department policy.*

Exception No. 3: Where equipment and appliance replacements or repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day of the Department.

89.12 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 must include the name of the property owner and must be signed by a master electrician properly registered in the City of Hagerstown.

89.12.1 Time limit for application. An application for permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official shall have the authority to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be in writing and justifiable cause demonstrated.

89.12.2 Permit Issuance. The application, construction documents and other data filed by an applicant for permit shall be reviewed by the Department. If the Department finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section 89.13 have been paid, a permit shall be issued to the applicant.

89.12.3 Expiration. Every permit issued by the code official 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 re-activated 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 89.12.4.

89.12.4 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.

89.12.5 Suspension or Revocation of Permit. The code official shall revoke a permit or approval issued under the provisions of this code in case of any false statement or misrepresentation of fact in the application or on the construction documents upon which the permit or approval was based.

89.13 Fee Schedule. Fees for electrical permits shall be paid as established in the fee schedule. The permit fee shall be double the amount established when the work to be permitted has begun prior to the issuance of the permit.

89.13.1 Fee 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.
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.

89.14 Inspections. The code official is authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this code. Construction or work for which a permit is required shall be subject to inspection by the code official, and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of any other condition not expressly inspected and approved. It shall remain the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for the expense entailed in the removal or replacement of any material required to allow inspection.

89.14.1 Required Inspections and Testing. The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either approve that portion of construction or shall notify the permit holder or an agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

- A. **Underground inspection** shall be made after trenches or ditches are excavated and bedded, conduits or piping are installed, and before any backfill is put in place.
- B. **Service inspection** shall be made after the metering equipment, grounding, main disconnect means and all associated service wiring are installed, prior to being energized by the utility company.
- C. **Rough-in inspection** shall be made after the building is weather-protected and all fire-blocking, fire-stopping, draft-stopping, and bracing is in place and all conduits, wiring, and other elements are roughed-in, prior to the installation of wall or ceiling membranes.
- D. **Ceiling close-in inspection** shall be made after all conduits, wiring, fixtures, and other elements to be concealed are complete, prior to the installation of suspended ceiling systems or finishes.
- E. **Final inspection** shall be made after the building is complete, all electrical fixtures are in place and properly connected, and the structure is ready for occupancy.

89.14.2 Other Inspections. In addition to the inspections specified above, the code official shall be authorized to make or require other related inspections of any construction work to ascertain compliance with the provisions of this code.

89.14.3 Inspection Requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

89.14.3.1 Re-inspection fees. In the event that the premises are not ready for a requested inspection or the premises are not safely accessible, the code official may impose a re-inspection fee for each additional visit for the same inspection. The fee for a re-inspection shall be as established by department policy in the fee

schedule.

89.14.4 Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portions shall not be covered or concealed until re-inspected and authorized by the code official.

89.14.5 Approval Agencies. The code official is authorized to accept reports of ~~from~~ *approved* inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability, in the sole discretion of the Department.

89.14.6 Testing. Installations shall be tested as required in this code and in accordance with 89.16.6 (A), (B), and (C). Tests shall be made by the permit holder and observed by the code official.

- A. **New, Altered, Extended or Repaired Installations.** New installations and parts of existing installations which have been altered, extended, renovated, or repaired, shall be tested as prescribed herein to disclose any defects.
- B. **Apparatus, Instruments, Material and Labor for Tests.** Apparatus, instruments, material, and labor required for testing an installation or part thereof shall be furnished by the permit holder.
- C. **Reinspection and Testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

89.14.8 Approval. After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the code official.

89.14.8.1 Suspension or Revocation. The code official is authorized to suspend or revoke a notice of approval issued under the provisions of this code, in writing, wherever the notice is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure, premise or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

89.15 Connection of Service Utilities. A person shall not make connections from a utility or other source of power to any building or system that is regulated by this code for which a permit is required until authorized by the code official.

89.15.1 Temporary Connection. The code official shall have the authority to authorize the temporary connection of the building or system to the utility source for the purpose of testing electrical systems or for use under a temporary ~~approval~~ *certificate of occupancy*.

89.15.2 Authority to condemn equipment. Where the code official determines that any electrical system, or portion thereof, regulated by this code has become hazardous to life, health or property or has become unsafe, the code official shall order in writing that such electrical systems either be removed or restored to a safe or sanitary condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain defective electrical device or system after receiving such notice.

Where such electrical equipment or system is to be disconnected, written notice as prescribed herein shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

89.15.3 Connection after order to disconnect. A person shall not make connections from a utility or other source of power to electrical systems regulated by this code, which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes reconnection and use of such systems.

89.16 Stop work orders. Upon notice from the code official, work on any electrical system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice 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 at the property. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of five hundred dollars (\$500.00).

89.16.1 Unlawful Continuance. Any person who shall continue any work in or about a structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a municipal infraction and be subject to the penalty as described in Section § 64-18.

89.16.2 Withholding of permits: Whenever the code official shall find that any owner or contractor 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 or repair of buildings, structures, lands or equipment thereon or therein, he/she may refuse to grant any future permits to such until the violations have been corrected.

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89.17 Registration Requirements. All individuals and firms who desire to engage or work in the business of electrical work within the City of Hagerstown are required to procure an electrical registration from the Department. It shall be unlawful for any person to do electrical work in the City of Hagerstown unless first registered to do so, as hereinafter provided, as a Master Electrician or Restricted Master Electrician or as a Journeyman or Apprentice that is employed directly under the immediate supervision of the master or restricted master electrician.

- A. **Required Documents.** All electricians who desire to obtain a registration from the City shall be licensed with the State of Maryland Board of Electricians as a Master and Journeyman, or as a restricted Master with Washington County, or be an Apprentice accepted by a licensed Master Electrician for training and enrolled in an approved apprenticeship program.

All electricians must present their Maryland State license, or Washington County restricted license, or Apprenticeship employment and program documentation, together with their certificate of insurance as required by the state, a current government issued photo I.D., and payment of fees.

- B. **Requirements for insurance.** Prior to being issued a registration, each electrician shall file with the Planning & Code Administration Department proof of liability insurance coverage or surety in the amount as specified by the Maryland Board of Electricians conditioned to keep and save the City of Hagerstown harmless and free from any damages or expenses in connection with any work or act by a registered electrician performing electrical work in the City of Hagerstown.
- C. **Registration period.** The license period shall be for a maximum period of two (2) years and expire December 31 of the even calendar year.
- D. **Registration fees.** A bi-annual registration fee is required as set forth herein. If a registration has lapsed for more than thirty (30) days, the new rate applies. In addition to the bi-annual registration fee required herein, each applicant is required to pay a technology fee. The bi-annual registration fees are set forth below and include the \$40 technology fee:

Master/Restricted Master	New: \$150.00	Renew: \$125.00
Journeyman	New: \$95.00	Renew: \$70.00
Apprentice	New: \$85.00	Renew: \$60.00

- E. **Use of name or registration by others.** Any electrical firm, association or corporation may apply for and receive a master or restricted master electrician registration in the City of Hagerstown, provided that only one master or restricted master electrician be authorized to secure permits for that firm, association, or corporation. Only a registered master or restricted master electrician may apply for permits.

No electrician, electrical firm, association, or corporation shall allow his/her or its name or registration to be used by any other person, firm, association, or corporation for the purpose of obtaining electrical permits or for any purpose whatsoever. The re-assignment of a state license is not permitted.

- F. **Supervision of work done.** All electrical work done by any electrical firm, association, or corporation so registered as provided for herein shall be executed by or under the immediate supervision of the registered member. A City of Hagerstown registered Master or Journeyman is required onsite at all times while electrical work is being performed.
- G. **Suspension or revocation of registration.** The code official may suspend or revoke any electrician's registration for failure to correct faulty, dangerous, or improper work, performing electrical work without proper permits or for lending his/her name or registration to others for the purpose of obtaining electrical permits. The holder of said electrician registration 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.

§ 64-17. Amendments.

The following sections of the *National Electrical Code*, 2020 Edition (NFPA-70) are amended to read as follows:

- A. Article 100 Definitions, Part I. General, Repairs is added to read as follows:

Repairs. The reconstruction or renewal of any part of an existing electrical system for the purpose of its maintenance or to correct damage that is limited to work on the item and does not include complete or substantial replacement or other new work affecting public health or general safety.

- B. Article 210 Branch Circuits, Section 210.8, Ground-Fault Circuit-Interrupter Protection for Personnel, Subsection (A) Dwelling Units, Item (7), is amended to read as follows:

(7) Sinks – where receptacles are installed within 1.8 m (6 ft) ~~from the top inside of the outside edge of~~ the bowl of the sink

Exception to (7): A receptacle installed behind a refrigerator located in a designated area constructed or designed specifically for the refrigerator that is installed as a single receptacle to supply only that appliance, not the countertop, shall not be required to have ground-fault circuit-interrupter protection.

- C. Article 210 Branch Circuits, Section 210.8, Ground-Fault Circuit-Interrupter Protection for Personnel, Subsection (B) Other Than Dwelling Units, Item (5), is amended to read as follows:

(5) Sinks – where receptacles are installed within 1.8 m (6 ft) ~~from the top inside of the outside edge of~~ the bowl of the sink

Exception No. 1 to (5): In industrial laboratories, receptacles used to supply equipment where removal of power would introduce a greater hazard shall be permitted to be installed without GFCI protection.

Exception No. 2 to (5): Receptacles located in patient bed locations of Category 2 (general care) or Category 1 (critical care) spaces of health care facilities shall be permitted to comply with 517.21.

Exception No. 3 to (5): A receptacle installed behind a refrigerator located in a designated area constructed or designed specifically for the refrigerator that is installed as a single receptacle to supply only that appliance, not the countertop, shall not be required to have ground-fault circuit-interrupter protection in locations other than those covered in Item (2) above..

- D. Article 210 Branch Circuits, Section 210.52 Dwelling Unit Receptacle Outlets, Subsection (A) General Provisions, is amended to read as follows:

210.52 (A) General Provisions. In every kitchen, family room, dining room, living room, parlor, library, den, sunroom, bedroom, recreation room, or similar room or area of dwelling units, receptacle outlets shall be installed in accordance with the general provisions specified in 210.52 (A) (1) through (A) (4). General lighting branch circuits in dwellings must not have more than twelve (12) power consuming outlets. A duplex receptacle shall be considered and counted as one (1) outlet. Smoke detectors are not to be counted as power-consuming devices.

- E. Article 210 Branch Circuits, Section 210.52 Dwelling Unit Receptacle Outlets, Subsection (B) Small Appliance, Item (1) Receptacle Outlets Served, Exception No. 2, is amended to read as follows:

Exception No. 2: In addition to the required receptacles specified by 210.52, a receptacle outlet to serve a specific appliance shall be permitted to be supplied from an individual branch circuit rated 15 amperes or greater. This circuit shall not be required to have ground-fault circuit-interrupter protection if the receptacle supplied meets the requirements of 210.8(A)(7).

~~Article 210 Branch Circuits, Section 210.52 Dwelling Unit Receptacle Outlets, Subsection (G) Basements and Garages, is amended to read as follows:~~

~~**210.52 (G) Basements, Garages, and Accessory Buildings.** For one- and two-family dwellings, and multifamily dwellings a one-family dwelling, at least one receptacle outlet, in addition to any provided for the laundry equipment, shall be installed in each attached garage, and in each detached garage with electrical power. At least one readily accessible 120V, GFCI protected convenience receptacle shall be provided for each car space. The receptacle outlets and all electrical equipment located in each attached and each detached garage with electrical power shall be installed at minimum height of 450 mm (18") above the finished garage floor. Ceiling receptacles installed for garage door openers are not considered readily accessible. See Section 210.8(A) (2) and (A) (5). Where a portion of the basement is finished into one or more habitable rooms, each separate unfinished portion shall have a receptacle outlet installed in accordance with this section.~~

- F. Article 210 Branch Circuits, Section 210.52 Dwelling Unit Receptacle Outlets, Subsection (J) Smoke Alarms, is added as follows:

210.52 (J) Smoke Alarms. For individual dwelling units undergoing a complete re-wire of the electrical system, hard-wired interconnected smoke alarms with battery backup shall be installed in each sleeping room, in the vicinity immediately outside each sleeping room, and on all levels within the individual dwelling unit (excluding unconditioned attic spaces and crawl spaces).

~~Article 210 Branch Circuits, Section 210.64, Electrical Service Areas, Exception No. 1 and Exception No. 2 are hereby deleted in their entirety.~~

- G. Article 210 Branch Circuits, Section 210.64 Other than Dwelling Unit Receptacle Outlets, is added as follows:

210.64 Other Than Dwelling Unit Receptacle Outlets. Every bathroom or toilet room shall contain at least one ground fault circuit interrupter protected receptacle, located in a readily accessible area.

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H. Article 230 Services, Section 230.70 General, Subsection (A) Location, is amended to read as follows:

230.70 (A) Location. The service disconnecting means shall be installed in accordance with 230.70(A) (1), (A) (2), (A) (3), and (A) (4).

(1) Readily Accessible Location. The service disconnecting means shall be installed at a readily accessible location either outside the building or structure or inside nearest the point of entrance of the service conductors.

(2) Bathrooms. Service disconnecting means shall not be installed in bathrooms.

(3) Remote Control. Where a remote-control device(s) is used to actuate the disconnecting means, the service disconnecting means shall be located in accordance with 230.70 (A) (1).

(4) Cable Length and Protection. SE cable shall not exceed 1.22 m (4 ft) in length unless otherwise approved. SE cable shall not exceed .91 m (3 ft) in length from the point of entry to the first overcurrent protection device when concealed within walls. The cable must be protected from physical damage in accordance with 230.50 (B) 1, utilizing items 1, 2, and 4 for the entire length of the concealed cable. Bonding is required in accordance with 250-V.

I. Article 250 Grounding and Bonding, Section 250.53 Grounding Electrode System, Subsection (A) Rod, Pipe, and Plate Electrodes, is amended to read as follows:

250.53 (A) Rod, Pipe, and Plate Electrodes. Where practical, rod, pipe, and plate electrodes shall be embedded below permanent moisture level. Rod, pipe, and plate electrodes shall be free from nonconductive coatings such as paint or enamel. The use of two 2.5 m x 16 mm (8 ft. x 5/8") galvanized ground rods spaced a minimum of 1.8 m (6ft.) apart shall be required for all new and upgraded residential electrical services.

J. Article 300 Wiring Methods, Section 300.5 Underground Installations, Subsection (D) Protection from Damage, Item (3) Service Conductors, is amended to read as follows:

300.5 (D) (3) All Underground Conductors. Underground conductors that are not encased in concrete and that are buried below grade shall have their location identified by a warning ribbon that is placed in the trench at least 300mm (12 in.) above the underground installation.

K. Article 300 Wiring Methods, Section 300.5 Underground Installations, Subsection (D) Protection from Damage, Item (4), Enclosure or Raceway Damage, is amended to read as follows:

300.5 (D) (4) Enclosure or Raceway Damage. Where the enclosure or raceway is subject to physical damage, the conductors shall be installed in rigid metal conduit, intermediate metal conduit, RTRC-XW, Schedule 80 PVC conduit, or equivalent.

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- L. Article 334 Nonmetallic-Sheathed Cable: Types NM, NMC, and NMS, Section 334.12 Uses Not Permitted, Subsection (B) Types NM and NMS, Item (4), Exception, is added as follows:

Exception: Nonmetallic-sheathed cable may be installed on the exterior of a dwelling if all of the following conditions apply:

- 1. All work is under the cover of a dwelling roof which is properly sealed and weatherproofed.*
- 2. Cables terminate in a surface mounted enclosure.*
- 3. Cables are installed in a weatherproof raceway not exceeding the allowable fill of NEC Chapter 9 Table 1.*
- 4. Cable raceways shall be sealed or plugged to the outer end using approved means to prevent access to the enclosure through the raceway.*
- 5. Field installed enclosures for raceways or cables shall be sealed at the top and bottom of the enclosure to prevent vermin from entering the enclosure. If wood is used for the enclosure cover, the wood must be no less than 3/8 inch in thickness.*
- 6. Total length of the exposed cable shall not exceed 60 inches.*

- M. Article 334 Nonmetallic-Sheathed Cable: Types NM, NMC, and NMS, Section 334.15 Exposed Work, Subsection (B) Protection from Physical Damage, is amended to read as follows:

334.15 (B) Protection from Physical Damage. Cable shall be protected from physical damage where necessary by rigid metal conduit, intermediate metal conduit, electrical metallic tubing, Schedule 80 PVC conduit, Type RTRC marked with suffix- XW, or other approved means. Where passing through a floor or exposed on the structure, the cable shall be enclosed in rigid metal conduit, intermediate metal conduit, electrical metallic tubing, Schedule 80 PVC conduit, Type RTRC marked with suffix- XW, or other approved means extending at least 2438.4mm (8 ft.) above the floor or finished grade.

- N. Article 358 Electrical Metallic Tubing: Type EMT, Section 358.10 Uses Permitted, Subsection (A) Exposed and Concealed, is amended to read as follows:

358.10 (A) Exposed and Concealed. The use of EMT shall be permitted for both exposed and concealed work for the following:

- (1) In concrete or in areas subject to severe corrosive influences where installed in accordance with 358.10(B).
- (2) In dry, damp, and wet locations
- (3) In any hazardous (classified) location as permitted by other articles in this *Code*.

- O. Article 404 Switch Connections, Section 404.2 Switch Connections, Subsection (C) Switches Controlling Lighting Loads, is amended to read as follows:

404.2 (C) Switches Controlling Lighting Loads. The grounded circuit conductor (neutral) shall be provided at each switch location that controls lighting loads.

- P. Article 422 Appliances, Section 422.5 Ground-Fault Circuit-Interrupter (GFCI) Protection for Personnel, Subsection (A) General, Item (5) is hereby deleted in its entirety.
- Q. Article 422 Appliances, Section 422.12 Central Heating Equipment, Subsection (A) **Safety Controls Remote Safety Switch**, is added as follows:

422.12 (A) Safety Controls Remote Safety Switch. An approved safety switch must be provided for every heating appliance utilizing fuel gas or fuel oil. The switch must be readily accessible, **installed in accordance with the reach range requirements of the Maryland Accessibility Code** within reach, properly labeled, and installed in an **approved** location remote from the heating appliance nearest the point of entrance to the space being served.

Article 422 Appliances, Section 422.16 Flexible Cords, Subsection (B) Specific Appliances, Item (2) Built-In Dishwashers and Trash Compactors, is amended to read as follows:

422.16 (B) (2) Built-In Dishwashers and Trash Compactors. Built-in dishwashers and trash compactors shall be permitted to be cord-and-plug-connected with a flexible cord identified as suitable for the purpose by the appliance manufacturer where all of the following conditions are met:

- (1) — The flexible cord shall be terminated with a grounding-type attachment plug.

Exception: A listed dishwasher or trash compactor distinctly marked to identify it as protected by a system of a double insulation shall not be required to be terminated with a grounding-type attachment plug.

- (2) — For a trash compactor, the length of the cord shall be 0.9m to 1.2 m (3 ft to 4 ft) measured from the face of the attachment plug to the plane of the rear of the appliance.
- (3) — For a built-in dishwasher, the length of the cord shall be 0.9 m to 2.0 m (3 ft to 6.5 ft) measured from the face of the attachment plug to the plane of the rear of the appliance.
- (4) — Receptacles shall be located to protect against physical damage to the flexible cord.
- (5) — The receptacle for a trash compactor shall be located in the space occupied by the appliance or adjacent thereto.
- (6) — The receptacle for a built-in dishwasher shall be located in the space adjacent to the space occupied by the appliance or adjacent thereto.
- (7) — The receptacle shall be accessible.

- R. Article 424 Fixed Electric Space-heating Equipment, Part II Installation, Section 424.14 Energy Efficiency, is added as follows:

424.14. Energy Efficiency. Permanently installed electric baseboard heaters shall be installed in existing buildings which conform to the minimum energy efficiency requirements of the **Maryland Building Rehabilitation Code (COMAR 09.12.58)**, as may be amended or restated from time-to-time COMAR 05.02.07.

- S. Article 550 Mobile Homes, Manufactured Homes, and Mobile Home Parks, Section 550.13 Receptacle Outlets, Subsection (B) Ground-Fault Circuit-Interrupters (GFCI), Item (4), is amended to read as follows:

(4) Sinks – where receptacles are installed within 1.8 m (6 ft) ~~from the top inside of the outside~~ edge of the bowl of the sink

Exception to (4): A receptacle installed behind a refrigerator located in a designated area constructed or designed specifically for the refrigerator, that is installed to supply only that appliance, not the countertop, shall not be required to have ground-fault circuit-interrupter protection.

§ 64-18. Violations and penalties.

- A. **Violation penalties.** 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 electrical work 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.
- B. **Misdemeanor violation penalties.** 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.

§ 64-19. Right to appeal.

- A. 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 thereunder 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.~~
- B. 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.

Chapter 64, Article V, *Plumbing Standards*

Applicable beginning January 1, 2024

ARTICLE V

Plumbing Standards

§ 64-20. Adoption of standards by reference.

A certain code known as the *International Plumbing Code*, 2021 edition, including Appendices B, C, D, E, and G, 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.

§ 64-21. Amendments.

The following sections of the *International Plumbing 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 *Plumbing Code of the City of Hagerstown*, hereinafter referred to as the "City Plumbing Code" or "this code."

2. Section 101.2 Scope, Exception, is hereby deleted in its entirety.

3. Section 102.2, Existing Installations, is amended to read as follows:

102.2 Existing Installations. The legal use and occupancy of any structure existing on the date of adoption of this code for which approval has been received may be continued without change, except as may be specifically covered in this code, the Mechanical Code of the City of Hagerstown, the Property Maintenance Code of the City of Hagerstown, or as may be deemed necessary by the code official for the general safety and welfare of the occupants and the public.

[All remaining subsections shall remain as written.]

4. Section 102.8, Referenced codes and standards, is amended to read as follows:

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 15 and such codes and standards shall be considered as a part of the requirements of this code to the prescribed extent of each reference and as further regulated in 102.8.1 through 102.8.14.

Exception: Where enforcement of a code provision would violate the conditions of the accredited conformity assessment body listing of the *equipment* or *appliance*, the conditions of the listing and the manufacturer's installation instructions shall apply.

102.8.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8.2 Provisions in referenced codes and standards. Where the extent of the reference to referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.8.3 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.

102.8.4 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.

102.8.5 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.

102.8.6 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.

102.8.7 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.

102.8.8 Fire prevention. Any reference to the *International Fire Code (IFC)* shall mean the *City of Hagerstown Maryland State Fire Prevention Code (Chapter 98 of the Code of the City of Hagerstown COMAR 29.06.01)*, as may be amended or restated from time to time.

102.8.9 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.

102.8.10 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.

102.8.11 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.

102.8.12 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.

102.8.13 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.

102.8.14 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.

5. Section 103.1, **Creation of agency**, is amended to read as follows:

103.1 Creation of agency. This code shall be administered by the Planning and Code Administration Department, hereinafter 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 plumbing inspection shall mean the Department.

6. Section 106.1, When required, is amended to read as follows:

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

Exception: Where *appliance* and *equipment* replacements and repairs are required to be performed in an emergency situation the permit application shall be submitted within the next working business day of the Department.

7. Sections 106.1.1 and 106.1.2 are hereby deleted in their entirety.

8. Section 106.2 Exempt work, is amended to read as follows:

106.2 Exempt work. The following work shall be exempt from the requirement for a permit:

1. The stoppage of leaks in drains or vent pipes. However, should the defect necessitate removal and replacement with new material, it shall constitute new work and a permit shall be obtained and inspection made as required by this code.
2. The clearing of stoppages.
3. The repairing of leaks in valves or fixtures.
4. In non-residential occupancies, the removal and reinstallation of a water closet provided reinstallation does not require replacement or rearrangement of valves, pipes, or new fixtures.
5. In residential occupancies, the removal and replacement of an existing sink, faucet, showerhead, lavatory, water closet or dishwasher provided the installation does not require replacement or rearrangement of valves or pipes.

Exemptions from obtaining a permit required by this code shall not be construed as to authorize any work to be performed in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

9. Section 106.3, Application for permit, is amended to read as follows:

106.3 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 must include the name of the property owner and must be signed by a master plumber **or on-site utility contractor** properly registered in the City of Hagerstown.

[All remaining subsections shall remain as written.]

10. Section 106.4, By whom application is made, is made is amended to read as follows:

106.4 Registration requirements. All individuals and firms who desire to engage or work in the business of plumbing or on-site utility work within the City of Hagerstown are required to procure a plumbing or on-

site utility contractor registration from the Department. It shall be unlawful for any person to do plumbing or on-site utility work in the City of Hagerstown unless first registered to do so.

11. Section 106.4.1 through 106.4.6 are added as follows:

106.4.1 Requirements for plumber registration. All individuals or firms desiring to obtain a City plumbing registration must present their Maryland State master license, along with photo I.D. and payment of fees.

106.4.1.1 Requirements for on-site utility contractor registration. All individuals or firms desiring to obtain a City on-site utility contractor registration must present their Washington County On-Site Utility Contractor License, along with photo I.D. and payment of fees.

106.4.1.2 Permit restrictions for on-site utility contractors. A registered on-site utility contractor may install a building sanitary or storm sewer and a water service pipe to within 5 feet of the building exterior wall, foundation wall or footprint. Installation of the building sewer and water service pipe must conform to the requirements of this code and a plumbing permit for the work must be obtained from the Department.

106.4.2 Requirements for insurance. Prior to being issued a registration, each master plumber and on-site utility contractor shall file with the Planning and Code Administration Department proof of liability insurance coverage in the amount of \$300,000 general liability and \$100,000 property damage and save the City of Hagerstown harmless and free from any damages or expenses in connection with any work or act by a registered master plumber or utility contractor performing plumbing or on-site utility work in the City of Hagerstown.

106.4.3 Registration period. The registration period shall run from July 1-June 30 for a maximum period of two (2) years and expire June 30 of the odd calendar year.

106.4.4 Registration fees. Registration fees are as established in the fee schedule.

An additional application fee is required for each new registration and for any existing registration not renewed within 30 calendar days of its expiration.

Technology fee. In addition to the bi-annual registration fee required herein, each applicant is required to pay a technology fee, the amount of which is established by the fee schedule.

106.4.5 Use of name or registration by others. No plumber, plumbing firm, on-site utility contractor, association or corporation shall allow his/her or its name or registration to be used by any other person, firm, association, or corporation for the purpose of obtaining plumbing permits.

106.4.6 Suspension or revocation of registration. The code official may suspend or revoke any master plumber's or on-site utility contractor's registration for failure to correct faulty work, for performing plumbing work without proper permits or for lending his/her name or registration to others for the purpose of obtaining plumbing permits. The holder of said master plumber or on-site utility contractor registration 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.

12. Section 106.5.3, Expiration, is amended to read as follows:

106.5.3 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 re-activated 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 106.5.4.

13. Section 106.5.4, Extensions, is amended to read as follows:

106.5.4 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.

14. Section 106.5.7 is hereby deleted in its entirety.

~~Section 109.2, Schedule of permit fees Fee schedule, is amended to read as follows:~~

~~**109.2 Schedule of permit fees Fee schedule.** Where work requires a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. Fees for permits shall be paid as established in the fee schedule.~~

15. Section 108.2, Required inspections and testing, is amended to add the ceiling close-in inspection requirement as follows:

108.2 Required inspections and testing. The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or the permit holder's agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. **Underground inspection** shall be made after trenches or ditches are excavated and bedded, piping is installed, and before backfill is put in place. Where excavated soil contains rocks, broken concrete, frozen chunks, and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.
2. **Rough-in inspection** shall be made after the roof, framing, fire-blocking and bracing is in place and all sanitary, storm and water distribution piping are roughed-in, and prior to the installation of wall or ceiling membranes.
3. **Ceiling close-in inspection** shall be made after all sanitary, storm and water distribution piping to be concealed are complete, prior to the installation of suspended ceiling systems or finishes.
4. **Final inspection** shall be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

[All remaining subsections shall remain as written.]

16. Section 109.5, Fee Refunds, is amended to read as follows:

109.5 Fee 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.
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.

17. Section 109.6 is added as follows:

109.6 Re-inspection fees. In the event that the premises are not ready for a requested inspection, or the premises are not safely accessible, the code official may impose a re-inspection fee for each additional visit for the same inspection. The fee for a re-inspection shall be as established by department policy in the fee schedule.

18. Section 113.2, **Issuance** ~~108.5, Stop work orders~~, is amended to read as follows:

~~**108.5 Stop work orders.** Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person performing the work, or posted at the property. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of five hundred dollars (\$500.00).~~

113.2 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 at 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.

19. Section 114.1, **General** ~~Application for appeal~~, is amended to read as follows:

114.1 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.**

20. Section 114.2, **Limitations on authority** ~~Membership of board~~, is amended to read as follows:

114.2 Membership of board. 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 the 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.

21. Sections 114.3 and 114.4 are hereby deleted in their entirety.

22. Section 115.4, Violation penalties, is amended to read as follows:

115.4 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 plumbing work 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.

23. Section **115.7** is added as follows:

115.7 Withholding of permits: Whenever the code official shall find that any owner or contractor is in violation of the provisions of this code or of the rules and regulations of any department or agency of the City of Hagerstown, in connection with the erection, maintenance or repair of buildings, structures, lands or equipment thereon or therein, he/she may refuse to grant any future permits to such until the violations have been corrected.

24. Section 301.8 is added as follows:

301.8 Public systems available. A public water main or public sewer system shall be considered available to a building when the building is located within 350 feet (106 680 mm) of a public water main or sewer. In such cases, plumbing systems serving a building shall be connected to the public water and sewer mains.

25. Section 305.4.1, Sewer depth, is amended to read as follows:

305.4.1 Sewer depth. Building sewers shall be installed a minimum of 24 inches (608 mm) below grade.

26. Table 308.5, Hanger Spacing, footnote b, is amended to read as follows:

b. For sizes 1 ½ inches and smaller, a guide shall be installed midway between required vertical supports. Such guides shall prevent pipe movement in a direction perpendicular to the axis of the pipe.

27. Section 314.2.1.1, Condensate discharge, is amended to read as follows:

Section 314.2.1.1 Condensate discharge. Condensate drains shall not directly connect to any plumbing drain, waste, or vent pipe. Condensate drains shall not discharge into a plumbing fixture other than a floor sink, floor drain, trench drain, mop sink, hub drain, standpipe, utility sink or laundry sink. Condensate drain connections to a lavatory wye branch tailpiece or to a bathtub overflow pipe shall not be considered as discharging to a plumbing fixture. Except where discharging to grade outdoors, the point of discharge of condensate drains shall be located within the same occupancy, tenant space or dwelling unit as the source of the condensate.

28. Section 405.3.1.1 is added as follows:

405.3.1.1 Showers and bathtubs. There shall be a minimum of 21 inches (534 mm) clearance in front of a shower compartment opening or bathtub access to any wall, fixture, or door.

29. Section 502.3.1 is added as follows:

502.3.1 Water heaters installed above suspended ceilings. Water heaters installed above suspended ceilings with removable ceiling panels shall not be located closer than 4 inches (102 mm) and not farther than 16 inches (407 mm) above the ceiling panels.

30. Section 504.6, Requirements for discharge piping, is amended to read as follows:

504.6 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve, or combination thereof shall:

(Items 1 through 13 remain unchanged)

14. Be one nominal size larger than the size of the relief valve outlet, where the relief valve discharge piping is installed with insert fittings. The outlet end of such tubing shall be fastened in place to maintain rigidity in the event of discharge.

31. Section 504.7.2, Pan drain termination, is amended to read as follows:

504.7.2 Pan drain termination. The pan drain shall extend full size and terminate over a suitably located indirect waster receptor or floor drain or extend to the exterior of the building and terminate not less than 6 inches (152mm) and not more than 24 inches (610 mm) above the adjacent ground surface. Where a pan drain was not previously installed and cannot terminate by gravity, a pan drain shall not be required for a replacement water heater installation.

32. Section 601.6 is added as follows:

601.6 Water service tracer wiring. Underground non-metallic water service piping shall be made detectable by the installation of tracer wiring that complies with Public Utilities Article, §12-129 of the Annotated Code of Maryland.

The wire shall be an insulated copper tracer wire suitable for direct burial, at least 10 AWG, or equivalent. Insulation shall be 30 mil minimum thickness, HMWPE or HDPE polyethylene, color coded blue. The wire shall be installed in the same trench as the piping, tied or taped to the pipe every 5 to 8 feet in the 3 o'clock position or installed within 12 inches of the pipe in fill. One end of the wire shall terminate within five feet of the building served, at or above grade, accessible for use, and resistant to physical damage.

Tracer wiring installations shall be tested by location with line tracing equipment upon completion of rough grading and again prior to final acceptance.

33. Section 605.3, Water service pipe, is amended to read as follows:

605.3 Water service pipe. Water service shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.3 except as specified otherwise herein. All water service pipe or tubing installed underground and outside of the structure, shall have minimum working pressure rating of 160 psi (1100 kPa) at 73.4 degrees F. (23 degrees C.) Where the water pressure exceeds 160 psi (1100 kPa), piping material shall have a working pressure rating not less than the highest available pressure. Any copper tubing used for water service piping shall be Type K. Plastic water service piping shall terminate within 5 feet (1524 mm) of the point of entry through the exterior wall or slab on grade. All ductile iron water pipe shall be cement mortar lined in accordance with AWWA C104/A21.4.

[All remaining subsections shall remain as written.]

34. Table 605.4, Water distribution pipe, is amended to read as follows:

605.4 Water distribution pipe. Water distribution pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.4. All hot water distribution pipe and tubing shall have a minimum pressure rating of 100 psi (690 kPa) at 180°F (82°C).

Note: Unless specifically approved by the code official, all copper or copper-alloy tubing used for water distribution piping shall be Type K or L.

35. Section 607.3, Thermal expansion control, is amended to read as follows:

607.3 Thermal expansion control. Where a storage water heater is supplied with cold water that passes through a check valve, pressure reducing valve or backflow preventer, a thermal expansion control device shall be connected to the water heater cold water supply pipe at a point that is downstream of all check valves, pressure reducing valves and backflow preventers. Where a main water service meter is replaced or newly installed, a thermal expansion control device shall be installed. Thermal expansion tanks shall be sized in accordance with the manufacturer's instructions and shall be sized such that the pressure in the water distribution system shall not exceed that required by Section 604.8.

36. Section 701.8 is added as follows:

701.8 Building Sanitary Sewer Tracer Wiring. Underground building sanitary sewer non-metallic piping shall be made detectable by the installation of tracer wiring that complies with Public Utilities Article, §12-129 of the Annotated Code of Maryland.

The wire shall be an insulated copper tracer wire suitable for direct burial, at least 10 AWG, or equivalent. Insulation shall be 30 mil minimum thickness, HMWPE or HDPE polyethylene, color coded green. The wire shall be installed in the same trench as the piping, tied or taped to the pipe every 5 to 8 feet in the 3 o'clock position or installed within 12 inches of the pipe in fill. One end of the wire shall terminate within five feet of the building served, at or above grade, accessible for use, and resistant to physical damage.

Tracer wiring installations shall be tested by location with line tracing equipment upon completion of rough grading and again prior to final acceptance.

37. Table 702.2, Underground building drainage and vent pipe, is amended to **add a note** as follows:

Note: Unless specifically approved by the code official, all polyvinyl chloride (PVC) plastic pipe used for underground building drainage piping shall be Schedule 40 solid wall or **equivalent**.

38. Table 702.3, Building sewer pipe, is amended to **add a note** as follows:

Note: Unless specifically approved by the code official, all polyvinyl chloride (PVC) plastic pipe used for building sewer piping shall be Schedule 40 solid wall or **equivalent**.

39. Section 703.6 is hereby deleted in its entirety.

40. Section 705.10.2, Solvent cementing, is amended to read as follows:

705.10.2 Solvent cementing. Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent cement joints shall be permitted above or below ground.

Exception: A primer is not required where both of the following conditions apply:

1. The solvent cement used is third-party certified as conforming to ASTM D 2564.
2. The solvent cement is used only for joining PVC drain, waste and vent pipe and fittings in non-pressure applications in sizes up to and including 4 inches (102 mm) in diameter.

41. Section 708.1.5.1 is added as follows:

708.1.5.1 Property line. Cleanouts shall be located at the property line and shall be installed no further apart than 75 feet. Cleanouts located at the property line shall be no smaller in size than the line they serve, but never smaller than six inches.

42. Section 716.7, Post-installation inspection, is amended to read as follows:

716.7 Post-installation inspection. The completed replacement piping section shall be inspected internally by recorded video camera survey. The video survey shall be reviewed and *approved* by the code official prior to pressure testing of the replacement piping system. A copy of this video survey, on compact disc or comparable video format, shall be given to the code official and retained for record with the permit.

43. Section 802.4, Waste receptors, is amended to read as follows:

802.4 Waste receptors. For other than hub drains that receive only clear-water waste and standpipes, a removable strainer or basket shall cover the outlet of waste receptors. Waste receptors shall not be installed in concealed spaces. Waste receptors shall not be installed in plenums, crawl spaces, attics, interstitial spaces above ceilings and below floors. Waste receptors in food prep areas shall extend no less than 1 inch (26 mm) above the finished floor. Ready *access* shall be provided to waste receptors.

[All remaining subsections shall remain as written.]

44. Section 903.1.1, Roof extension, is amended to read as follows:

903.1.1 Roof extension. Open vent pipes that extend through a roof shall be terminated not less than 12 inches (305 mm) above the roof, except where a roof is to be used for any purpose other than weather protection, the vent extensions shall terminate not less than 7 feet (2134 mm) above the roof.

45. Section 913.4, Waste stack size, is amended to read as follows:

913.4 Waste stack size. Every building in which plumbing is installed shall have at least one stack not less than 3 inches (76 mm) in diameter. Such stack shall run undiminished in size and as directly as possible from the building drain through to the open air or to a vent header that extends to the open air. Where total discharge for the stack exceeds 24 drainage fixture units (dfu), the stack shall be sized in accordance with Table 913.4.

46. Section 1003.4, Oil separators required, is amended to read as follows:

1003.4 Oil separators required. At repair garages where floor or trench drains are provided, car washing facilities, factories where oily and flammable liquid wastes are produced and hydraulic elevator pits, oil separators shall be installed into which oil-bearing, grease-bearing, or flammable wastes shall be discharged before emptying into the building drainage system or other point of disposal. A hydraulic elevator sump pump shall discharge to an approved storm drain.

Exception: An oil separator is not required in hydraulic elevator pits where an approved alarm system is installed. Such alarm systems shall not terminate the operation of pumps utilized to maintain emergency operation of the elevator by fire fighters.

47. Section 1003.6, Clothes washer discharge interceptor, is amended to read as follows:

1003.6 Clothes washer discharge interceptor. Clothes washers shall discharge through an interceptor that is provided with a wire basket or similar device, removable for cleaning, that prevents passage into the drainage system of solids ½ inch (12.7 mm) or larger in size, string, rags, buttons, or other materials detrimental to the public sewage system.

Exceptions:

1. Clothes washers in individual dwelling units shall not be required to discharge through an interceptor.
2. A single clothes washer designed for use in individual dwelling units and installed in a location other than an individual dwelling unit shall not be required to discharge through an interceptor.
3. Existing installations are exempt from this requirement if the installation was an approved and legal use at the time of installation and does not present a hazard as determined by the code official.

48. Section 1101.10 is added as follows:

1101.10 Building Storm Sewer Tracer Wiring. Underground building storm sewer non-metallic piping shall be made detectable by the installation of tracer wiring that complies with Public Utilities Article, §12-129 of the Annotated Code of Maryland.

The wire shall be an insulated copper tracer wire suitable for direct burial, at least 10 AWG, or equivalent. Insulation shall be 30 mil minimum thickness, HMWPE or HDPE polyethylene, color coded green. The wire shall be installed in the same trench as the piping, tied or taped to the pipe every 5 to 8 feet in the 3 o'clock position or installed within 12 inches of the pipe in fill. One end of the wire shall terminate within five feet of the building served, at or above grade, accessible for use, and resistant to physical damage.

Tracer wiring installations shall be tested by location with line tracing equipment upon completion of rough grading and again prior to final acceptance.

49. Appendix G – FUEL GAS CODE shall be added and amended as follows:

A certain code known as the *International Fuel Gas Code*, 2021 edition, including Appendices A and C, 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.

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

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

- b. Section 101.2 Scope, Exception, is hereby deleted in its entirety.

- c. Section 102.2, Existing Installations, is amended to read as follows:

102.2 Existing Installations. The legal use and occupancy of any structure existing on the date of adoption of this code for which approval has been received may be continued without change, except as may be specifically covered in this code, the Mechanical Code of the City of Hagerstown, the Property Maintenance Code of the City of Hagerstown, or as may be deemed necessary by the code official for the general safety and welfare of the occupants and the public.

[All remaining subsections shall remain as written.]

- d. Section 102.8, Referenced codes and standards, is amended to read as follows:

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are *listed* in Chapter 8 and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in 102.8.1 through 102.8.14.

Exception: Where enforcement of a code provision would violate the conditions of the accredited conformity assessment body listing of the *equipment* or *appliance*, the conditions of the listing and the manufacturer's installation instructions shall apply.

102.8.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8.2 Provisions in referenced codes and standards. Where the extent of the reference to referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.8.3 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.

102.8.4 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.

102.8.5 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.

102.8.6 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.

102.8.7 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.

102.8.8 Fire prevention. Any reference to the *International Fire Code (IFC)* shall mean the *City of Hagerstown Maryland State Fire Prevention Code (Chapter 98 of the Code of the City of Hagerstown COMAR 29.06.01)*, as may be amended or restated from time to time.

102.8.9 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.

102.8.10 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.

102.8.11 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.

102.8.12 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.

102.8.13 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.

102.8.14 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.

- e. Section 103.1, **Creation of agency**, is amended to read as follows:

103.1 Creation of agency. This code shall be administered by the Planning and Code Administration Department, hereinafter 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 inspection shall mean the Department.

- f. Section 106.1, Where required, is amended to read as follows:

106.1 Where required. Any owner's authorized agent or contractor who desires to erect, install, enlarge, alter, **move, demolish**, repair, remove, convert, or replace an installation regulated by this code, or cause such work to be performed, shall first make application to the Department, and obtain the required permit for the work.

Exception: Where *appliance* and *equipment* replacements and repairs are required to be performed in an emergency situation the permit application shall be submitted within the next working business day of the Department.

- g. Sections 106.1.1 and 106.1.2 are hereby deleted in their entirety.

- h. Section 106.3, Application for permit, is amended to read as follows:

106.3 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 must include the name of the property owner and must be signed by a master plumber properly registered in the City of Hagerstown or a propane gas fitter duly licensed in the State of Maryland.

[All remaining subsections shall remain as written.]

- i. Section 106.5.3, Expiration, is amended to read as follows:

106.5.3 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 re-activated 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 106.5.4.

- j. Section 106.5.4, Extensions, is amended to read as follows:

106.5.4 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. No permit shall be extended more than once. The fee for an extension shall be as established by Department policy.

- k. Section 106.5.7 is hereby deleted in its entirety.

Section 106.6.2, Fee schedule, is amended to read as follows:

~~106.6.2 Fee schedule. Fees for permits shall be paid as established in the fee schedule.~~

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

109.6 Fee 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.
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.

- m. Section 109.7 is added as follows:

109.7 Re-inspection fees. In the event that the premises are not ready for a requested inspection, or the premises are not safely accessible, the code official may impose a re-inspection fee for each additional visit for the same inspection. The fee for a re-inspection shall be as established by department policy.

- n. Section 112.2, Required inspections and testing, is amended to add the ceiling close-in inspection requirement as follows:

112.2 Required inspections and testing. The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or the permit holder's agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

- a. **Underground inspection** shall be made after trenches or ditches are excavated and bedded, piping is installed, and before backfill is put in place. Where excavated soil contains rocks, broken concrete, frozen chunks, and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.
- b. **Rough-in inspection** shall be made after the roof, framing, fire-blocking, and bracing is in place and components to be concealed are complete, and prior to the installation of wall or ceiling membranes.
- c. **Ceiling close-in inspection** shall be made after components to be concealed are complete, prior to the installation of suspended ceiling systems or finishes.
- d. **Final inspection** shall be made upon completion of the installation.

The requirements of this section shall not be considered to prohibit the operation of any heating *appliance* installed to replace an existing heating *appliance* serving an occupied portion of a structure in the event a request for inspection of such heating *appliance* has been filed with the department not more than 48 hours after replacement work is completed, and before any portion of such *appliance* is concealed by any permanent portion of the structure.

- o. Section 113.1, **General Application for appeal**, is 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.**

- p. Section 113.2, **Limitations on authority Membership of board**, is amended to read as follows:

113.2 Membership of board. 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 the 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.

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

- r. **Section 114 is hereby deleted in its entirety.**

- s. Section 115.4, **Violation penalties**, is amended to read as follows:

115.4 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 plumbing work 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.

- t. Section 115.7 is added as follows:

115.7 Withholding of permits. Whenever the code official shall find that any owner or contractor is in violation of the provisions of this code or of the rules and regulations of any department or agency of the City of Hagerstown, in connection with the erection, maintenance or repair of buildings, structures, lands or equipment thereon or therein, he/she may refuse to grant any future permits to such until the violations have been corrected.

- u. Section 116.2, **Issuance, Stop work orders**, is amended to read as follows:

108.5 Stop work orders. Upon notice from the code official, work on any gas system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person performing the work, or posted at the property. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice

~~prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of five hundred dollars (\$500.00).~~

116.2 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 at 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.

- v. **Section 304.13 is added as follows:**

304.13 Safety Controls. An approved safety switch must be provided for every heating appliance utilizing fuel gas or fuel oil. The switch must be readily accessible, installed in accordance with the reach range requirements of the Maryland Accessibility Code, properly labeled, and installed in an approved location remote from the heating appliance.

- w. Section 406.4.1 Test pressure, is amended to read as follows:

Section 406.4.1 Test pressure. The test pressure to be used shall be no less than 30 psi. (207 kPa) on a 30 lb. gauge (207 kPa gauge).

- x. 411.1.1, Commercial cooking appliances, is amended to read as follows:

411.1.1 Commercial cooking appliances. Commercial cooking appliances installed on casters and appliances that are moved for cleaning and sanitation purposes shall be connected to the *pipng* system with an appliance connector listed as complying with ANSI Z21.69/CSA 6.16. The commercial cooking appliance connector installation shall be configured in accordance with the manufacturer's instructions. Movement of appliances with casters shall be limited by a restraining device installed in accordance with the connector and appliance manufacturer's instructions. The restraint device shall be installed so as not to allow tension on the connector.

- y. **Section 614.9.4.1, Specified length, is amended to read as follows:**

614.9.4.1 Specified length. The maximum length of the exhaust duct shall be **25** feet (7620 mm) from the connection to the transition duct from the dryer to the outlet terminal. Where fittings are used, the maximum length of the exhaust duct shall be reduced in accordance with Table 504.**9.4.1**.

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§ 64-22. Title.

The *International Plumbing Code*, 2021 edition, including Appendices B, C, D, E, and G, along with the amendments included in §64-21 shall be known as the "*Plumbing Code of the City of Hagerstown*".

§ 64-23. Violations and 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 plumbing work 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.

§ 64-24. (Reserved)

Chapter 64, Article VI, *Mechanical Standards*

Applicable beginning January 1, 2024

ARTICLE VI

Mechanical Standards

§ 64-25. Adoption of standards by reference.

A certain code known as the *International Mechanical Code*, 2021 Edition, including Appendix A, 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.

§ 64-26. Amendments.

The following sections of the *International Mechanical Code*, 2021 edition, are amended as follows:

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

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

2. Section 101.2 Scope, Exception, is hereby deleted in its entirety.
3. Section 102.2, Existing installations, is amended to read as follows:

102.2 Existing Installations. The legal use and occupancy of any structure existing on the date of adoption of this code for which approval has been received may be continued without change, except as may be specifically covered in this code, the Plumbing Code of the City of Hagerstown, the Property Maintenance Code of the City of Hagerstown, or as may be deemed necessary by the code official for the general safety and welfare of the occupants and the public.

[All remaining subsections shall remain as written.]

4. Section 102.8, Referenced codes and standards, is amended to read as follows:

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 15 and such codes and standards shall be considered as a part of the requirements of this code to the prescribed extent of each reference and as further regulated in 102.8.1 through 102.8.14.

Exception: Where enforcement of a code provision would violate the conditions of the accredited conformity assessment body listing of the *equipment or appliance*, the conditions of the listing and the manufacturer's installation instructions shall apply.

102.8.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8.2 Provisions in referenced codes and standards. Where the extent of the reference to referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.8.3 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.

102.8.4 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.

102.8.5 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.

102.8.6 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.

102.8.7 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.

102.8.8 Fire prevention. Any reference to the *International Fire Code (IFC)* shall mean the *City of Hagerstown Maryland State Fire Prevention Code (Chapter 98 of the Code of the City of Hagerstown COMAR 29.06.01)*, as may be amended or restated from time to time.

102.8.9 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.

102.8.10 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.

102.8.11 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.

102.8.12 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.

102.8.13 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.

102.8.14 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.

5. Section 103.1, **Creation of agency**, is amended to read as follows:

103.1 Creation of agency. This code shall be administered by the Planning and Code Administration Department, hereinafter 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 mechanical inspection shall mean the Department.

6. Section 106.1, Where required, is amended to read as follows:

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

Exception: Where *equipment* and *appliance* replacements or repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day of the Department.

7. Sections 106.1.1 and 106.1.2 are hereby deleted in their entirety.

8. Section 106.3, Application for permit, is amended to read as follows:

106.3 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 must include the name of the property owner and must be signed by a duly licensed HVAC contractor licensed by the State of Maryland, or the owner of the property. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

9. Section 106.4.3, Expiration, is amended to read as follows:

Section 106.4.3 Expiration. Every permit issued by the code official 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 re-activated 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 106.4.4.

10. Section 106.4.4, Extensions, is amended to read as follows:

106.4.4 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.

11. Section 106.4.7 is hereby deleted in its entirety.

~~Section 109.2, Schedule of permit fees, is amended to read as follows:~~

~~**109.2 Schedule of permit fees.** Where work requires a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority fee schedule. Fees for permits shall be paid as established in the fee schedule.~~

12. Section 108.2, Required inspections and testing, is amended to add the ceiling close-in inspection requirement as follows:

108.2 Required inspections and testing. The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or the permit holder's agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. **Underground inspection** shall be made after trenches or ditches are excavated and bedded, piping or ducts installed, and before backfill is put in place. Where excavated soil contains rocks, broken concrete, frozen chunks, and other rubble that would damage or break the piping or ducts or cause corrosive action to same, clean backfill shall be on the job site.
2. **Rough-in inspection** shall be made after the roof, framing, fire-blocking, and bracing are in place and all ducting and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.
3. **Ceiling close-in inspection** shall be made after all ducting and other components to be concealed are complete, prior to the installation of suspended ceiling systems or finishes.
4. **Final inspection** shall be made upon completion of the mechanical system.

Exception: Ground-source heat pump loop systems tested in accordance with Section 1210.10 shall be permitted to be backfilled prior to inspection.

The requirements of this section shall not be considered to prohibit the operation of any heating *equipment* or appliances installed to replace existing heating *equipment* or appliances serving an occupied portion of a structure provided that a request for inspection of such heating *equipment* or appliance has been filed with the department not more than 48 hours after such replacement work is complete, and before any portion of such *equipment* or appliances is concealed by any permanent

portion of a structure.

[All remaining subsections shall remain as written.]

13. Section 109.6, Fee Refunds, is amended to read as follows:

109.6 Fee 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.
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.

14. Section 109.7 is added as follows:

109.7 Re-inspection fees. In the event that the premises are not ready for a requested inspection, or the premises are not safely accessible, the code official may impose a re-inspection fee for each additional visit for the same inspection. The fee for a re-inspection shall be as established by department policy in the fee schedule.

15. Section 113.2, Issuance, is amended to read as follows:

~~**108.5 Stop work orders.** Upon notice from the code official, work on any mechanical system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person performing the work, or posted at the property. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of five hundred dollars (\$500.00).~~

113.2 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 at 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.

16. Section 114.1, General, is amended to read as follows:

114.1 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.

17. Section 114.2, Limitations on authority, is amended to read as follows:

114.2 Membership of board. 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 the 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.

18. Sections 114.3 and 114.4 are hereby deleted in their entirety.

19. Section 115.4, Violation penalties, is amended to read as follows:

115.4 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 mechanical equipment or systems 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.

20. Section 115.7 is added as follows:

115.7 Withholding of permits: Whenever the code official shall find that any owner or contractor 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 or repair of buildings, structures, lands or equipment thereon or therein, he/she may refuse to grant any future permits to such until the violations have been corrected.

21. Section 301.14, Repair, is amended to read as follows:

301.14 Repair. Defective material or parts shall be replaced or repaired in such a manner so as to preserve the original approval or listing. Repair of a damaged heat exchanger shall not be permitted without specific approval of the code official.

22. Section 304.13 is added as follows:

304.13-Safety Controls Remote Safety Switch. An approved safety switch must be provided for every heating appliance utilizing fuel gas or fuel oil. The switch must be readily accessible, installed in accordance with the reach range requirements of the Maryland Accessibility Code within reach, properly labeled, and installed in an approved location remote from the heating appliance nearest the point of entrance to the space being served.

23. Section 306.1, Access, is amended to add the following exception:

Exception: Where an appliance or piece of equipment is located above a suspended ceiling and a ladder is the only means to access the appliance or equipment, a platform may is not be required for service as determined by the code official.

Intentionally blank

24. Section 501.3, Exhaust discharge, is amended to read as follows:

501.3 Exhaust discharge. The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a public nuisance and not less than the distances specified in Section 501.3.1. The air shall be discharged to a location from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic, crawl space, or be directed onto walkways.

- Exception:**
1. Whole-house ventilation-type attic fans shall be permitted to discharge into the attic space of *dwelling units* having private attics.
 2. Commercial cooking recirculating systems.
 3. Re-circulating hoods are acceptable if:
 - a) The cooking appliance is installed in an existing **kitchen building**, and
 - b) The code official deems the installation of a continuous duct to the outside as unreasonable.

[All remaining subsections shall remain as written.]

25. Section 504.9.2, Duct installation, is amended to read as follows:

504.9.2 Duct installation. Exhaust ducts shall be supported at 4-foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws or similar fasteners that protrude into the inside of the duct.

Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation.

26. Section 504.9.4.1, Specified length, is amended to read as follows:

504.9.4.1 Specified length. The maximum length of the exhaust duct shall be 25 feet (7620 mm) from the connection to the transition duct from the dryer to the outlet terminal. Where fittings are used, the maximum length of the exhaust duct shall be reduced in accordance with Table 504.9.4.1.

Intentionally blank

27. Section 505.3, **Exhaust ducts** ~~Domestic systems~~, is amended to read as follows:

505.3 Exhaust ducts ~~Domestic systems~~. Newly installed domestic ranges and other open cooking appliances shall be provided with hoods. Hoods for new kitchens shall discharge exhaust air to the outdoors through ducts constructed of galvanized steel, aluminum, or copper. Such ducts shall have smooth inner walls and shall be airtight and equipped with a backdraft damper. **Installations in Group I-1 and I-2 occupancies shall be in accordance with the International Building Code and Section 904.14 of the International Fire Code.**

For the purpose of this section, a kitchen shall not be considered as "new" if the space or room had been previously used as a kitchen.

Exception 1: Ducts for domestic kitchen cooking appliances equipped with downdraft exhaust systems shall be permitted to be constructed of Schedule 40 PVC pipe provided that the installation complies with all of the following:

1. The duct shall be installed under a concrete slab poured on grade.
2. The underfloor trench in which the duct is installed shall be completely backfilled with sand or gravel.
3. The PVC duct shall extend not greater than 1 inch (25 mm) above the indoor concrete floor surface.
4. The PVC duct shall extend not greater than 1 inch (25 mm) above grade outside of the building.
5. The PVC ducts shall be solvent cemented.

Exception 2: Re-circulating hoods are acceptable if:

1. The cooking appliance is installed in an existing **kitchen building**, and
2. The code official deems the installation of a continuous duct to the outside as unreasonable.

28. Section 506.3.7.1, Grease duct reservoirs, Item #5, is amended to read as follows:

5. Have a bottom that is sloped to a point for drainage.

29. Section 1305.8 is added as follows:

1305.8 Materials. The minimum size of fill piping shall be 1.5 inches (38 mm) inside diameter nominal pipe, or the diameter specified by the manufacturer's installation instructions. The minimum size of vent piping shall be 1.25 inches (32 mm) inside diameter nominal pipe or the diameter specified by the manufacturer's installation instructions.

§ 64-27. Title.

The *International Mechanical Code*, 2021 edition, including Appendix A, along with the amendments included in §64-26 shall be known as the "*Mechanical Code of the City of Hagerstown*".

§ 64-28. (Reserved)

CITY OF HAGERSTOWN, MARYLAND

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HAGERSTOWN,
CHAPTER 64 THEREOF, *BUILDING CONSTRUCTION*,
TO UPDATE, **ADD OR AMEND PROVISIONS**
OF ARTICLE III,
*PROPERTY MAINTENANCE STANDARDS***

RECITALS

WHEREAS, the City of Hagerstown has previously adopted building construction standards in Chapter 64, Article I, *Building Construction Standards* ("*Building Construction Standards*"), of the Code of the City of Hagerstown; and

WHEREAS, Chapter 64, Article III, *Property Maintenance Standards* contains references to certain provisions of the Building Construction Standards; and

WHEREAS, as a result of changes in industry standards and other factors, Chapter 64, Article I, *Building Construction Standards*, Chapter 64, Article V, *Plumbing Standards*, Chapter 64, Article VI, *Mechanical Standards*, and Chapter 64, Article IV, *Electrical Standards*, have been updated in accordance with Maryland State Fire Prevention and Public Safety Codes with a 2018 Edition of the *International Building Code*; and

WHEREAS, in order to remain consistent with standards adopted in Chapter 64, Article I, *Building Construction Standards*, Chapter 64, Article V, *Plumbing Standards*, Chapter 64, Article VI, *Mechanical Standards*, and Chapter 64, Article IV, *Electrical Standards*, it is appropriate to incorporate certain provisions addressing code changes ~~Rooftop Egress Routes~~ contained therein into Chapter 64, Article III, *Property Maintenance Standards*; and

WHEREAS, the Mayor and Council find it in the best interest 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 it's duly constituted legislative body, as follows:

SECTION 1: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.202, General Definitions be and is hereby amended to add definitions of Permanent Heat Source and Dine-In Kitchen to read as follows:

PERMANENT HEAT SOURCE. A permanently installed and self-fueled, heating unit that is appropriately sized for the dwelling, hard-wired into the electrical system of the dwelling and thermostatically controlled.

DINE-IN KITCHEN. A room in the dwelling, where, in addition to the kitchen/ kitchenette, there is also a dining area that is large enough for diners to comfortably sit down and eat their meals, providing minimum square footage as noted in Section 404.

SECTION 2: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.305.2, Structural members is hereby amended to read as follows:

305.2 Structural members. All structural members, including roof trusses and stair stringers, shall be maintained structurally sound, and be capable of supporting the imposed loads.

SECTION 3: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.306, Handrails and Guardrails be and is hereby amended to read as follows:

SECTION 306 HANDRAILS AND GUARDRAILS

306.1 General Handrails. Every exterior and interior flight of stairs having ~~more than four risers~~ four or more risers shall have a handrail on one side of the stair. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

306.2. Handrail Grip-size. All required handrails shall be of the following types or provide equivalent grasp-ability.

Type I. Handrails with a circular cross section shall have an outside diameter of at least 1 ¼ inches (32 mm) and not greater than 2 inches (51 mm).

Type II. Handrails that are not circular, shall have a perimeter dimension of at least 4 inches (102 mm) and not greater than 6 ¼ inches (160 mm) with a maximum cross section of dimension of 2 ¼ inches (57 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

306.3 Handrail Clearance. Clear space between the handrail and a wall or other surface shall be a minimum of 1 ½ inches (38 mm). A handrail and wall or other surface adjacent to the handrail shall be free of any sharp or abrasive elements.

306.4 Guardrails. ~~and~~ Every open portion of a stair, landing, door, balcony, porch, deck, ramp, or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Guards shall not be less than 30 inches (762 mm) high above the floor of the stair, landing, door, balcony, porch, deck, ~~or~~ ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

306.5 Guardrail Opening Limitations. Required guards shall not have openings from the walking surfaces to the required guard height which allows passage of a sphere 4 inches (102 mm) in diameter.

SECTION 4: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.404.7, Food preparation be and is hereby amended to read as follows:

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain ~~suitable space~~ **a countertop** and equipment to store, prepare and serve foods in a sanitary manner. [There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.] In rental units the responsibility for supplying the equipment shall be determined by the lease agreement.

404.7.1 Countertop minimum size. All food preparation countertops shall have a minimum work area o 5.21 square feet (750 Square inches).

404.7.2 Countertop minimum dimensions. The minimum depth dimension for a countertop shall be 21 inches. The minimum width dimension for a countertop shall be 30 inches.

404.7.3 Countertop height. The minimum height for a countertop shall be 29 inches. The maximum height for a countertop shall be 36 inches.

SECTION 5: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.503.1, Privacy be and is hereby amended to read as follows:

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space **within a dwelling unit**, or to the exterior. A door and interior locking device shall be provided for all ~~common or shared~~ bathrooms and toilet rooms in a dwelling unit.

SECTION 6: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.505.4, Water heating facilities be and is hereby amended to read as follows:

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, and laundry facility at a temperature of not less than 110°F (43°C) **and shall be not greater than 140°F (60°C)**. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. **Water heating facilities shall properly support expansion tanks when installed.** ~~An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.~~

505.4.1 Relief valve approval. Temperature and pressure relief valves, or combinations thereof, and energy cutoff devices shall be properly installed and maintained on water heaters.

505.4.2 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater.
3. Discharge to the floor, to the pan serving the water heater or storage tank.
4. Discharge in a manner that does not cause personal injury or structural damage.
5. Not be trapped.
6. Terminate not more than 6 inches (152 mm) above and not less than two times the discharge pipe diameter above the floor.
7. Not have valves or tee fittings.
8. Only be constructed of materials listed or materials tested, rated, and approved for such use in accordance with ASME A112.4.1.

SECTION 7: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.602.1, Heating Facilities be and is hereby amended to read as follows:

602.1 Heating Facilities required. Heating facilities shall be provided in structures as required by this section. ~~The installation of one or more portable space heaters shall not be used to achieve compliance with this section.~~

SECTION 8: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.603.4, Safety controls be and is hereby amended to read as follows:

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation. An approved safety switch must be installed and maintained for ~~every heating appliance utilizing fuel gas or fuel oil, all furnaces and boilers.~~ The switch must be ~~readily~~ easily accessible, properly labeled and ~~installed in an approved location remote from the heating appliance located as remote as possible from the heating appliance.~~ The switch must be installed in accordance with ~~access and reach requirements noted in section 605.5.~~

SECTION 9: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.603.5.1, Prohibited locations be and is hereby added as follows:

603.5.1 Prohibited locations. Any apparatus or device that utilizes a fuel or raw material to produce light, heat, power, refrigeration, or air conditioning shall not be located in

sleeping rooms, bathrooms, toilet rooms, storage closets or surgical rooms, or in a space that opens only into such rooms or spaces.

Exception: Where approved by the Code Official

SECTION 10: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.604.3.1, Receptacles over heaters be and is hereby added as follows:

604.3.1 Receptacles over heaters. A receptacle shall not be above the element of an electric baseboard heater.

SECTION 11: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.604.3.2, Non-grounding receptacles be and is hereby added as follows:

604.3.2 Non-grounding receptacles. A non-grounding-type receptacle shall be marked "No Equipment Ground."

SECTION 12: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.604.4, Access to occupants be and is hereby added as follows:

604.4 Access to occupants. Each occupant shall have ready access to the occupant's overcurrent devices, branch circuits, panel boxes, and service disconnect means supplying that occupancy.

Exception: Where approved by the Code Official

SECTION 13: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.605.1, Installation be and is hereby amended to read as follows:

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings. All cooking appliances shall be installed in accordance with their listing, the manufacturer's instructions, and UL 858.

SECTION 14: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.605.2, Receptacles be and is hereby amended to read as follows:

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every bathroom and toilet room shall contain at least one ground fault circuit-interrupter protected receptacle. Every kitchen shall contain at least one receptacle outlet by the countertop for general use, receptacles dedicated for food preparation equipment shall not meet this requirement. Every laundry area shall contain at least one grounded receptacle or a receptacle with a ground fault circuit interrupter.

SECTION 15: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.605.4, Lighting fixtures be and is hereby amended to read as follows:

605.4 Lighting fixtures required. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

Exception: One or more receptacles controlled by a wall switch shall be permitted in lieu of lighting fixtures in habitable rooms.

SECTION 16: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.605.4.1, Lighting fixtures be and is hereby amended to read as follows:

605.4.1 Lighting fixtures maintenance. Every lighting fixture must be maintained in sound condition and good repair. Fixtures designed to be fitted with globes or shields must have such components properly attached, clean and in good repair.

SECTION 17: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.605.25, Switch access be and is hereby amended to read as follows:

605.5 Switch Access. All switches or circuit breakers shall be located to allow operation from a readily accessible location. Such devices shall be installed so that the center of the grip of the operating handle of the switch, when in its highest position, will not be more than 6 feet 7 inches above the floor. **Where the stairway between floor levels has six risers or more, a three-way wall switch must be located at each floor level to control the stairway walking path.**

SECTION 18: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.106.4, Penalty be and the table of Municipal Infraction Fines is hereby amended for the following line items, all other line items to remain as previously adopted, to read as follows:

Municipal Infraction Fines

Code Section	Title	Fines
Section 304		
Exterior Structure		
304.12	Handrails and Guards	200.00
Section 305		
Interior Structure		

305.5	Handrails and Guards	200.00
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**Section 306
Handrails and Guardrails**

306.1	General Handrails	200.00
306.2	Handrail Grip-size	200.00
306.3	Handrail Clearance	200.00
306.4	Guardrails	200.00
306.5	Guardrail Opening Limitations	200.00

**Section 404
Occupancy Limitations**

404.7.1	Countertop minimum size	200.00
404.7.2	Countertop minimum dimensions	200.00
404.7.3	Countertop height	200.00

**Section 505
Water System**

505.4.1	Relief valve approval	500.00
505.4.2	Requirements for discharge piping	500.00

**Section 603
Mechanical Equipment**

603.5.1	Prohibited locations	500.00
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**Section 604
Electrical Facilities**

604.3.1	Receptacles over heaters	500.00
604.3.2	Non-grounding receptacles	500.00
604.4	Access to occupants	500.00

**Section 605
Electrical Equipment**

605.4	Lighting Fixtures required	200.00
605.4.1	Lighting Fixtures maintenance	200.00

SECTION 19: Chapter 64 of the Code of the City of Hagerstown, Section 64-8.111.2, Appeals Board be and is hereby amended to read as follows:

111.2 Appeals Board. Any reference to a Board of Appeals in this code shall be construed to mean the City of Hagerstown Board of ~~Technical~~ **Code** Appeals as established by the City Code, Chapter 10, Article XIV.

This Board shall administer the appeal process in accordance with the City Code, Chapter 10, Article XIV.

SECTION 20: Effective date. This Ordinance shall become effective immediately upon the effective date of this enacting Ordinance.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED THAT that this enacting Ordinance shall become effective upon 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

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Tax Sale Properties -- *Paul Fulk, Neighborhood Services Manager*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Tax_Sale_Properties.pdf

Description

TAX SALE PROPERTIES
MEMO



CITY OF HAGERSTOWN, MARYLAND

Planning & Code Administration Department

One East Franklin Street • Hagerstown, MD 21740

E-mail: codecompliance@hagerstownmd.org

Telephone: 301-739-8577, ext. 103 • Website: www.hagerstownmd.org

MEMORANDUM

TO: Scott Nicewarner, City Administrator

FROM: Paul W. Fulk, Neighborhood Services Manager 

DATE: September 27, 2023

SUBJECT: Tax Sale Properties

Staff will be present at the October 3rd Mayor and City Council work session to discuss next steps for the tax delinquent properties withheld or not purchased at the Tax Sale held on June 6th by Washington County Treasurer's Office.

Staff worked with the Washington County Treasurer's Office to determine the outstanding taxes owed to Washington County and Maryland. Staff will be present at a future Board of County Commissioners meeting to request a waiver of the Washington County taxes owed. The City's request to the County Commissions will be \$142,064.77 for the 25 parcels identified for acquisition through the state law and City Code Chapter 224 as discussed on July 18th. The City will waive the \$972,291.34 owed in City taxes and liens on the 25 parcels.

The waiver request of the County is to reduce the overall costs to the City of Hagerstown for acquiring the parcels identified. The taxes owed to the State of Maryland cannot be waived. The next step would be either prepare the properties for transfer or direct transfer to new tax payers.

Attachments

- 2023 All Taxes Owed on tax delinquent properties

C: Ann Rotz, City Attorney
Jason Morton, City Attorney

Parcel ID	Address	Hagerstown Tax Total	County Tax Total	State Tax Total
03-012638	10-12 Elizabeth St.	64,999.33	10,527.44	1,435.46
03-021645	18 Snyder Ave.	5,945.07	481.14	67.26
03-021653	20 Snyder Ave.	1,106.67	481.14	67.26
17-009397	123-125 E. Lee St.	57,953.70	16,549.80	2,264.95
17-016253	144 Mill St.	11,533.62	2,844.34	388.31
25-006054	661-663 Pennsylvania Ave.	112,844.86	13,640.21	1,866.14
03-004422	15-17 Elizabeth St.	111,532.28	11,242.15	1,447.03
03-004783	945 or 949 Armstrong Ave.	17,504.07	11,028.71	1,507.70
03-012786	913 Summit Ave.	15,242.90	5,281.64	720.67
03-029271	701 Spruce St.	8,367.82	6,617.39	902.88
17-025732	901 Mt. Aetna Rd.	6,685.13	3,086.45	422.84
17-065244	Lawton Ln.	2,358.53	1,948.14	266.56
22-005723	110 N. Cannon Ave.	41,599.54	1,901.67	259.64
22-014609	326.5 E. Franklin St.	34,537.85	5,973.35	813.78
22-015176	326 E. Franklin St.	9,412.09	4,800.09	654.10
25-000153	134 Clarkson Ave.	129,007.83	3,358.00	434.01
25-010183	Mineral Ave.	3,898.05	3,565.06	486.08
25-011449	327 Jonathan St.	40,668.09	2,576.60	344.59
25-011457	329 Jonathan St.	86,404.46	7,846.20	1,021.37
25-025121	574 Pen Mar Ave.	9,475.11	1,263.18	172.48
25-025148	572 Pen Mar Ave.	33,582.17	3,426.82	449.43
25-025628	206 Jonathan St.	22,117.26	1,756.42	239.59
25-026004	337 Jonathan St.	70,033.62	4,151.78	539.40
25-026853	335 Jonathan St.	49,261.37	12,341.96	1,658.30
25-032454	208 Jonathan St.	26,219.92	5,375.09	732.01
Totals		972,291.34	142,064.77	19,161.84

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Antietam Creek – Source Water Supply - *Nancy Hausrath, Director of Utilities*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Description

ANTIETAM_CREEK_SOURCE_WATER_SUPPLY_09282023.docx

ANTIETAM CREEK
ALTERNATE
SOURCE WATER
SUPPLY



CITY OF HAGERSTOWN, MARYLAND

Utilities Department

1 Clean Water Circle • Hagerstown, MD 21740

Telephone: 301-739-8577, ext. 650

Website: www.hagerstownmd.org

September 28, 2023

To: Scott Nicewarner, City Administrator
From: Nancy Hausrath, Director of Utilities
Subject: Antietam Creek – Source Water Supply
Action: Discussion

Staff was approached in March 2023 by the Maryland Department of Natural Resources (DNR) seeking to gather information regarding the status or any future plans for Edgemont Reservoir. DNR inquired to see if there is a willingness on behalf of the City to see the Edgemont Dam removed; and if so, DNR Fisheries Service may be interested in partnering to help locate and secure funds toward that end for the benefit of brook trout in those and adjacent waters.

Staff provided DRR with an overview of the work currently underway and the importance of having an alternate raw water source for the City's potable water system/customers.

Based on the discussion with DNR, staff reached out to MDE in June 2023 to discuss the possibility of acquiring a source water appropriation permit for the Antietam Creek and the viability of constructing a 5MGD potable water plant using the Antietam Creek as a source.

MDE is on-board with and has provided guidance to staff on what would be required to include:

1. Evaluation of flow data for the Antietam between 1948 and 2023 to include drought year data and identification of existing intakes
2. Existing uses of the Antietam Creek (upstream and downstream)
3. Aquatic and recreation impacts
4. Total Maximum Daily Loads (TMDLs) for the Antietam Creek
5. Collection and evaluation of water quality data (IOCs, SOC, VOCs, PFAs, etc.)
6. Studies required include Water Supply, Intake Siting, Treatability, Wastewater Treatment Plant Impact, Water Distribution, Source Feasibility Study, etc.

Currently, the appropriation for Edgemont is 0.75MGD with a Max Month of 4.5MGD. Withdraw at Edgemont is based on stream base flow. Our conversations with MDE regarding the Antietam are for average day 5MGD (we have not determined the Max Month).

At this time, the preliminary works is encouraging – the Antietam Creek should provide a more reliable alternate source for the City of Hagerstown. The anticipated location for the intake is upstream of the wastewater treatment plant.

The location of the plant will be determined once the intake location is finalized. An evaluation of the water distribution system will be required to determine reconfiguration of the base zone and zone 5 to help address pressure and volume concerns in this region. The reconfiguration of the water distribution system will also help address possible water quality requirements associated with the Disinfectant By-Product Rule (disinfectant residual).

Recommendation:

Staff is requesting authorization to continue discussions with DNR for the removal of Edgemont and the required stream restoration on Warner Hollow and Raven Rock.

Staff is requesting authorization to amend the existing contract with Hazen and Sawyer for the Edgemont Reservoir to complete the evaluation on the Antietam Creek as a new raw water source.

Should this project move forward, staff will request authorization to amend our contract with Black and Veatch to evaluate the wastewater impacts should a source water supply be sited on the Antietam (upstream of the wastewater outfall).

Once proposals are received from Hazen and Sawyer and Black and Veatch, staff will prepare the consent agenda forms for Mayor and Council approval.