



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Second Reader

**File created:** 1/2/2024      **In control:** City Council

**On agenda:** 3/11/2024      **Final action:** 3/11/2024

**Title:** City Building Code Updates - For the purpose of adapting the City building codes to Code of Maryland Regulations (COMAR), Maryland statutes, and Maryland state building requirements and recommendations; integrating the model codes into City Code; modifying state and national recommendations to best fit the local needs of Annapolis; and generally dealing with City Code updates for building and construction.

**Sponsors:** Brooks Schandelmeier

**Indexes:** Economic Matters Committee

**Code sections:**

**Attachments:** 1. O-1-24 First Reader, 2. O-1-24 Legislative Summary, 3. O-1-24 Staff Report, 4. O-1-24 Fiscal Impact Note, 5. O-1-24 Signed (color), 6. O-1-24 Signed (b&w)

Date	Ver.	Action By	Action	Result
3/11/2024	1	City Council	adopt on second reader	Pass
3/11/2024	1	City Council	adopt on third reader	Pass
2/21/2024	1	Economic Matters Committee	recommend favorably	Pass
1/8/2024	1	City Council	adopt on first reader	Pass
1/8/2024	1	City Council	refer	

**City Building Code Updates** - For the purpose of adapting the City building codes to Code of Maryland Regulations (COMAR), Maryland statutes, and Maryland state building requirements and recommendations; integrating the model codes into City Code; modifying state and national recommendations to best fit the local needs of Annapolis; and generally dealing with City Code updates for building and construction.

**CITY COUNCIL OF THE**

# City of Annapolis

## Ordinance 1-24

**Introduced by: Alderman Schandelmeier**

**Co-sponsored by:**

**Referred to:**

Economic Matters Committee

**AN ORDINANCE** concerning

## City Building Code Updates

**FOR** the purpose of adapting the City building codes to Code of Maryland Regulations (COMAR), Maryland statutes, and Maryland state building requirements and recommendations; integrating the model codes into City Code; modifying state and national recommendations to best fit the local needs of Annapolis; and generally dealing with City Code updates for building and construction.

**BY** repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2023 Edition:

**17.12.010**  
**17.12.018**  
**17.12.021**  
**17.12.024**  
**17.12.040**  
**17.18.020**  
**17.24.040**  
**17.24.250**  
**17.28.020**  
**17.28.040**  
**17.40.265**

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

### Title 17 - BUILDINGS AND CONSTRUCTION

#### Chapter 17.12 - Additional Building Codes

##### 17.12.010 International Building Code adopted.

A. The International Building Code, 2018 **2021** Edition, as published by the International Code Council, Inc., is adopted as the Building Code of the City of Annapolis with the following amendments:

1. Section 101.1 of the International Building Code is amended to insert "City of Annapolis" in the space indicated.
2. Sections 103.1, 103.2, 103.3 of the International Building Code adopted in Section 17.12.010 are deleted and the following is substituted:

##### Section 103 Administration.

103.1 General. The Department of Planning and Zoning is responsible for the administration and enforcement of this code. The director of the Department, or the director's designee, shall be the Building Official referred to in this code.

3. Strike Section 105.2 of the International Building Code adopted in Section 17.12.010 and substitute with the following:

105.2 Work exempt from permit. All work shall require a permit(s), except as may be exempted by Section 17.12.022(A) **05.020**.

4. In Table 504.4, for Construction Types III, IV, and V, ~~both Groups A and B~~ **A, B, C and HT** (other than

detached accessory or uninhabitable structures), add the following footnotes (I-K):

- I. Automatic fire sprinkler systems shall be installed and maintained in accordance with National Fire Protection Association (NFPA) Standard 13, 13D, or 13R as referenced by the State of Maryland Fire Prevention Code, promulgated by the State Fire Prevention Commission and adopted from time to time under the authority of State law.
  - J. In all existing uses when an attic space has been previously altered or when an attic space is to be altered for occupiable or habitable space, the attic floor shall be considered a story. The attic shall be considered a story when the attic has a fixed stair down to the story below.
  - K. Any existing building that is altered shall not exceed the height and area limitations for new buildings specified in ~~Table 504.4~~ [Section 504 and 506](#) unless approved otherwise by the Code Official.
5. Insert the following footnote to Table 601, Fire Resistance Ratings Requirements for Building Elements:
- g. [h](#) Unless otherwise approved by the Code Official, for all types of construction, including new construction and existing structures that are altered, and which are not subject to the installation of or upgrades to fire sprinkler systems in accordance with the provisions of Chapter 17.20 of this title, provide a minimum of one hour tenant separation for walls, from foundation to underside of roof sheathing and for ceilings that have a floor assembly over.
6. Add the following footnotes to Table ~~602~~ [705.5](#):
- j. The table also applies to all existing uses that are proposed to be altered.
  - k. Where a discrepancy exists or where the required fire separation distance is not provided, the Code Official may require that a certified site drawing be submitted indicating the correct distance.
  - l. For clarification - the fire separation distance is measured from the wall opening to the abutting property line.
7. Strike Section 903.1 and substitute the following: "Automatic sprinkler systems shall comply with this Section and Chapter 17.20 of the Code of the City of Annapolis."
8. At the end of Section 1101.1, after "~~disabled persons~~ [disabilities](#).", insert "All existing buildings or facilities that are to be altered shall follow the requirements set forth by the U.S. Architectural and Transportation Barriers Compliance Board, MD Accessibility Code, and the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities. The required ADAAG form shall be submitted at the time of permit submission identifying the applicant's assessment of the required Americans with Disabilities Act (ADA) upgrades."
9. In Section 905.2, after "NFPA 14." insert "Standpipe systems, subject to the approval of the Fire Department, may be of the dry type without a permanent water supply."
10. Strike Section 3107.1. and substitute the following: "Signs shall comply with Chapter 17.60 of the Code of the City of Annapolis."
11. In Section 3305.1, delete the reference to "International Plumbing Code" and substitute "Chapter 17.28, Plumbing Code of the City of Annapolis."
12. Strike Section 115.3 [4](#) Unlawful Continuance and substitute the following:

Section 115.3 ~~4~~ Unlawful Continuance. A person who ignores, defaces or removes a stop work order, unsafe order or an unfit order issued by the Code Official is guilty of a municipal infraction and is subject to a fine as established by the City Council. All fines must be paid in full before the order will be lifted and any work can continue.

13. Strike Section 202 - "Building Official" and substitute the following:

Building Official. The Director of the Department of Planning and Zoning or the Director's designee.

#### **17.12.018 International Energy Conservation Code adopted.**

- A. Adoption. The International Energy Conservation Code, 2018 ~~2023~~ Edition, as published by the International Code Council, Inc., is adopted as the Energy Code of the City of Annapolis for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the building envelope, mechanical systems, and lighting and power systems in the City.
- B. Inconsistencies. In the event of any inconsistencies between the provisions of the Energy Code and the City Code, the more stringent shall govern. The Code Official has the authority to act on any matters when there is a discrepancy or when the codes are silent. A copy of the International Energy Conservation Code is on file in the Department of Planning and Zoning.

#### **17.12.020 International Residential Code adopted.**

- A. The International Residential Code, 2018 ~~2021~~ Edition, as published by the International Code Council, Inc., is adopted as the Residential Code of the City of Annapolis with the following amendments:

#### **17.12.021 International Swimming Pool and Spa Code adopted.**

- A. Adoption. The International Swimming Pool and Spa Code, 2018 ~~2021~~ Edition, as published by the International Code Council, Inc., is adopted as the Swimming Pool and Spa Code of the City of Annapolis with the following amendments:

1. Section [A]101.1 of the International Swimming Pool and Spa Code is amended to insert "City of Annapolis" in the space indicated.
2. Section 103 of the International Swimming Pool and Spa Code adopted in Section 17.12.021 is deleted and the following is substituted:

Section 103 Administration.

103.1 General. The Department of Planning and Zoning is responsible for the administration and enforcement of this code. The director of the Department, or the director's designee, shall be the Building Official referred to in this code.

3. Strike section 105 of the International Swimming Pool and Spa Code adopted in Section 17.12.021 and substitute with the following:

105.1 Work exempt from permit. All work shall require a permit(s), except as may be exempted by Section ~~17.12.023~~ ~~05.020~~.

4. Strike sections ~~107~~ ~~111~~ and ~~108~~ ~~112~~ of the International Swimming Pool and Spa Code adopted in

Section 17.12.021.

**17.12.024 International Existing Building Code adopted.**

The International Existing Building Code, 2018 2021 Edition, as published by the International Code Council, Inc., is adopted as the Existing Building Code of the City of Annapolis.

**Title 17 - BUILDINGS AND CONSTRUCTION**

**Chapter 17.14 - Green Buildings: Energy Efficiency and Environmental Design**

**17.14.040 Standards and requirements.**

- C. Any new construction of or major modification to five or more single family or attached homes on one lot or as a subdivision, and any single family home in excess of three thousand two hundred fifty square feet in size, must achieve:
3. A bronze-level rating in the National Green Building Standard (NGBS) ICC 700-2015 2020 as verified by the Director or a qualified person approved by the Director; or
  4. Energy and environmental design standards that the Director identifies as equivalent to a certified-level rating in the appropriate LEED rating system or a bronze-level rating in the NGBS IC 700-2015 2020, as verified by the Director or a qualified person approved by the Director.

**Title 17 - BUILDINGS AND CONSTRUCTION**

**Chapter 17.18 - Mechanical Code**

**17.18.020 International Mechanical Code-Adopted.**

The 2018 2021 International Mechanical Code published by the International Code Council, Inc., a copy of which is on file in the Department of Planning and Zoning, is adopted as the Mechanical Code for the City of Annapolis with the following amendment:

~~In Section 603.18 at end of paragraph after "instructions."~~ add **Add** the following 603.18.3: "All registers, grills and diffusers installed in suspended ceilings shall be provided with independent suspension to ensure that the register, grill, or diffuser will not drop more than three inches when the framing members no longer provide support. The minimum support wire shall meet or exceed 12# S.W.G. firmly secured to the register, grill, or diffuser and the building structure."

**Title 17 - BUILDINGS AND CONSTRUCTION**

**Chapter 17.24 - Gas Code**

### **17.24.040 NFPA standards adopted.**

NFPA 54/ANSIZ 223.1, National Fuel Gas Code, 2018 2021 Edition, and NFPA 58, Liquefied Petroleum Gas Code, 2017 2020 Edition, as published by the National Fire Protection Association, copies of which are on file in the Department of Planning and Zoning, are adopted as the Code for the Installation of Fuel Gas Piping Systems, Fuel Gas Utilization Equipment, and Related Accessories for the City of Annapolis with the following amendment:

### **~~17.24.250 Plumbing Board duties.~~**

~~The Plumbing Board shall:~~

- ~~A. Hear all complaints regarding violations of this chapter and especially all complaints regarding the pursuit of the trade of gasfitting and advise the Director or his or her designee of the findings and recommendations;~~
- ~~B. Advise the City Council on the adoption of rules and regulations designed to govern the conduct of the gasfitting trade;~~
- ~~C. Advise the Director or his or her designee on the issuance of gasfitter's licenses, and in connection with this function, ascertain that each applicant holds a current County gasfitter's license equal to the City license being applied for;~~
- ~~D. Advise and assist the Director or his or her designee in the making of rules and regulations, approval of materials, interpretations of the Gas Code, and make recommendations from time to time for revisions of the Gas Code.~~

## **Title 17 - BUILDINGS AND CONSTRUCTION**

### **Chapter 17.28 - Plumbing Code**

### **17.28.020 International Plumbing Code-Adopted.**

The International Plumbing Code, 2018 2021 Edition, as published by the International Code Council, Inc., a copy of which is on file in the Department of Planning and Zoning, is hereby adopted as the Plumbing Code of the City of Annapolis with the following amendments:

### **17.28.040 Conflicting provisions.**

In the event of any inconsistencies between the provisions of the International Plumbing Code, 2018 2021 Edition and the City Code, the more stringent shall govern.

## **Title 17 - BUILDINGS AND CONSTRUCTION**

### **Chapter 17.40 - Residential Property Maintenance Code**

### **17.40.265 Property Maintenance Code.**

A. The International Property Maintenance Code, 2018 ~~2018~~ 2021 Edition, as published by the International Code Council, Inc., a copy of which is on file in the Department of Planning and Zoning, is adopted as the Property Maintenance Code of the City of Annapolis in the State of Maryland for the control of buildings and structures with the following amendments

1. In Section 101.1 for "[NAME OF JURISDICTION]" insert "City of Annapolis"
2. ~~In Section 103.5 for "[APPROPRIATE SCHEDULE]" insert "Fees established by resolution of the City Council"~~ Strike section 103.1 and insert: The director of Planning and Zoning shall be known as the code official in this code.
3. In Section 304.14 for "[DATES IN TWO LOCATIONS]" insert "April 15th - October 31st"
4. In Section 602.3 for "[DATES IN TWO LOCATIONS]" insert "April 15th - October 31st"
5. In Section 602.4 for "[DATES IN TWO LOCATIONS]" insert "April 15th - October 31st"
6. Strike the entire Section 404.5 Overcrowding and substitute Section 17.40.460 of the Code of the City of Annapolis.
7. In Section 308, add the following subsection to read as follows:

308.4 City Requirements. Compliance with Chapter 10.16 of the Code of the City of Annapolis shall also be required. Where there is a conflict between the provisions of this section and the Code of the City of Annapolis, the Code of the City of Annapolis shall take precedence.

B. In the event of any inconsistencies between the provisions of the International Property Maintenance Code and the City Code, the more stringent shall govern.

Appendix A - Boarding standard shall be adopted as the City of Annapolis standard.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect upon passage.