

CITY OF HAGERSTOWN, MARYLAND

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HAGERSTOWN, BY REPEALING CHAPTER 64 *BUILDING CONSTRUCTION*, ARTICLE VI THEREOF, *MECHANICAL STANDARDS*, AND REPLACING IT WITH A REVISED AND UPDATED ARTICLE VI *MECHANICAL STANDARDS*, WHICH PROVIDES FOR MECHANICAL STANDARDS AND REQUIREMENTS, LICENSING REQUIREMENTS AND PENALTIES FOR A VIOLATION THEREOF

RECITALS

WHEREAS, the City of Hagerstown has previously adopted mechanical standards in Chapter 64, Article VI of the Code of the City of Hagerstown (“Mechanical Standards”); and

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

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

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

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

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

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

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

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


(See Attached)

SECTION 3. Effective Date. This amendment to the Code of the City of Hagerstown shall become effective immediately upon the effective date of this Enacting Ordinance.

0-23-26

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

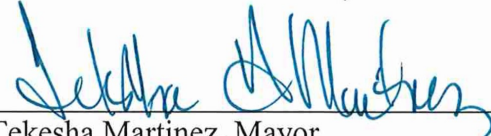
WITNESS AND ATTEST
AS TO CORPORATE SEAL



Donna K. Spickler, City Clerk

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

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND



Tekesha Martinez, Mayor

PREPARED BY:
SALVATORE & MORTON, LLC
CITY ATTORNEYS

0-23-26

Chapter 64, Article VI, *Mechanical Standards*
Applicable through December 31, 2023

ARTICLE VI

Mechanical Standards

§ 64-25. Adoption of standards by reference.

A certain code known as the *International Mechanical Code*, 2018 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*, 2018 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.

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 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.

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102.8.2 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.

102.8.3 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.

102.8.4 Existing building. Any reference to the *International Existing Building Code (IEBC)* shall mean the *Maryland Building Rehabilitation Code (COMAR 05.16)*, as may be amended or restated from time to time.

102.8.5 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.

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

102.8.7 Gas. Any reference to the *International Fuel Gas Code (IFGC)* shall mean 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.

102.8.8 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 05.02.07)*, as may be amended from time to time.

102.8.9 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.

102.8.10 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.

102.8.11 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 05.02.02)*, as may be amended or restated from time to time.

102.8.12 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.

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

102.8.14 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.

5. Section 103.1, General, is amended to read as follows:

103.1 General. 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, 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 106.4.8 is hereby deleted in its entirety.

12. Section 106.5.2, Fee schedule, is amended to read as follows:

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

13. Section 106.5.3, Fee refunds, is amended to read as follows:

106.5.3 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.
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 106.5.4 is added as follows:

106.5.4 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 in the fee schedule.

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15. Section 107.2, Required inspections and testing, is amended to add the ceiling close-in inspection requirement as follows:

107.2 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 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.
- b. **Rough-in inspection** shall be made after the roof, framing, fireblocking 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.
- c. **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.
- d. **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.]

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16. Section 108.4, Violation penalties, is amended to read as follows:

108.4 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.

17. Section 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 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).

18. Section 108.8 is added as follows:

108.8 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.

19. Section 109.1, Application for appeal, is amended to read as follows:

109.1 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.

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20. Section 109.2, Membership of board, is amended to read as follows:

109.2 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 109.2.1 through 109.7 are hereby deleted in their entirety.

22. 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. Repairs of a damaged heat exchanger shall not be permitted without specific approval of the code official.

23. 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, within reach, properly labeled, and installed in a location remote from the heating appliance nearest the point of entrance to the space being served.

24. 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 is not required for service.

25. 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 building, and
 - b) The code official deems the installation of a continuous duct to the outside as unreasonable.

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26. Section 504.8.2, Duct installation, is amended to read as follows:

504.8.2 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.

27. Section 504.8.4.1, Specified length, is amended to read as follows:

504.8.4.1 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 504.8.4.1.

28. Section 505.1, Domestic systems, is amended to read as follows:

505.1 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 air tight and equipped with a backdraft damper.

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 building, and
2. The code official deems the installation of a continuous duct to the outside as unreasonable.

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.

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29. 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.

30. 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*, 2018 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)

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0-23-26

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.

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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 Fire Prevention Code* (Chapter 98 of the Code of the City of Hagerstown), 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.

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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.

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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.

Intentionally blank

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, 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.
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.

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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.

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

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.

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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. 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.

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 not be required for service as determined by the code official.

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, 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.

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27. Section 505.3, Exhaust ducts, is amended to read as follows:

505.3 Exhaust ducts. 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, 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)

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