

Title 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 02 BUILDING AND MATERIAL CODES

Chapter 07 Maryland Building Performance Standards

(Effective: September 20, 2004)

Authority: Article 83B; Public Safety Article §§12-501—12-507; Annotated Code of Maryland

.01 Title.

This chapter shall be known and may be cited as the Maryland Building Performance Standards Regulations.

.02 Purpose and Scope.

The purpose of this chapter is to adopt the International Building Code (IBC) and International Residential Code (IRC), as may be modified by the Department, as the Maryland Building Performance Standards, which will provide reasonable protection to the public against hazards to life, health, and property, and to establish the policies and procedures associated with the operation of a data base that contains the Standards, the local amendments, and other related information.

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Building" has the meaning and interpretation set forth in the International Building Code.

(2) "Codes Administration" means the Maryland Codes Administration, an administration within the Department.

(3) "County" means any of the 23 counties of the State and the Mayor and City Council of Baltimore.

(4) "Department" means the Department of Housing and Community Development of Maryland.

(5) "IBC" means the International Building Code, as incorporated by reference in this chapter.

(6) "ICC" means the organization known as the International Code Council.

(7) "Local amendment" means:

(a) An amendment to the Standards that has been adopted by a local jurisdiction in accordance with applicable local laws and regulations; and

(b) A copy of the amendment has been provided to the Department for inclusion in the data base within the following time period:

(i) At least 15 days before the effective date of the amendment, or

(ii) In the case of an emergency adoption of an amendment, within 5 days of the emergency amendment's adoption.

(8) "Local jurisdiction" means the county or municipality responsible for implementation and enforcement of the Maryland Building Performance Standards.

(9) "MBPS" or "Standards" means the Maryland Building Performance Standards established by these regulations.

(10) "Municipality" means a municipal corporation subject to the provisions of Article XI-E of the State Constitution.

(11) "Person" means an individual, corporation, partnership, association, or any other legal entity authorized to do business in the State.

(12) "Structure" has the meaning and interpretation set forth in the IBC.

.04 Incorporation by Reference.

A. The 2003 International Building Code, with the modifications found in §B of this regulation, is incorporated by reference under COMAR 05.02.01.02-1B(1).

B. Modifications to the 2003 International Building Code.

(1) Chapter 1. Add note to Chapter 1 of the IBC: Local jurisdictions are responsible for the implementation and enforcement of the Maryland Building Performance Standards. Refer to each local jurisdiction for local amendments to Chapter 1 of the IBC. Each local jurisdiction having authority shall establish, on or before the application date in Regulation

.06 of this chapter, implementation and enforcement procedures that include:

- (a) Review and acceptance of appropriate plans;
- (b) Issuance of building permits;
- (c) Inspection of the work authorized by the building permits; and
- (d) Issuance of use and occupancy certificates.

(2) Chapter 1. Delete Exception 2 in the Section 101.2 (~~402.2~~) Scope and replace with the following:

Exceptions: 2. Existing buildings undergoing repair, alterations or additions, and change of occupancy shall comply with the Maryland Building Rehabilitation Code set forth in COMAR 05.16.01—08.

(3) Chapter 1. Delete the Section 101.2.1 Appendices and replace with the following:

101.2.1 Appendices: Provisions in Appendix C, GROUP U—Agricultural Buildings; Appendix F, Rodent Proofing; Appendix G, Flood Resistant Construction; Appendix H, Sign; and Appendix I, Patio Covers, are adopted as part of the IBC. Provisions in Appendix A, Employee Qualifications; Appendix B, Board of Appeals; Appendix D, Fire Districts; Appendix E, Supplementary Accessibility Requirements; and Appendix J, Grading, do not apply unless specifically adopted by authorities having jurisdiction.

(4) Chapter 5. Delete the first paragraph of Section 504.2 Automatic sprinkler systems, and replace with the following:

504.2 Automatic sprinkler increase. For buildings protected throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, the value specified in Table 503 for maximum height is increased by 20 feet (6096 mm), and the maximum number of stories is increased by one story. These increases are permitted in addition to an area increase in accordance with Sections 506.2 and 506.3. When the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.2 for Groups R-1, R-2, and R-4, and in accordance with Section 903.3.1.3 for Group R-3, the building height limitations specified in Table 503 are increased one story and 20 feet (6096 mm) but may not exceed a height of four

stories and 60 feet (18288 mm) above the grade plane. These increases are permitted in addition to the area increase.

(5) Chapter 7. Add the following new exception in Section 705.6 Vertical continuity:

6. 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:

6.1 The roof sheathing or deck is constructed of approved noncombustible materials or of fire-retardant-treated wood for a distance of 4 feet (1220 mm) on both sides of the wall, or

6.2 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

6.3 All of the following:

6.3.1 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 sides of the roof framing members, for a minimum distance of 4 feet (1220 mm) on both sides of the fire wall, and

6.3.2 Openings in the roof are not located within 4 feet (1220 mm) of the fire wall, and

6.3.3 The roof is covered with a minimum Class C roof covering.

(6) Chapter 9. Add note to Section 901.1 Scope Fire protection system requirements of Chapter 9 may be concurrently covered in the State Fire Prevention Code, Public Safety Article, §§6-101—6-202, Annotated Code of Maryland, and COMAR 29.06.01. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official.

(7) Chapter 10.

(a) Delete Exception 5 and 6 in Section 1009.3, and replace with the following:

Exception: 5 In occupancies in Group R-3, as applicable in Section 101.2, within dwelling units in occupancies in Group R-2, as applicable in Section 101.2, and in occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, the maximum riser height shall be 8.25 inches (210 mm) and the minimum tread depth shall be 9 inches (229 mm), the minimum winder tread depth at the walk line shall be 9 inches (229 mm), and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm).

Exception: 6 See the Maryland Building Rehabilitation Code set forth in COMAR 05.16.01—08 for the replacement of existing stairways.

(b) Add new exception to Section 1009.11.3 as follows: Exception: For occupancies in Group R-3 as applicable in Section 101.2 and within dwelling units in occupancies Group R-2 as applicable in Section 101.2, the grip portion of handrails shall have a circular cross section of 1.25 inches (32 mm) minimum to 2.625 inches (66.7 mm) maximum. Other shapes that provide an equivalent grasping surface are permissible. Edges shall have a minimum radius of 0.125 inch (3.2 mm).

(c) Add note to Section 1001.1 General: Means of egress requirements of Chapter 10 may be concurrently covered in the State Fire Prevention Code, Public Safety Article, §§6-101—6-602, Annotated Code of Maryland, and COMAR 29.06.01. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official.

(8) Chapter 11. Chapter 11 of the IBC related to accessibility requirements is hereby replaced with the Maryland Accessibility Code set forth in COMAR 05.02.02.

(9) Chapter 13. Add note to Section 1301.1 Scope: The requirements concerning energy conservation for buildings and structures are governed by Energy Conservation Building Standards, Public Utility Companies Article, §§7-401—7-408, Annotated Code of Maryland, as amended. In the event of a conflict between the Annotated Code of Maryland and the IBC, the requirements of the Public Utility Companies Article, §§7-401—7-408, Annotated Code of Maryland, prevail.

(10) The requirements for safety glazing set forth in Article 83B, §§6-301—6-306, Annotated Code of Maryland, are in addition to Chapter 24,

Section 2406 of the IBC related to safety glazing. In the event of a conflict between Chapter 24 of the IBC and the Annotated Code of Maryland, the requirements of the Annotated Code of Maryland prevail.

(11) Chapter 27, ELECTRICAL. Add note to Section 2701.1 Scope: The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards. For the applicable electrical requirements, refer to the local electrical code and the National Electrical Code as adopted and enforced by the State Fire Marshal, authorized fire officials, or building officials pursuant to the provisions of Article 38A, §§3 and 58—66, Annotated Code of Maryland.

(12) Chapter 28. MECHANICAL SYSTEMS. Add note to Section 2801.1 Scope: The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning the mechanical systems, refer to the local mechanical code and the mechanical code adopted pursuant to the provision of Business Regulation Article, §9A-205, Annotated Code of Maryland.

(13) Chapter 29. PLUMBING SYSTEMS. Add note to Section 2901.1 Scope: The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning the plumbing systems, refer to the local plumbing code and the plumbing code adopted pursuant to the provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

(14) Chapter 30. The provisions of Chapter 30 of the IBC relate to elevators and conveying systems and are in addition to and not instead of the requirements set forth in Article 89, §49B, Annotated Code of Maryland. In the event of a conflict between the IBC and the Annotated Code of Maryland, the provisions of the Annotated Code of Maryland prevail.

(15) Chapter 34.

Add the following exception to section 3401.1 Scope:

Exception: Any rehabilitation work undertaken in an existing building as defined in COMAR 05.16.01.03B(22) and (36) shall comply with the requirements of Maryland Building Rehabilitation Code set forth in COMAR 05.16.01—.08.

C. The 2003 International Residential Code for One- and Two-Family Dwellings, under the following modifications, is incorporated by reference under COMAR 05.02.01.02-1B(4):

(1) Chapter 3. Delete Section R303.6.1, and replace with the following:

R303.6.1 Light activation. The control for activation of the required interior stairway lighting shall be accessible at the top and bottom of each stairway without traversing any risers. The illumination of the exterior stairways shall be controlled from inside the dwelling unit.

Exceptions:

1. Lights that are continuously illuminated or automatically controlled;
2. Interior stairways consisting of less than six risers.

(2) Chapter 3. Delete Section R310.1, and replace with the following:

R310.1 Emergency escape and rescue required. Every sleeping room shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue. If openings are provided as a means of escape and rescue they shall have a sill height of not more than 44 inches (1118 mm) above the adjacent interior standing surface. If a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the window or door opening from the inside. Escape and rescue window openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

(3) Chapter 3. Delete Section R311.5.3 Stair treads and risers, and replace with the following:

R311.5.3 Stair treads and risers.

R311.5.3.1 Riser height. The maximum riser height shall be 8-1/4 inches (210 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs may not exceed the smallest by more than 3/8 inch (9.5 mm).

R311.5.3.2 Tread depth. The minimum tread depth shall be 9 inches (229 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the treads leading edge. The greatest tread depth within any flight of stairs may not exceed the smallest by more than 3/8 inch (9.5 mm). Winder treads shall have a minimum tread depth of 9 inches (229 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the greatest winder tread depth at the 12 inch (305 mm) walk line may not exceed the smallest by more than 3/8 inch (9.5 mm).

(4) Chapter 3. Delete Exception 1 of the R311.5.3.3 Profile, and replace with the following:

1. A nosing is not required if the tread depth is a minimum of 10 inches (254 mm).

(5) FOUNDATIONS, Chapter 4, Delete the exception to Section R403.1.6—Foundation anchorage and replace with the following exceptions:

Exceptions:

1. Foundation anchor straps, spaced as required to provide equivalent anchorage to 1/2-inch-diameter (12.7 mm) anchor bolts.

2. Walls 24" total length or shorter connecting offset braced wall panels shall be anchored to the foundation panels with a minimum of one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels per figure R602.10.5 at corners.

(6) MECHANICAL. Chapter 12. MECHANICAL ADMINISTRATION. Add note to Section M1201.1 Scope: The subject matter of chapters 12 through 24 is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning the mechanical systems, refer to the local mechanical code and the mechanical code adopted pursuant to the provisions of Business Regulation Article, §9A-205, Annotated Code of Maryland.

(7) PLUMBING. Chapter 25. PLUMBING ADMINISTRATION. Add note to Section P2501.1 Scope: The subject matter of chapters 25 through 32 is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning the plumbing systems, refer to the local plumbing code and the plumbing code adopted pursuant to the provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

(8) ELECTRICAL. Chapter 33. GENERAL REQUIREMENTS. Add note to Section E3301.1 Applicability: The subject matter of chapters 33 through 42 is not within the scope of the Maryland Building Performance Standards. For the applicable electrical requirements, refer to the local electrical code and the National Electrical Code as adopted and enforced by the State Fire Marshal, authorized fire officials, or building officials pursuant to the provisions of Article 38A, §§3 and 58—66, Annotated Code of Maryland.

.05 Maryland Building Performance Standards.

A. The IBC and IRC, as modified in Regulation .04 of this chapter, shall constitute the Maryland Building Performance Standards.

B. Local Amendments.

- (1) Each local jurisdiction may by local amendment modify the provisions of the Standards to address conditions peculiar to the local jurisdiction's community.
- (2) If a local jurisdiction adopts a local amendment, the Standards as amended by the local jurisdiction shall apply in that local jurisdiction.
- (3) If a local amendment conflicts with the provisions of the Standards, the provisions of the local amendment shall prevail in the local jurisdiction.
- (4) Local amendments shall be submitted to the Department:
 - (a) At least 15 days before the effective date of the amendment; or
 - (b) In the case of an emergency adoption of a local amendment, within 5 days after the local amendment's adoption.

06 Application of the Standards.

The Standards shall apply to all buildings and structures within the State for which a building permit application is received by a local jurisdiction except a local jurisdiction may implement and enforce the Standards and any local amendments on or before the dates specified in this regulation.

.07 Utilization of Standards.

A. Central Data Base.

- (1) The Department shall establish an automated central data base which shall contain or provide a link to access the following information:
 - (a) The Standards;
 - (b) Local amendments;
 - (c) State Fire Prevention Code and amendments to the State Fire Prevention Code promulgated by the State Fire Prevention Commission, or the State Fire Prevention Commission's successor;
 - (d) The fire codes adopted by the local jurisdictions and any amendments to them;
 - (e) The electrical code required under Article 38A, §§59 and 60, Annotated Code of Maryland;
 - (f) Local amendments to the electrical code required under Article 38A, §§59 and 60, Annotated Code of Maryland;
 - (g) The energy code required under Public Utility Companies Article, §7-401, Annotated Code of Maryland;

(h) Local code provisions that are more restrictive than the energy code required under Public Utility Companies Article, §7-401, Annotated Code of Maryland;

(i) The Maryland Building Rehabilitation Code; and

(j) Local amendments to the Maryland Building Rehabilitation Code.

(2) The Department may compile and include in the central data base:

(a) Any information provided by the local jurisdiction on the implementation and interpretation of the Standards by the local jurisdiction;

(b) Interim amendments to the IBC and IRC, including subsequent printing of the most recent edition; and

(c) Any other information the Department determines is relevant to the construction or rehabilitation of buildings and structures in the State.

(3) Software.

(a) The Department shall be responsible for the development and distribution among the local jurisdictions of software related to the operation of the central data base.

(b) Any software developed by or on behalf of the Department shall be owned by the Department, or the developer of the software.

(c) Neither the local jurisdiction nor any other user acquires any proprietary right in any of the ICC copyrighted material or ICC trademark contained in the software.

B. Voluntary Dispute Resolution.

(1) Upon the written request of a local jurisdiction and any person aggrieved by the Standards or any local amendments to them, the Codes Administration shall conduct an informal mediation or conciliation with the local jurisdiction and any person aggrieved by the Standards or any local amendments to them.

(2) The aggrieved person and the local jurisdiction shall each submit to the Codes Administration a written statement of the dispute and include any related material either party feels is appropriate. In addition to the written statement, either party may request a meeting with the other party and the Codes Administration to discuss the dispute.

(3) Within the latter to occur of 30 days of receipt of both statements of the disputed and any related material, or 30 days after a meeting conducted in accordance with §B(2) of this regulation, the Director of the Codes Administration shall issue a decision on behalf of the Department regarding resolution of the dispute.

(4) Within 15 days of the date of the decision of the Director of the Codes Administration, either party may appeal to the Secretary of the Department or the

Secretary's designee, in writing. The Secretary of the Department or the Secretary's designee shall respond to the appeal within 15 days of receipt of the appeal.

(5) Neither a decision by the Codes Administration nor the Department under §B(3) or (4) of this regulation shall constitute a contested case proceeding under the Maryland Administrative Procedure Act and is not subject to the provisions of COMAR 05.01.01.

08 Enforcement of the Standards.

Enforcement of the Standards shall be the responsibility of the local jurisdiction in which the building or structure is located.

.09 Enforcement of State Fire Code Requirements.

There is a State Fire Code, Article 38A, §§3—67, Annotated Code of Maryland, and COMAR 29.06.01, which requires enforcement of the Fire Code by the State Fire Marshal or authorized fire official.

Administrative History

Effective date:

Regulations .01—.09 adopted as an emergency provision effective January 13, 1995 (22:3 Md. R. 148); adopted permanently effective June 5, 1995 (22:11 Md. R. 818)

Regulation .02 amended effective March 15, 2001 (28:5 Md. R. 548); September 30, 2004 (31:6 Md. R. 507)

Regulation .03B amended effective April 7, 1997 (24:7 Md. R. 552); March 15, 2001 (28:5 Md. R. 548); September 30, 2004 (31:6 Md. R. 507)

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Regulation .09 amended effective April 7, 1997 (24:7 Md. R. 552)