

ORDINANCE NO. 3722

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND ENTITLED "AN ORDINANCE TO REPEAL AND REEACT WITH AMENDMENTS SECTION 5-26 OF THE CODE OF THE CITY OF CUMBERLAND FOR THE PURPOSE OF IMPLEMENTING AND ENFORCING THE MARYLAND BUILDING PERFORMANCE STANDARDS WITH STATE MODIFICATIONS AND LOCAL AMENDMENTS."

WHEREAS, Section 12-505(a) of the Public Safety Article of the Annotated Code of Maryland requires that local jurisdictions amend, as appropriate, adopt and enforce the Maryland Building Performance Standards;

WHEREAS, from time to time the State amends the applicable Maryland Building Performance Standards;

WHEREAS, pursuant to Section 5-26 of the Code of the City of Cumberland, the Mayor and City Council have adopted the Maryland Building Performance Standards, subject to state and local amendments, and it amends that section from time to time in order to adopt the changes to the Maryland Building Performance Standards that are implemented by the State;

WHEREAS, the Maryland General Assembly passed House Bill 366 during the regular 2012 session of the Maryland General Assembly, which prohibits local governments from enacting amendments to the Maryland Building Performance Standards which weaken the automatic fire sprinkler systems provisions for townhouses and one- and two- family dwellings contained in the standards;

WHEREAS, House Bill 366 does not go into effect until October 1, 2012 and it has been determined that local jurisdictions may amend local standards related to automatic fire sprinkler systems prior to October 1, 2012 and said amendment shall remain in effect until such time as the State of Maryland adopts the 2015 International Residential Code; and

WHEREAS, the Mayor and City Council wish to adopt the current Maryland Building Performance Standards, opting out of the requirement for the installation of automatic fire sprinkler systems in one- and two-family dwellings, making the installation of the same voluntary rather than

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mandatory, until such time as the City adopts the 2015 International Residential Code.

NOW THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND that Section 5-26 of the Code of the City of Cumberland be and is hereby repealed and reenacted with amendments, to read as follows:

Sec. 5-26. - Maryland building performance standards.

- (a) *Acceptance of state standards.* The mayor and city council, for the purpose of implementing and enforcing the Maryland Building Performance Standards (specifically, the 2012 International Building Code ("IBC"), the 2012 International Residential Code for One- and Two-Family Dwellings ("IRC") and the 2012 International Energy Conservation Code ("IECC")), including state modifications and the following local amendments, accept the Maryland Building Performance Standards as the governing building codes for the City of Cumberland.
- (b) *State Modifications.* State modifications to the IBC, IRC and IECC include, but are not limited to those set forth in COMAR 05.02.07.04 as well as the following codes and standards:
- (i) 2009 IEBC - Maryland Building Rehabilitation Code (MBRC) incorporating the International Existing Building Code (IEBC) 2009 (Ref: COMAR 05.16).
 - (ii) 2009 NFPA Life Safety Code - The State Fire Prevention Code incorporating the National Fire Protection Association - NFPA 101 Life Safety Code 2009 (Ref: COMAR 29.06.01) including State Fire Marshal modifications.
 - (iii) MAC - Maryland Accessibility Code (MAC) (Ref: COMAR 05.02.02).
 - (iv) 2012 IBC - Safety glazing requirements set forth in the IBC 2012, and in the Public Safety Article, Title 12, Subtitle 4, Annotated Code of Maryland (Ref: COMAR 05.02.07) in addition

to the Department of Labor Licensing and Regulation (DLLR) requirements.

- (v) 2011 NEC - National Electrical Code (NEC) 2011 (Ref: COMAR 05.02.07; Public Safety Article Title 12, Subtitle 6, Annotated Code of Maryland).
- (vi) 2006 IMC - International Mechanical Code (IMC) 2006 with modifications (Ref: COMAR 05.02.07; Business Regulation Article, section 9A-205, Annotated Code of Maryland).
- (vii) 2006 NSPC and 2007 supplement to 2006 NSPC and NFGC - National Standard Plumbing Code (NSPC) 2006 illustrated with modifications, 2007 supplement to 2006 National Standard Plumbing Code, National Fuel Gas Code (NFGC), ANSI Z223.1; NFPA 54, 2006, and Liquefied Petroleum Gas Code (LPGC), NFPA 58, 2004 (Ref: COMAR 05.02.07; Business Occupations and Professions Article 12, Annotated Code of Maryland).
- (viii) 2012 IBC - Elevators and conveying systems requirements set forth in the IBC 2012, and in the Public Safety Article, Title 12, Subtitle 8, Annotated Code of Maryland (Ref: COMAR 05.02.07) in addition to DLLR requirements.

(c) *City of Cumberland Amendments.*

- (1)** *Amendment to IRC, Section R109.2.* The language set forth in IRC, Section R109.2 is replaced with the following language:

"The building official is authorized to require the property owner and/or permit applicant to provide all required inspections and to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability."

- (2)** *Amendment to IRC, Section R313.2.* The City specifically opts out of the requirements set forth in IRC Section 313.2. In that regard, IRC, Section R313.2 shall not apply to or in the City until such time as those standards are amended

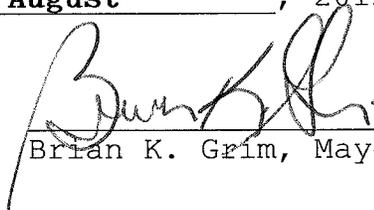
consistent with the 2015 IRC. Further, the installation of automatic fire sprinkler systems within one- and two-family dwellings is voluntary until such time as those standards are amended consistent with the 2015 IRC.

- (3) Amendment to IBC, Section 110.4. The language set forth in IBC, Section 110.4 is replaced with the following language:

"The building official is authorized to require the property owner and/or permit applicant to provide all required inspections and to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to the qualifications and reliability."

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect September 28, 2012.

Passed this 28th day of August, 2012.



Brian K. Grim, Mayor

ATTEST:



Marjorie A. Eirich, City Clerk

1st, 2nd, 3rd readings held: August 28, 2012