Resolution No.: 18-894
Introduced: September 19, 2017
Adopted: September 19, 2017

COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND

Lead Sponsor: County Council

SUBJECT: Approval of Executive Regulation (ER) 21-15 AMII, Adoption of the 2012 International Green Construction Code with Amendments, which Supersedes Executive Regulation 19-07AM

Background

1. The Montgomery County Code, under Chapter 8 (Buildings), authorizes the County Executive to adopt regulations under Method (2).

2. Regulation 21-15 AMII would approve the use of the 2012 International Green Construction Code with amendments.

3. The Maryland code allows for the adoption of the International Green Construction Code but does not require its adoption.

4. Executive Regulation 21-15 was first published in the December 2015 Montgomery County Register. The Executive conducted a public hearing on December 17, 2015 and extended the formal comment period until January 31, 2016.

5. The Executive submitted Regulation 21-15 (adoption of the International Green Construction Code – IgCC) to the Council in a letter dated September 28, 2016.

6. On November 15, 2016, the Council extended the 60-day time limit for its action until June 30, 2017 by its approval of Resolution 18-669.

7. The Council received ER 21-15AM via a memorandum dated May 15, 2017.

8. On June 20, 2017, the Council extended its time for consideration of ER 21-15AM until December 31, 2017.

9. On August 31, 2017, the Executive transmitted ER 21-15 AMII.

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive. 101 Monroe Street. Rockville, Maryland 20850

Subject: International Green Construction Code (IGCC) 2012	Number: 21-15AMII
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: September 19,2017

Montgomery County Regulation on:

COMCOR 08.00.03 ADOPTION OF THE 2012 INTERNATIONAL GREEN CONSTRUCTION CODE

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive
Regulation No. 21-15AMII

Authority: Code Sections 8-13 and 8-14
Supersedes: Executive Regulation 19-07AM
Council Review: Method 2
Register Vol. 32 Issue 12
Comment deadline: January 31, 2016
Effective date: September 19, 2017
Sunset date: None

SUMMARY: This regulation adopts the 2012 International Green Construction Code (IGCC), with amendments, and supersedes Executive Regulation 19-07AM.

ADDRESSES: Department of Permitting Services
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MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive. 101 Monroe Street. Rockville, Maryland 20850

Subject: International Green Construction Code (IGCC) 2012	Number: 21-15AMII
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: September 19, 2017

BACKGROUND INFORMATION: The Department of Permitting Services enforces Chapter 8 (Buildings) of the Montgomery County Code. This regulation is adopted under Sections 8-13 and 8-14 of the Montgomery County Code. It is a coordinated effort whereby Article VII of Chapter 8 of the Montgomery County Code is to be repealed under separate Council action and the 2012 International Green Construction Code is adopted, with amendments, as the energy conservation and sustainable building design standard in Montgomery County, Maryland. This regulation supersedes Executive Regulation No. 19-07AM.

COMCOR 08.00.03 Buildings – Energy Conservation and Sustainable Building Design.

08.00.03.01 PURPOSE

This regulation adopts the 2012 International Green Construction Code (IGCC), with amendments, and establishes:

(a) a process to verify that certain new construction and additions comply with the applicable standard;

(b) standards and procedures under which the Director may approve waivers or modifications of the IGCC, when compliance would be impracticable or unduly burdensome and the public interest would be served by the waiver or modification; and

(c) standards and procedures for any enforcement mechanism that the Department finds necessary to accomplish the purposes of the energy conservation and sustainable building design standard adopted in this regulation.

08.00.03.02 APPLICABILITY

This regulation applies to any newly constructed, and to any addition to an existing non-residential or multi-family residential building, including R-2 and R-4 residential buildings (Group R-4 includes uses such as Assisted Living, Congregate Care, Group Homes and Social Rehabilitation Facilities), that will have at least 5,000 square feet of gross floor area. This regulation does not apply to any building or structure exempt under Section 101.3 of the IGCC and Section 08.00.03.06.01 of this regulation.

MONTGOMERY COUNTY EXECUTIVE REGULATION

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08.00.03.03 DEFINITIONS

For the purposes of this regulation, the following words and phrases have the meanings indicated. Words and phrases defined and used in Chapter 8 of the County Code have the meanings indicated in that Chapter.

Addition means an extension or increase in the gross floor area or height of an existing building or structure. Addition also includes the addition of building components such as electrical and mechanical systems or elements to an existing building or structure.

Commissioning Plan means the Commissioning Plan approved by the code official.

Department means the Department of Permitting Services.

Director means the Director of the Department of Permitting Services.

Multi-family residential building means any multi-family residential or mixed-use residential building that has at least 5,000 square feet of gross floor area. ***Multi-family residential building*** does not include a residential care or assisted living building which can house no more than 16 occupants.

Newly constructed refers to a new stand-alone building or an addition to an existing building.

Non-residential building means a building not used as a dwelling.

Non-residential building does not include any:

(1) day care center for 5 or fewer persons;
(2) accessory building or structure;
(3) agricultural building, stable, barn, or greenhouse;
(4) parking garage that is not heated or cooled; or
(5) other building characterized as a miscellaneous building in the edition of the ICC International Building Code designated under Section 8-13 of the Montgomery County Code.

08.00.03.04 POLICY

In May 2011, the State of Maryland authorized local jurisdictions to adopt the International Green Construction Code as one of the Model Performance Codes. The Department of Permitting Services

supports and recommends adoption of the IGCC as establishing a high performance baseline for energy conservation and sustainable building practices.

08.00.03.05 PROCEDURES

The IGCC is part of the International Code Council (ICC) building codes family and as such is subject to the same regulations governing the approval and issuance of building permits, and the inspection procedures and policies codified in the Chapter 8 of the Montgomery County Code.

08.00.03.06 AMENDMENTS TO THE 2012 INTERNATIONAL GREEN CONSTRUCTION CODE (IGCC)

08.00.03.06.01 Section 101 – General

Subsection 101.1. Replace the brackets and the phrase inside the brackets with " Montgomery County Maryland ".

Subsection 101.3. Replace Subsection 101.3 with the following: The provisions of this code shall apply to new construction as it relates to design and construction of buildings and additions, building sites, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures and to the site on which the building is located. Occupancy classifications shall be determined in accordance with the International Building Code (IBC).

Subsection 101.3. Add the following exceptions:

5. The code shall not apply to items 5.1, 5.2 and 5.3.

5.1. Those low energy buildings that are exempt from the energy requirements of the current International Energy Conservation Code, including open parking garages, greenhouses, warehouses, storage buildings.

5.2 Any new building with less than 5000 sq.ft. gross floor area.

5.3 Any addition to an existing building which will create less than 5000 sq.ft. of additional gross floor area.

6. Alternately, USGBC-LEED Certification at the Silver level, using the most current USGBC mandated version of the LEED Standard, with not less than 8 points under

Option 1 OR: Not less than 5 points under Option 2 of the Energy and Atmosphere Credit - Optimize Energy Performance - shall be deemed to comply with this code. Where LEED Certification is selected as an alternative compliance path, it shall not apply to buildings identified in Section 101.3 - Exceptions 1 through 3.

Subsection 101.4. Add a second sentence to read: "Appendix A shall apply as amended by subsection A102.1."

08.00.03.06.02 Section 102 – Applicability

Subsection 102.4. Delete the phrases "the *International Code Council Performance Code* (ICCPC)", "the *International Plumbing Code* (IPC)", and "the *International Property Maintenance Code* (IPMC)." Replace the phrase "*International Fire Code* (IFC)" with "Montgomery County Fire Code."

Subsection 102.6. Delete the phrase "the *International Property Maintenance Code,*" and replace the phrase "*International Fire Code*" with "Montgomery County Fire Code."

08.00.03.06.03 Section 108 – Board of Appeals. Delete.

08.00.03.06.04 Section 202 – Definitions

Approved Agency. Add the phrase "by the code official or authority having jurisdiction" after the phrase "such agency has been approved."

Addition. Add a second sentence to read: "Addition also includes the addition of building components such as electrical and mechanical systems or elements to an existing building or structure."

08.00.03.06.05 Section 301 – General

Subsection 301.1.1. In the second sentence delete the word "either" and add the phrase "or exception 6 of Section 08.00.03.06.01 of this regulation" after the word "code".

Subsection 301.2. Add the phrase, "including Appendix A" after word "applicable" in the second sentence, and add a new last sentence in the paragraph to read: "The Department of Permitting Services will accept LEED Silver certification in lieu of the Elective requirements listed in Appendix A."

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive. 101 Monroe Street. Rockville, Maryland 20850

Subject: International Green Construction Code (IGCC) 2012	Number: 21-15AMII
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: September 19, 2017

08.00.03.06.06 Section 302 – Jurisdictional Requirements

Subsection 302.1. Delete items 1 and 2, and renumber the second Item 2 as Item 1.

Subsection 302.1.1. Delete.

Table 302.1. Replace Table 302.1 with the following:

TABLE 302.1
REQUIREMENTS DETERMINED BY THE JURISDICTION

Section	Section Title or Description and Directives	Jurisdictional Requirements	
	Chapter 1. SCOPE		
101.3 Exception 1.1	Detached one- and two-family dwellings and multiple single-family dwellings (town-houses) not more than three stories in height above grade plane with a separate means of egress, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700.	☐ Yes	☒ No
101.3 Exception 1.2	Group R-3 residential buildings, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700	☐ Yes	☒ No
101.3 Exception 1.3	Group R-2 and R-4 residential buildings four stories or less in height above grade plane, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700.	☒ Yes	☐ No
	Chapter 4. SITE DEVELOPMENT AND LAND USE		
402.2.1	Flood hazard area preservation, general	☐ Yes	☒ No
402.2.2	Flood hazard area preservation, specific	☐ Yes	☒ No
402.3	Surface water protection	☐ Yes	☒ No
402.5	Conservation area	☐ Yes	☒ No
402.7	Agricultural land	☐ Yes	☒ No
402.8	Greenfield sites	☐ Yes	☒ No
407.4.1	High-occupancy vehicle parking	☐ Yes	☒ No
407.4.2	Low-emission, hybrid and electric vehicle parking	☐ Yes	☒ No
409.1	Light pollution control	☐ Yes	☒ No
	Chapter 5. MATERIAL RESOURCE CONSERVATION AND EFFICIENCY		
503.1	Minimum percentage of waste material diverted from landfills	☒ 50%	
	Chapter 6. ENERGY CONSERVATION, EFFICIENCY AND CO_2e EMISSION REDUCTION		

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302.1, 602.1	zEPI of Jurisdictional Choice- The jurisdiction shall indicate a zEPI of 50 or less in each occupancy for which it intends to require enhanced energy performance.	Occupancy: ALL zEPI: 50	
604.1	Automated demand response infrastructure	☐ Yes	☒ No
	Chapter 7. WATER RESOURCE CONSERVATION, QUALITY AND EFFICIENCY		
702.7	Municipal reclaimed water	☐ Yes	☒ No
	Chapter 8. INDOOR ENVERONMENTAL QUALITY AND COMFORT		
804.2	Post- Construction Pre-Occupancy Baseline IAQ Testing	☒ Yes	☐ No
807.1	Sounds transmission and sound levels	☒ Yes	☐ No
	Chapter 10. EXISTING BUILDINGS: DELETE IN ITS ENTIRETY		
1007.2	Evaluation of existing buildings	☐ Yes	☒ No
1007.3	Post Certificate of Occupancy zEPI, energy demand, and CO^2e emissions reporting	☐ Yes	☒ No
	Appendix A[a]		
A101	Minimum 2 project electives shall be selected for a building with gross floor area less than 10,000 sq.ft.	☒ Yes	☐ No
A101	Minimum 3 projects electives shall be selected for building with gross floor area between 10,000 and 20,000 sq.ft.	☒ Yes	☐ No
A101	Minimum 4 projects electives shall be selected for building with gross floor area greater than 20,000 sq.ft.	☒ Yes	☐ No

[a] If a Chapter or Section moved to Appendix A is administered under authority granted to another governmental entity or agency, such as the Maryland Department of Environment, Maryland-National Capital Park & Planning Commission, or Washington Suburban Sanitary Commission, then the applicant must exceed the minimum requirements of code, standards, and regulations as written and enforced by the governmental entity or agencies, and any such Chapter or Section will not count as a minimum project elective.

08.00.03.06.07 Section 303 – Whole Building Life Cycle Assessment

Section 303. Move Section 303 to Appendix A.

08.00.03.06.08 Section 401 – General

Subsection 401.2. Move Subsection 401.2 to Appendix A.

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08.00.03.06.09 Section 402 – Preservation of Natural Resources

Section 402. Move Section 402 to Appendix A.

08.00.03.06.10 Section 403 – Storm Water Management

Section 403. Move Section 403 to Appendix A.

08.00.03.06.11 Section 404 – Landscape Irrigation and Outdoor Fountains

Section 404. Move Section 404 to Appendix A.

Appendix A, subsection 404.1.1. Delete the phrase "municipal reclaimed water or with."

08.00.03.06.12 Section 405 – Management of Vegetation, Soils and Erosion Control

Section 405. Move Section 405 to Appendix A.

08.00.03.06.13 Section 407 – Transportation Impact

Section 407. Move Section 407 to Appendix A.

08.00.03.06.14 Section 408 – Heat Island Mitigation

Subsection 408.2. Replace the phrase "50 percent" with "40 percent."

Subsection 408.3. Delete.

08.00.03.06.15 Section 409 – Site Lighting

Subsections 409.1, 409.2 and 409.3. Delete. Add a new Subsection 409.1 to read: Site Lighting shall comply with the 2015 International Energy Conservation Code and Chapter 59, Montgomery County Code.

08.00.03.06.16 Section 503 – Construction Waste Management

Subsection 503.1(4). Add the following phrase at the end of Item 4: "before a use and occupancy certificate is issued"

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08.00.03.06.17 Section 504 – Waste Management and Recycling

Section 504. Delete.

08.00.03.06.18 Section 505 – Material Selection

Section 505. Move Section 505 to Appendix A.

08.00.03.06.19 Section 506 – Lamps

Section 506. Move Section 506 to Appendix A.

08.00.03.06.20 Section 601 – General

Subsection 601.4. Delete the last sentence.

Subsection 601.5. Delete.

08.00.03.06.21 Section 602 – Modeled Performance Pathway Requirements

Subsection 602.1. Replace the phrase "Section 602.3" with "Section 602.2."

08.00.03.06.22 Section 604 – Automated Demand-Response (Auto-DR) Infrastructure

Section 604. Move Section 604 to Appendix A.

08.00.03.06.23 Section 606 – Building Mechanical Systems

Subsection 606.4. Delete.

Subsection 606.5. Delete the phrase "Except as noted herein."

Subsection 606.5.1. Delete.

Subsection 606.6 Variable air volume (VAV) fan control.

Add a Subsection numbering 606.6.1 before the paragraph that begins with the phrase "Static Pressure sensors."

Add a Subsection numbering 606.6.2 before the paragraph that begins with the phrase "For systems with direct digital control."

08.00.03.06.24 Section 607 – Building Service Water Heating Systems

Subsection 607.1. Delete the phrase "and the provisions of this section."

Subsections 607.2, 607.3, 607.4, 607.5, and 607.7. Delete.

08.00.03.06.25 Section 608 – Building Electrical Power and Lighting Systems

Subsection 608.3(3) Parking garages. Replace the phrase "*International Fire Code*" in exception (2) with "Montgomery County Fire Code."

Subsection 608.5. Move Subsection 608.5 to Appendix A.

Subsection 608.6. Delete.

Subsection 608.12. Move Subsection 608.12 to Appendix A.

08.00.03.06.26 Section 609 – Specific Appliances and Equipment

Section 609. Delete.

08.00.03.06.27 Section 610 – Building Renewable Energy Systems

Section 610. Move Section 610 to Appendix A.

08.00.03.06.28 Chapter 7 – Water Resource Conservation, Quality and Efficiency

Chapter 7. Delete.

08.00.03.06.29 Section 803 – HVAC Systems

Subsection 803.3. Delete.

Subsection 803.4.1(1). Add the phrase "a smoke partition in a fully sprinklered building or a" before the phrase "1-hour fire-resistance rated construction assemblies" in Item 1.

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08.00.03.06.30 Section 804 – Specific Indoor Air Quality and Pollutant Control Measures

Section 804. Delete.

08.00.03.06.31 Section 806 – Material Emissions and Pollutant Control

Section 806. Delete.

08.00.03.06.32 Section 807 – Acoustics

Section 807. Move Section 807 to Appendix A.

08.00.03.06.33 Section 808 – Daylighting

Section 808. Move Section 808 to Appendix A.

08.00.03.06.34 Table 903.1 – Commissioning Plan

Amend IGCC, Table 903.1, Chapter 4, reference subsections 401.2, 404.1, 405.1.1, 405.1.1, 405.1.3, 405.1.4, 403.1, 405.1.1, 408.2, 408.3.2 and 409 delete, "unless selected as an elective in Appendix A."

Amend IGCC, Table 903.1, Chapter 6, reference subsection 608.6 delete.

Amend IGCC, Table 903.1, Chapter 7, reference subsections 702.6, 702.8, 703.7.7, 705.1.1, 707.15.1, 708.13.8, and 708.14.2 delete, "unless selected as an elective in Appendix A."

08.00.03.06.35 Chapter 10 – Existing Buildings

Delete Chapter 10 except Section 1006 – Demolition.

08.00.03.06.36 Chapter 11 – Existing Building Site Development

Chapter 11. Delete.

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08.00.03.06.37 Appendix A – Project Electives

First Sentence. Replace the phrase "the adopting Ordinance" from the first sentence with "this code and this regulation."

Appendix A, Subsection A102.1. Add a second and third sentence to read: "The code official shall require the number of project electives specified in Table 302.1 of this regulation as a minimum. If a Chapter or Section moved to Appendix A is administered under authority granted to another governmental entity or agency, such as the Maryland Department of Environment, Maryland-National Capital Park & Planning Commission, or Washington Suburban Sanitary Commission, then the applicant must exceed the minimum requirements of code, standards, and regulations as written and enforced by the governmental entity or agencies, and any such Chapter or Section will not count as a minimum project elective.

Subsection A102.2. Delete.

Add a new Section A110 to read: "Appendix A includes Sections and Subsections 303, 404, 405, 407, 505, 506, 604, 608.5, 608.12, 610, 807, and 808, which have been relocated from Chapters 3 through 8 of the IGCC."

08.00.03.06.38 Appendix B – Radon Mitigation

Appendix B. Delete.

08.00.03.06.39 Appendix C – Optional Ordinance

Appendix C. Delete.

08.00.03.06.40 Appendix D – Enforcement Procedures

Appendix D. Delete.

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08.00.03.07 SEVERABILITY

The provisions of this regulation are severable. If a court of competent jurisdiction holds that a provision is invalid or inapplicable, the remainder of the regulation remains in effect.

EFFECTIVE DATE: This regulation is effective on the date Bill No. 19-17 takes effect.

Isiah Leggett, County Executive — Date 8/31/17

Approved as to form and legality:

Office of the County Attorney — Date 30 August 2017