


TJA

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 <sup>th</sup> FLOOR		
	SUBJECT	CITY COUNCIL BILL #10-0593/ BUILDING, FIRE, AND RELATED CODES- 2010 EDITION		

TO

DATE: December 17, 2010

The Honorable President and  
 Members of the City Council  
 City Hall, Room 400  
 100 N. Holliday Street

At its regular meeting of December 16, 2010 the Planning Commission considered City Council Bill #10-0593, for the purpose of adopting a revised Building, Fire, and Related Codes Article, comprising the Maryland Building Performance Standards (effective January 1, 2010), the International Building Code (2009 Edition), the National Electrical Code (2008 Edition), the National Fuel Gas Code (2009 Edition), the International Mechanical Code(2009 Edition), the National Standard Plumbing Code (2009 Edition), the International Property Maintenance Code(2009 Edition), the International Fire Code (2009 Edition), the International Energy Conservation Code (2009 Edition), and the International Residential Code for One-and Two-Family Dwellings (2009 Edition), all as supplemented, amended, or otherwise modified by this Ordinance; providing for the effect, construction, and effective date of these new standards and codes; conforming, correcting, and clarifying certain language; and generally relating to the adoption of new building, fire, property maintenance, electrical, plumbing, mechanical, and related codes for Baltimore City.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #10-0593 and adopted the following resolution, seven members being present (seven in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #10-0593 be amended and passed by the City Council.

If you have questions, please contact Mr. Wolde Ararsa, Chief of Land Use and Urban Design at 410-396-4488.

TJS/WYA/ttl

Attachments

cc:

- Mr. Kaliopé Parthemos, Deputy Mayor
- Ms. Sophie Dagenais, Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable Bill Henry, Council Rep. for Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veal, Zoning Enforcement, DHCD
- Ms. Nikol Nabors-Jackson, DHCD
- Ms. Karen Randle, City Council Services



Stephanie Rawlings-Blake  
Mayor

**PLANNING COMMISSION**

Wilbur E. "Bill" Cunningham, Chairman

**STAFF REPORT**



Thomas J. Stosur  
Director

December 16, 2010

**REQUEST:** City Council Bill #10-0593/Building, Fire, and Related Codes – 2010 Edition:  
For the purpose of adopting a revised Building, Fire, and Related Codes Article, comprising the Maryland Building Performance Standards (effective January 1, 2010), the International Building Code (2009 Edition), the National Electrical Code (2008 Edition), the National Fuel Gas Code (2009 Edition), the International Mechanical Code (2009 Edition), the National Standard Plumbing Code (2009 Edition), the International Property Maintenance Code (2009 Edition), the International Fire Code (2009 Edition), the International Energy Conservation Code (2009 Edition), and the International Residential Code for One- and Two-Family Dwellings (2009 Edition), all as supplemented, amended, or otherwise modified by this Ordinance; providing for the effect, construction, and effective date of these new standards and codes; conforming, correcting, and clarifying certain language; and generally relating to the adoption of new building, fire, property maintenance, electrical, plumbing, mechanical, and related codes for Baltimore City.

**RECOMMENDATION:** Amendment and Approval, with the amendment as follows:

- That Section 105.2.10 of the International Building Code (2009 edition) be adopted, and should be inserted into the bill at page 13, line 3, with a clarifying amendment, and should read as follows:
  - 10. ~~{Not Adopted}~~ Shade cloth OR PLASTIC FILM structures COMMONLY KNOWN AS "HOOPHOUSES," constructed for nursery or agricultural purposes, not including service systems. THE COVERING OF THE STRUCTURE MUST BE A MATERIAL THAT CONFORMS TO NATIONAL FIRE PROTECTION ASSOCIATION'S NFPA 701 STANDARDS.

**STAFF:** Eric Tiso

**PETITIONER:** Department of Housing and Community Development

**HISTORY**

- This is a required periodic adoption of the latest edition of the International Building Code (IBC), in this case the 2009 Edition, and related codes. These updates are scheduled on a three-year cycle. The last general adoption of the 2006 Code was enacted via Ordinance #07-552, dated November 26, 2007.
- Ordinance #06-187, dated February 14, 2006, adopted changes made to the Maryland Building Performance Standards, in addition to the International Building Code (2000 Edition).

- Amendments to the Maryland Building Performance Standards were adopted on September 20, 2004, consisting of the IBC (2003 edition) and the International Residential Code for One- and Two-Family Dwellings (2000 edition).
- Ordinance #02-475, dated December 23, 2002, adopted a revised Building, Fire, and Related Codes article, comprising the Maryland Building Performance Standards (effective October 15, 2001), the International Building Code (2000 Edition), the National Electrical Code (1999 Edition), the National Fuel Gas Code (2000 Edition), the International Mechanical Code (2000 Edition), the National Standard Plumbing Code (2000 Edition, 2001 Supplement), the International Property Maintenance Code (2000 Edition), the International Fire Code (2000 Edition), and the International Energy Conservation Code (2000 Edition), as amended.

### **CONFORMITY TO PLANS**

This bill is compatible with the City of Baltimore’s Comprehensive Master Plan, LIVE EARN PLAY LEARN, specifically the LIVE section, Goal 2: Elevate the Design and Quality of the City’s Built Environment, Objective 2: Streamline and Strengthen the Development Process.

### **ANALYSIS**

**Purpose:** This bill will adopt the most recent updates to the International Building Code, and related codes. The State has adopted the Maryland Building Performance Standards, effective January 1, 2010, and includes:

- The International Building Code (2009 Edition), with certain State modifications {COMAR 05.02.07.04a And B};
- The International Residential Code For One- And Two-Family Dwellings (2009 Edition), with certain State modifications {COMAR 05.02.07.04a And C}; and
- The International Energy Conservation Code (2009 Edition), with certain State modifications {COMAR 05.02.07.04a And D}.

The City, in turn, proposes to adopt the Maryland Building Performance Standards, as above, subject to specific modifications as listed in the body of the bill. The amendments listed are substantially similar to what had been previously adopted. However, Planning has identified a need for a reference to temporary greenhouses, commonly known as “hoophouses” or “polyhouses.”

**Hoopouses:** These utility structures are non-inhabited plastic film greenhouses that can be constructed without the need for permanent foundations. This makes them ideal as a temporary use on undeveloped properties, especially those with environmental concerns (i.e. “brownfield” sites) that would prevent their use as traditional agricultural fields. The hoopouses are essentially greenhouses that passively heat and cool with natural sun energy and cooling effects of the wind, extending local growing seasons with little to no outside energy consumption.

Recently, applicants interested in local agriculture ventures have approached the City to inquire about the process for approval. It was then discovered that this type of structure was not referenced or recognized in the current or proposed version of the City’s Building, Fire, and Related Codes. This created an administrative problem in that the code and permit review staff

was unsure how to treat these facilities. In the end, it was determined that they should just be exempted from permit requirements, since they are simple, non-inhabited, utility structures that can vary widely in their composition and construction. The proposed exemption is made by adopting §105.2.10 of the IBC (2009 edition), with clarifying text. We also add a general requirement to ensure the covering is a flame-retardant material, compliant with the requirements of the National Fire Protection Association's NFPA 701 standards. If any other form of trade work, such as a commercial electric service, a plumbing line, hosebib, or the like is required, they would require work permits for those items, as per normal application processes.

The Planning Commission initially considered this bill on December 2, 2010, but decided to defer action, pending staff providing additional information regarding the NFPA 701 requirement (*cf.* Method 2 test). Staff has obtained a copy of the NFPA 701 document, which outlines standardized test methods for conducting fire tests for flame propagation of textiles and films, and sets a pass/fail limit of performance. Staff coordinated review of this document with the Department of Housing and Community Development (DHCD), and was provided this standard by the Permits & Code Enforcement section's Fire Department representative.

Community Input: Notification of this bill was sent to 214 community organizations.



**Thomas J. Stosur**  
**Director**