



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: International Green Construction Code (IGCC) 2018

Number: 12-20

Originating Department: DEPARTMENT OF PERMITTING SERVICES

Effective Date:

Montgomery County Regulation on:

COMCOR 08.00.03 ADOPTION OF THE 2018 INTERNATIONAL GREEN CONSTRUCTION CODE

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive
Regulation No. 12-20

Authority: Code Sections 8-13 and 8-14
Supersedes: Executive Regulation 21-15AMII
Council Review: Method 2
Register Vol. 37 Issue 8
Comment deadline: October 5, 2020
Effective date:
Sunset date: None

SUMMARY: This regulation adopts the 2018 International Green Construction Code (IGCC), with amendments, and supersedes Executive Regulation 21-15AMII.

ADDRESSES: Department of Permitting Services
255 Rockville Pike, Second Floor
Rockville, Maryland 20850

STAFF CONTACT: Bryan Bomer, Manager
Commercial Green Building Review
240-777-6230
Rick Merck, Division Chief
Division of Commercial Construction
Department of Permitting Services
240-777-6216



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BACKGROUND INFORMATION: The Montgomery County Department of Permitting Services (DPS) 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 supersedes Executive Regulation 21-15AMII by replacing the 2012 International Green Construction Code (IgCC), with amendments, with the 2018 IgCC, with amendments. This regulation is recommended by DPS after a coordinated effort spearheaded by the County Executive's Assistant Chief Administrative Officer and Climate Change Coordinator, which was supported by the Montgomery County Departments of Environmental Protection and Transportation, the Montgomery County Public Schools, the Washington Suburban Sanitation Commission (WSSC), Montgomery County Planning Department of the Maryland-National Capital Park and Planning Commission, and public stakeholders, who are all committed to achieve net-zero carbon emissions by the year 2030 in Montgomery County.

COMCOR 08.00.03 Buildings – Energy Conservation and Sustainable Building Design.

08.00.03.01 PURPOSE

This regulation adopts the [2012] 2018 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.

AMENDMENTS TO THE 2018 INTERNATIONAL GREEN CONSTRUCTION CODE (IgCC)

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



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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.] **Section 101.1.** Delete the brackets and replace the phrase within the brackets with "Montgomery County, Maryland".

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 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.]



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Section 101.3.1. Delete items (1) through (4) and replace with the following:

- 1. New buildings greater than 5,000 square feet in gross aggregate area and their systems.**
- 2. New portions of buildings exceeding 5,000 square feet in gross aggregate square area and their systems.**

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.]

Section 101.3.2. Add the following item:

- 6. Group R-4 occupancy buildings not exceeding 16 residents.**

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.]

Section 102.6. Existing Structures. Delete.

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

Section 108. Board of Appeals. Delete.

[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:



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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 (ICCP)*", "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



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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.”]

[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.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Chapter 4. SITE DEVELOPMENT AND LAND USE			
402.2.1	Flood hazard area preservation, general	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
402.2.2	Flood hazard area preservation, specific	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
402.3	Surface water protection	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
402.5	Conservation area	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No



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402.7	Agricultural land	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
402.8	Greenfield sites	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
407.4.1	High-occupancy vehicle parking	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
407.4.2	Low-emission, hybrid and electric vehicle parking	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
409.1	Light pollution control	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Chapter 5. MATERIAL RESOURCE CONSERVATION AND EFFICIENCY			
503.1	Minimum percentage of waste material diverted from landfills	<input checked="" type="checkbox"/> 50%	
Chapter 6. ENERGY CONSERVATION, EFFICIENCY AND CO₂e EMISSION REDUCTION			
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	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Chapter 7. WATER RESOURCE CONSERVATION, QUALITY AND EFFICIENCY			
702.7	Municipal reclaimed water	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Chapter 8. INDOOR ENVIRONMENTAL QUALITY AND COMFORT			
804.2	Post- Construction Pre-Occupancy Baseline IAQ Testing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
807.1	Sounds transmission and sound levels	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Chapter 10. EXISTING BUILDINGS: DELETE IN ITS ENTIRETY			
1007.2	Evaluation of existing buildings	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
1007.3	Post Certificate of Occupancy zEPI, energy demand, and CO ₂ e emissions reporting	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Appendix A*			
A101	Minimum 2 project electives shall be selected for a building with gross floor area less than 10,000 sq.ft.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
A101	Minimum 3 projects electives shall be selected for building with gross floor area between 10,000 and 20,000 sq.ft.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
A101	Minimum 4 projects electives shall be selected for building with gross floor area greater than 20,000 sq.ft.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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



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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.]

[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”]

[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.]



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[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.]



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**[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.]**

**[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, 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.]**

[08.00.03.06.37 Appendix A – Project Electives



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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.]**

08.00.03.07 Section 301.2. Definitions.

Add the following definition:

Gross Aggregate Area means the sum of the floor areas of all the spaces within the building with no deductions for floor penetrations. Gross Aggregate Area is measured from the exterior faces of exterior walls or from the centerline of walls separating buildings. Gross Aggregate Area includes covered walkways, open roofed-over areas, porches and similar spaces, exterior terraces or steps, roof overhangs, parking garages, surface parking, and similar features.

Amend the definition of Owner's Project Requirements (OPR) to add the following sentence at the end: "All information in the OPR document shall certify that the items identified in the plans are constructed, installed and operate as intended in the approved plans and specifications."



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08.00.03.08 Subsection 501.3.1.2. Prohibited Development Activity. Delete.

08.00.03.09 Sections 501.3.2, 501.3.3, 501.3.4, 501.3.6, 501.3.7, and 501.3.8. Delete.

08.00.03.10 Section 601.3. Delete.

08.00.03.11 Section 701.4.1.1.1. Add the following sentence at the end: "All RECs obtained must be sourced within the PJM Interconnection region. Documentation pertaining to retainment and retirement of RECs must be available to the authority having jurisdiction, for review upon request." Note: PJM Interconnection is a regional transmission organization the coordinates the movement of wholesale electricity in all or parts of 13 states including Maryland and DC.

08.00.03.12 Section 701.5.1. Add the following sentences at the end: "Energy modeling input and output data must be provided at the time of permit application submittal. The data must include, but is not limited to, source energy and energy units as metrics for calculation of a zEPI score."

08.00.03.13 Sections 801.3.1.7 and 801.3.3.5. Delete.

08.00.03.14 Section 901.3.1. Delete.

08.00.03.15 Sections 1001.3.1.1.2.c and 1001.3.1.1.1.3. Amend to add the phrase "AHJ, with copies also being provided to" before the phrase "building owner" and "owner", respectively.

08.00.03.16 Sections 1001.3.1.1.2.1.3, 1001.3.1.4, 1001.3.1.7, 1001.3.1.9, 1001.3.1.10, 1001.3.2.1.2, 1001.3.2.1.5 and 1001.3.2.4. Delete.

08.00.03.17 Section 1001.3.2.1.3. Delete the second sentence and subsections 1001.3.2.1.3.1 through 1001.3.2.1.3.3 and replace with the following: "The plan must describe the procedures needed to use the energy measurement devices and collection/storage infrastructure, and the procedures for tracking and assessing energy consumption.

08.00.03.18 Section 1001.3.2.1.4. Delete in its entirety and replace it with the following: "The indoor air quality plan must describe the procedures needed to implement a regular outdoor airflow monitoring program after building occupancy; the procedures for operating ventilation systems during occupancy; the procedures needed for maintaining and monitoring IAQ after building occupancy; a green cleaning plan; and the procedures for implementing a regular humidity sensor monitoring program after building occupancy.



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08.00.03.19 Amend Normative Reference Chapter 11, ISO, to replace "ISO 21930-2007:" with "ISO 21930-2017:".

08.00.03.20 Informative Appendix H is adopted in its entirety.

08.00.03.21 Section J101.1.3. Add the phrase "this code or" after the phrase "shall comply with".

08.00.03.22 Informative Appendix J, Sections J101.1.3, J101.1.4, and J101.1.5 are adopted.

08.00.03.23 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.

Marc Elrich, County Executive

Date

Approved as to form and legality:

Charles L. Frederick
Office of the County Attorney

26 July 2020

Date