

CODE HOME RULE LEGISLATION
October 2007 Session

Bill No. 11-07

County Commissioners of Allegany County, Maryland

A Bill Entitled:

"AN ACT TO REPEAL, AMEND AND RE-ENACT CHAPTER 101 OF THE CODE OF PUBLIC LOCAL LAWS OF ALLEGANY COUNTY, MARYLAND (1983 EDITION AS AMENDED), ENTITLED "BUILDING CONSTRUCTION."

SECTION I.

WHEREAS, the Public Safety Article, Title 12, Subtitle 5, Section 505, of the Annotated Code of Maryland, requires that local jurisdictions amend as appropriate, adopt and enforce the Maryland Building Performance Standards; and,

WHEREAS, Article XI-F, Section 3, of the Constitution of Maryland authorizes the Allegany County Commissioners to repeal, amend or adopt public local law by Resolution; and,

WHEREAS, the Board of County Commissioners of Allegany County, Maryland, wish to repeal the *2004 Building Code of Allegany County* and adopt current standards to better serve the needs of the citizens of Allegany County.

NOW, THEREFORE, Chapter 101 of the Code of Public Local Law of Allegany County, Maryland, is hereby repealed, amended and re-enacted to read as follows:

SECTION II.

§ 101-1. Adoption of Building Code

The following Codes and any subsequent amendments, are hereby adopted by reference as the *2007 Building Code of Allegany County*, as if the Codes were set forth in full in this Section, with the additions, insertions, deletions and changes, if any, shown in the Appendix, attached hereto and made a part hereof:

1. The *2006 International Building Code*.
2. The *2006 International Residential Code* for the governance of one and two family dwellings and appurtenances.

3. The 2006 International Residential Code , Appendix E, for the governance of manufactured one and two family dwellings and appurtenances.
4. The National Fire Protection Association Standard #70 - The National Electric Code.
5. Chapter 166 of the Code of Public Local Law of Allegany County, Maryland, entitled Plumbing.
6. The International Mechanical Code
7. Chapter 130 of the Code of Public Local Law of Allegany County, Maryland, entitled Floodplain Management.
8. The Maryland Accessibility Code as set forth in COMAR 05.02.02, and Chapter 102 of the Code of Public Local Law of Allegany County, Maryland , entitled Building Code - Handicapped , which shall govern when in conflict.

§101-2. Penalties

Any person violating the Allegany County Building Code shall be subject to the penalties contained in the Codes adopted by reference herein, or shall be subject to a fine in the amount of One Dollar (\$1.00) to One Thousand Dollars (\$1,000.00), each day that a violation shall continue shall constitute a separate offense.

§101-3. Severability

Should any provision, section, paragraph or subparagraph of this Act, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

§101-4. Existing Liabilities

This Act shall not discharge, impair or release any contract, obligation, duty, liability or penalty whatever existing on the date of its enactment. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance affected by the adoption of this Act shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Act had not become effective.

SECTION III. AND BE IT FURTHER ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ALLEGANY COUNTY, MARYLAND, that this Act shall become effective on the 1st day of January, 2008.

PASSED this 8th day of November, 2007.

BOARD OF COUNTY COMMISSIONERS
OF ALLEGANY COUNTY, MARYLAND

James J. Stakem, President

ATTEST:

Robert M. Hutcheson, Commissioner

Carol A. Gaffney, Clerk

Dale R. Lewis, Commissioner

ADOPTED
11/8/2007

CERTIFICATION

I, Carol A. Gaffney, Clerk to the County Commissioners of Allegany County, Maryland, hereby certify that the above action of the Commissioners is a part of the formal, written record of the public meeting held on the 8th day of November, 2007.

By: _____
Carol A. Gaffney, Clerk

S E A L

APPENDIX
CHR Bill No. 11-07
October 2007

SECTION I - State Modifications

All additions, insertions, deletions and modifications set forth by The Maryland Building Performance Standards (MBPS) regulations, as prescribed in COMAR 05.02.07.01 through .09., are hereby adopted by reference.

SECTION II - County Modifications

The following modifications and amendments have been made under the authority of, and pursuant to, the Public Safety Article, §12-504(a), of the Annotated Code of Maryland. These amendments are in addition to the The Maryland Building Performance Standards to conform to local building conditions peculiar to Allegany County, as well as to compliment existing statute and administrative processes to better serve its citizens.

A. County modifications to the 2006 *International Building Code*:

General:

Any reference blanks requiring the insertion of the jurisdiction shall have inserted the words "Allegany County, Maryland". Any reference blanks not otherwise completed and requiring the insertion of a penalty dollar amount shall have inserted the words "from two-hundred and fifty dollars (\$250.00) to one thousand dollars (\$1,000.00), and each day the violation shall continue shall constitute a separate offense." All references in this Code requiring both the issuance of permits and code enforcement with respect to renovation of existing structures are hereby deleted. All references related to the *International Property Maintenance Code* and its enforcement in this Code are hereby deleted.

Chapter I - Administration

Subsection 101.1 Title:

Amend to read: "These regulations shall be known as the Building Code of Allegany County, Maryland, hereinafter referred to as "this Code".

Subsection 101.4 Referenced Codes:

Amend to read: "The other codes listed in §101.4.1 through §101.4.4 and §101.4.6 through §101.4.7 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. These other codes may be concurrently covered, superceded or replaced by existing State and/or local statute, which shall prevail when in conflict. "

Subsection 101.4.5 Property maintenance:

Delete this subsection in its entirety.

Subsection 103.1 Creation of enforcement agency:

Amend to read: "The Division of Land Development Services, for the purpose of enforcing these regulations, shall be considered the department of building safety and the Division Chief thereof shall be known as the building official.

Subsection 103.2 Appointment:

Amend to read: "The building official shall be appointed by the Allegany County Administrator, and shall be a full time employee with all privileges, responsibilities and controls governing all Civil Service employees of Allegany County."

Subsection 104.4 Inspections:

In this paragraph, delete the phrase "approved agency" and replace with the phrase "certified agency".

Subsection 104.8 Liability:

In this paragraph, first line, delete the phrase "board of appeals" and replace with the phrase "Building Codes Appeals Board".

Subsection 105.2 Work exempt from permit:

Delete the first paragraph and replace with the following;

"Exemptions from building permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code, exemption from the requirements of a Land Use Permit and/or process, or the violation of any other laws or ordinances of this jurisdiction. Building Permits shall not be required for the following:"

Delete the first subset "Building:" in its entirety and replace with following;

Building:

1. All government owned buildings or structures.
2. All agricultural structures (including greenhouse(s) but excepting Industrialized Feeding Operations).
3. Additions, including decks, porticos and porches.
4. Accessory structures.
5. Tents.
6. Fences.
7. Signs and billboards.
8. Swimming pools.

9. Antennas, masts, dishes, microwave and cellular towers, WECS and other similar structures.
10. All repairs, interior modifications, renovations or alterations to existing buildings or structures.
11. All alterations to equipment, or installation of equipment, that is not associated with construction requiring a permit.

Subsection 105.3 Application for permit:

Amend first paragraph to read:

To obtain a permit, the applicant shall first file an application therefor in writing, on a form prescribed by the Division Chief and furnished by the Land Development Services office. Such application shall include, but not be limited to:

Subsection 105.3 Application for a permit:

Add subset line # 8 to read "State the name of the contractor(s) associated with the permitted work, including the valid Maryland professional or board certified license number(s), respectively".

Subsection 105.3.2 Time limitation of application:

In the third line, replace "180 days" with "one year". In the seventh line, replace "90" with "180".

Subsection 105.5 Expiration:

In the third line, replace "180 days" with "one year". In the fifth line, replace "180" with "365".

Subsection 106.1 Submittal documents:

In the third line, replace the phrase "one or more sets" and replace with the phrase "the number of sets as prescribed by the Building Official"; in the fourth line behind the phrase "shall be prepared", add following text, ", signed and sealed".

Subsection 106.3.1 Approval of construction documents:

In the third and fourth lines, delete the phrase "Reviewed for Code Compliance" and replace with the following text "Reviewed and Released - Work subject to Allegany County Building Code and Inspections". Delete the last sentence of this paragraph and replace with the following sentence: "The remaining sets shall be returned to the applicant, and one set shall be kept at the site of work and shall be open to inspection by the building official or his authorized representative."

Subsection 106.3.2 Previous approvals:

In the sixth line, delete the number "180" and replace with the text "one year".

Subsection 109.3 Required inspections:

In the first line behind the phrase “upon notification”, insert the phrase “and at his discretion”.

Subsection 109.4 Inspection agencies:

In the second line, delete the word “approved” and replace with the word “certified”.

Subsection 110.2 Required inspections:

In the first line before the phrase “building or structure”, insert the word “permitted”.

Subsection 110.3 Temporary occupancy:

Delete this section in its entirety and replace with the following:

§110.3 Temporary and conditional occupancies. The building official is authorized to issue a temporary or conditional certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions of the authorized structure(s) shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

Subsection 113.2 Notice of violation:

Add subsection 113.2.1 as follows:

§113.2.1 - Issuance of notice and citation. The Building Inspector or Enforcement Officer shall adhere to the following procedure for the enforcement of this Code.

§113.2.1.1 The Enforcement Officer or Building Inspector shall require the property owner to abate violations of the Building Code by written notice which shall give a 30-day period for compliance. The Enforcement Officer or Building Inspector shall have the authority to enter upon and inspect any property when the County has probable cause to believe that violation(s) of the Building Code are located thereon.

§113.2.1.2 Any property owner given proper notice who does not comply within the 30-day period given shall be served with a civil citation pursuant to authority granted by Article 25B, Section 13(c) of the Annotated Code of Maryland. The following violations are deemed to be civil infractions:

§113.2.1.2.1 Class I - Construction without a permit, or work performed not in compliance with the Permit or the Building Code, and the owner is notified and does not

abate the violation within thirty (30) days of the written notice.

§113.2.1.2.2 Class II – Junk, debris or other existing health hazard is present, or where structural failure is imminent or exists and endangers public safety and welfare; and the owner is notified and does not abate the violation within thirty (30) days of the written notice.

§113.2.1.3 All civil citations shall be processed in accordance with Article 25B, Section 13(c) of the Annotated Code of Maryland. Each violation under this chapter is a separate offense, and a separate citation shall be issued for each discrete violation. Each day that a violation exists is considered a separate offense. Repeat violations for the same offense in a twelve-month period will result in a doubling of all applicable fines.

§113.2.1.4 A schedule of fines for civil infractions shall be established by the Allegany County Commissioners from time to time by resolution. All such fines when paid shall become the property of Allegany County.

§113.2.1.5 All violations of this chapter or any rule or regulation adopted pursuant thereto, shall constitute as a civil infraction and shall be punished by a fine of not less than two-hundred-fifty dollars (\$250) but not more than one thousand dollars (\$1,000), and court costs, at the discretion of the court as provided herein. If any violation be continued, each day's violation shall be deemed a separate offense.

§113.2.1.6 The County or any citizen may institute injunction, mandamus, or other appropriate actions, or proceedings at law or equity for the enforcement of violations or to correct violations; and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

Chapter 2 Definitions

In Section 202, Definitions, add the following term and its definition.

CABIN: A building that does not provide complete, independent living facilities for one or more persons, that may partially include provisions for

living, sleeping, eating, cooking or sanitation facilities, and is designed and intended solely for seasonal or intermittent use in the pursuit of recreation or pleasure.

Chapter 3 Use and Occupancy Classification

In Section 312, Utility and Miscellaneous Group U, include the term "Cabin" in the project description list provided in §312.1. General.

Appendices

Include **Appendix B - Board of Appeals**, for the creation, maintenance and administration of appeals board.

B. County modifications to the 2006 *International Residential Code*

General:

Any reference blanks requiring the insertion of the jurisdiction shall have inserted the words "Allegany County, Maryland". Any reference blanks not otherwise completed and requiring the insertion of a penalty dollar amount shall have inserted the words "from two-hundred and fifty dollars (\$250.00) to one thousand dollars (\$1,000.00), and each day the violation shall continue shall constitute a separate offense." All references in this Code requiring both the issuance of permits and code enforcement with respect to renovation of existing structures are hereby deleted.

Part I - Administrative

Chapter I - Administration

Subsection R101.1 Title:

Amend to read: "These regulations shall be known as the Building Code of Allegany County, Maryland, hereinafter referred to as "this Code".

Subsection R103.1 Creation of enforcement agency:

Amend to read: "The Division of Land Development Services, for the purpose of enforcing these regulations, shall be considered the department of building safety and the Division Chief thereof shall be known as the building official.

Subsection R103.2 Appointment:

Amend to read: "The building official shall be appointed by the Allegany County Administrator, and shall be a full time employee with all privileges, responsibilities and controls governing all Civil Service employees of Allegany County."

Subsection R104.4 Inspections:

In this paragraph, forth and sixth lines, delete the phrase "approved agency" and replace with the phrase "certified agency".

Subsection R104.8 Liability:

In this paragraph, first line, delete the phrase "board of appeals" and replace with the phrase "Building Codes Appeals Board".

Subsection R104.10.1 Areas prone to flooding:

In this paragraph, second line, delete the term "shall" and replace with the term "may". Delete the phrase "board of appeals" and replace with the phrase "Building Codes Appeals Board".

Subsection R105.2 Work exempt from permit:

Delete the first paragraph and replace with the following text;

"Exemptions from Building Permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code, exemption from the requirements of a Land Use Permit and/or process, or the violation of any other laws or ordinances of this jurisdiction. Building Permits shall not be required for the following:"

Delete the first subset "Building." in its entirety and replace with following;

Building:

1. All government owned buildings or structures.
2. All agricultural structures (including greenhouse(s) but excepting Industrialized Feeding Operations).
3. All residential additions of 600 square feet or less to *one* or *two family dwelling(s)* and appurtenances.
4. All residential accessory structures of 600 square feet or less for properties containing *one* or *two family dwelling(s)*.
5. Tents.
6. Fences.
7. All deck additions less than 30" above grade.
8. Signs.
9. Swimming pools.
10. Antennas, masts, dishes and other similar communication devices.

11. All ordinary repairs, interior or exterior modifications, renovations or alterations to building(s), including plumbing, electrical and mechanical work contained within or on; alterations to indoor and outdoor equipment; or installation of equipment, that is not associated with construction requiring a permit.

Subsection R105.3.2 Time limitation of application:

In this paragraph, third line, delete the text "180 days" and replace with the text "one year".

Subsection R105.5 Expiration:

In this paragraph, third line, delete the text "180 days" and replace with the text "one year". In the seventh line, delete the text "180 days" and replace with the text "one year".

Subsection R106.3.1 Approval of construction documents:

In this paragraph, fourth line, delete the text "APPROVED PLANS PER IRC SECTION 106.3.1" and replace with the text "REVIEWED AND RELEASED, Work subject to Allegany County Building Code and Inspection".

Subsection R109.2 Inspection agencies:

In this paragraph, second line, delete the text "approved agency" and replace with the text "certified agency".

Subsection R110.1 Use and occupancy:

Within the first line of the paragraph, behind the phrase " building or structure", include the text ", permitted under this Code,". Under *Exceptions*, delete line #2.

Subsection R113.2 Notice of violation:

Add subsection R113.2.1. as follows:

§113.2.1 - Issuance of notice and citation. The Building Inspector or Enforcement Officer shall adhere to the procedure setforth in the 2006 International Building Code (IBC), amended by Code Home Rule Bill No. 11-07, Appendix, §113.2 - Notice of violation for the enforcement of this Code.

Part II - Definitions

Chapter 2 - Definitions

In Section R202, Definitions, add the following term and its definition.

CABIN: A building that does not provide complete, independent living facilities for one or more persons, that may partially include provisions for living, sleeping, eating, cooking or sanitation facilities, and is designed and intended solely for seasonal or intermittent use in the pursuit of recreation or pleasure.

Part III - Building Planning and Construction

Chapter 3 - Building Planning

Table R301.2(1) Climatic and Geographic Design Criteria:

Delete the table and replace with the following table:

Roof Snow Load	Wind Speed ^d (mph)	Seismic Design Category ^f	Subject To Damage From:			Winter Design Temp ^e	Ice Shield Barrier Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
			Weathering ^a	Frost line depth ^b	Termites ^f					
40	90	A	Severe	36"	Moderate to Heavy	12	Yes	1988	1000	50

Table R301.5 Minimum Uniformly Distributed Live Loads:

In the second row, second column, "Decks", delete the number "40" and replace with the number "60".

Appendices

Include **Appendix E - Manufactured Housing Used As Dwellings** for the governance of installation of manufactured housing on individual lots for single family occupancy. Where in conflict, the administration of the permitting process will be governed as the International Residential Code, Part I, with amendments, as set forth previously in this Bill.

SECTION III - Clarifications

Existing Applications and Permits – All valid permit applications accepted by the Codes Official, and all valid permits issued through the Codes Official prior to the effective date of this law, may be governed under the provisions of the code for which they were submitted or issued. These applications and permits shall remain valid so long as the subject work conforms to the code in which they were applied or issued. The Code Official may, at his discretion, grant extensions upon written request, and only after the

applicant or permittee has demonstrated just cause and that the proposed work addresses the general safety and welfare of the occupants and the public.

Official Texts - The official text of all codes and texts adopted hereby shall be maintained by the Clerk to The County Commissioners at the office of the County Commissioners. The Clerk to the County Commissioners may provide certified copies of all such texts in accordance with applicable copyright law, and subject to a charge which may be established from time to time.

ADOPTED
11/8/2007