


[HISTORY: Adopted by the County Commissioners of Allegany County 11-8-2007 by Bill No. 11-07, effective 1-1-2008^[1] (Ch. 101 of the 1984 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Floodplain management — See Ch. 325.
 Land development — See Ch. 360.
 Livability Code — See Ch. 375.
 Plumbing — See Ch. 415.
 Unsafe structures — See Ch. 475.

ATTACHMENTS

255a Appendix A 

[1] *Editor's Note: This bill also repealed former Ch. 101, Building Construction, adopted 10-28-2004 by Bill No. 8-04, effective 12-12-2004.*

§ 255-1 Adoption of standards.

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]

- A. The 2006 International Building Code.
- B. The 2006 International Residential Code for the governance of one- and two-family dwellings and appurtenances.
- C. The 2006 International Residential Code, Appendix E, for the governance of manufactured one- and two-family dwellings and appurtenances.
- D. The National Fire Protection Association Standard No. 70, The National Electric Code.
- E. Chapter 415 of the Code of Public Local Laws of Allegany County, Maryland, entitled, "Plumbing."
- F. The International Mechanical Code.
- G. Chapter 325 of the Code of Public Local Laws of Allegany County, Maryland, entitled "Floodplain Management."
- H. The Maryland Accessibility Code as set forth in COMAR 05.02.02.
 [Amended 7-14-2011 by Bill No. 3-11, effective 9-1-2011.]
- I. NFPA 13D, Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.
 [Added 8-9-2012 by Bill No. 4-12, effective 9-23-2012.]

[1] *Editor's Note: Said Appendix is included at the end of this chapter.*

§ 255-2 Violations and 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 \$1 to \$1,000; each day that a violation shall continue shall constitute a separate offense.

§ 255-3 Existing liabilities.

This chapter 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 chapter shall be instituted, proceeded with and prosecuted to final determination and judgment as if this chapter had not become effective.

[HISTORY: Adopted by the Board of County Commissioners of Allegany County 9-9-1988 (Ch. 166 of the 1984 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 255.

Land development — See Ch. 360.

Livability Code — See Ch. 375.

§ 415-1 Legislative purpose.

- A. Purpose. This chapter is adopted to establish and adopt the Maryland State Plumbing Code as the Official Plumbing Code for Allegany County and to establish procedures for the enforcement of the code.
- B. Authority. This chapter is adopted under the authority of Article 25, § 3, of the Annotated Code of Maryland, as amended.^[1]
 - [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*
- C. Jurisdiction. This chapter shall apply to Allegany County, Maryland.

§ 415-2 Adoption of code by reference; questions of interpretation.

- A. Adoption. The Allegany County Commissioners hereby adopt the Maryland State Plumbing Code, 1984 Edition, and any subsequent revisions, as the Official Plumbing Code for Allegany County, Maryland.
- B. Interpretation. Any questions of interpretation of the Plumbing Code will be forwarded to the State Board of Commissioners of Practical Plumbing by the party desiring such interpretation.

§ 415-3 Licensing; permits; inspections; exceptions.

- A. Licensed master plumber. With the exception of the item mentioned in Subsection D(1), all plumbing work performed in Allegany County is to be done by a licensed master, journey or apprentice plumber, under the direction and control of a master plumber licensed to practice in the State of Maryland or under the direction and control of a master plumber licensed to practice in Allegany County or Garrett County.
- B. Permits. With the exception of those items listed in Subsection D(2), all plumbing work is subject to the following permit procedure:
 - (1) New construction. New construction shall be permitted in conjunction with a building permit obtained through the local permit system.
 - (2) Repairs. Plumbing work associated with repairs shall be permitted by a permit obtained through the local jurisdiction which issues building permits for a particular governmental unit.
- C. Inspections. Plumbing work associated with a permit obtained under Subsection B will be subject to the following inspection procedure:
 - (1) New construction. Plumbing work associated with new construction shall be inspected prior to making final connection with any public water or sewer facility or with any private water or sewer system, including wells and septic tanks.
 - (a) Public system taps. No final tap for water or sewer service shall be made operational by any Sanitary Commission, Water Commission, municipality or any publicly or privately owned utility company until the utility is notified in writing by the Plumbing Inspector that the plumbing work is approved.
 - (b) Private systems. No well or septic system or other private water or sewer system shall be given final approval to be made operational by the Allegany County Health Department until the Health Department is notified in writing by the Plumbing Inspector that the plumbing work is approved.
 - (2) Repairs. Except for emergency repairs and those items excepted in Subsection D(2), no plumbing repair work is to be made operational until approved by the Plumbing Inspector.
- D. Exceptions.
 - (1) An exception to Subsection A shall be granted for plumbing work personally done by an individual on that person's personal residence up to the final connection between the individual's residence and a public or private water or sewer system. The individual shall sign a release agreement stating that Allegany County or any municipality is in no way responsible or liable for any damages to himself, his family or the public as a result of said work.
 - (2) Exceptions to permit and inspection procedures shall be as follows:
 - (a) Plumbing work done on federal, County or municipally owned or operated property.
 - (b) Plumbing work done by an employee of a gas company regulated by the Public Service Commission while making a gas connection to a gas appliance for domestic purposes.
 - (c) Minor plumbing work, including the following:

[1] Replacement of fixtures and appliances at the same location in a residence when no other plumbing work is being performed.

[2] Repairs of leaks and stoppages, except for replacement of drain traps.

§ 415-4 Enforcement; violations and penalties.

- A. Violations. Any violation of this chapter or the Maryland State Plumbing Code, or any amendment thereto, by a master plumber, journey plumber or apprentice plumber licensed by the state shall be referred by the complainant to the Maryland State Board of Commissioners of Practical Plumbing for prosecution.
- B. Any violation of this chapter or the Maryland State Plumbing Code by someone other than a licensed plumber shall be referred to the State's Attorney for Allegany County by the complainant for prosecution as a misdemeanor.
- C. Penalty.
 - (1) The penalty for a licensed master, journey or apprentice plumber found to be violating this chapter or the Maryland Plumbing Code shall be according to the State Code for Master Plumbers.
 - (2) For all other violations, the penalty, upon conviction, shall be a fine of not less than \$10 nor more than \$100. Each day the violation continues may be deemed a separate offense.

§ 415-5 Fees.

The Allegany County Commissioners may, by resolution, set fees for permits and inspections required under this chapter. Such fee schedule may be modified by resolution as necessary by the County Commissioners.

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Appendix A

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 05.02.07.09, 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 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:

- (1) 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 \$250 to \$1,000, 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.

- (2) Specific.

CHAPTER 1

ADMINISTRATION

Section 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.'"

Section 101.4 Referenced codes: Amend to read: "The other codes listed in Sections 101.4.1 through 101.4.4 and sections 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, superseded or replaced by existing state and/or local statute, which shall prevail when in conflict."

Section 101.4.5 Property maintenance: Delete this subsection in its entirety.

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Section 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.'"

Section 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."

Section 104.4 Inspections: In this paragraph, delete the phrase "approved agency" and replace with the phrase "certified agency."

Section 104.8 Liability: In this paragraph, first line, delete the phrase "board of appeals" and replace with the phrase "Building Codes Appeals Board."

Section 105.2 Work exempt from permit:

(a) 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:"

(b) 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.

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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.

Section 105.3 Application for permit:

- (a) 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:"
- (b) Add subset line No. 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."

Section 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."

Section 105.5 Expiration: In the third line, replace "180 days" with "one year." In the fifth line, replace "180" with "365."

Section 106.1 Submittal documents: In the third line, replace the phrase "one or more sets" 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."

Section 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."

Section 106.3.2 Previous approvals: In the sixth line, delete the number "180" and replace with the text "one year."

Section 109.3 Required inspections: In the first line behind the phrase "upon notification," insert the phrase "and at his discretion."

Section 109.4 Inspection agencies: In the second line, delete the word "approved" and replace with the word "certified."

Section 110. Certificate issued: In the first line before the phrase "building or structure," insert the word "permitted."

Section 110.3 Temporary occupancy: Delete this section in its entirety and replace with the following:

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"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.

Section 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 thirty-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 thirty-day period given shall be served with a civil citation pursuant to authority granted by Article 25B, § 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 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 30 days of the written notice.

113.2.1.3 All civil citations shall be processed in accordance with Article 25B, § 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 a civil infraction and shall be punished by a fine of not less than \$250 but not more than \$1,000, and court costs, at the discretion of the court as provided herein. If any violation is 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

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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 Section 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

- (1) 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 \$250 to \$1,000, 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

Section 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.'"

Section 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

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Department of Building Safety, and the Division Chief thereof shall be known as the "Building Official."

Section 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."

Section R104.4 Inspections: In this paragraph, fourth and sixth lines, delete the phrase "approved agency" and replace with the phrase "certified agency."

Section R104.8 Liability: In this paragraph, first line, delete the phrase "board of appeals" and replace with the phrase "Building Codes Appeals Board."

Section 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."

(a) **Section 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:"

(b) 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 inches above grade.
8. Signs.
9. Swimming pools.

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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.

Section R105.3.2 Time limitation of application: In this paragraph, third line, delete the text "180 days" and replace with the text "one year."

Section 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."

Section 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."

Section R109.2 Inspection agencies: In this paragraph, second line, delete the text "approved agency" and replace with the text "certified agency."

Section 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 No. 2.

Section 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 set forth 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.

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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 (inches)	Termite ^c					
40	90	A	Severe	36	Moderate to heavy	12	Yes	1988	1,000	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 1, with amendments, as set forth previously in this bill.

SECTION III. Clarifications

- A. 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.
- B. 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.
- C. Installation of automatic sprinkler systems is voluntary within one- and two-family dwellings until such time as these standards are amended consistent with the 2015 International Residential Code. For the purposes of these regulations, mobile and modular homes are classified as one-family homes. [Added 8-9-2012 by Bill No. 4-12, effective 9-23-2012]

Chapter 255

BUILDING CONSTRUCTION

§ 255-1.	Adoption of standards.	§ 255-2.	Violations and penalties.
		§ 255-3.	Existing liabilities.

[HISTORY: Adopted by the County Commissioners of Allegany County 11-8-2007 by Bill No. 11-07, effective 1-1-2008¹ (Ch. 101 of the 1984 Code). Amendments noted where applicable.]

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Land development — See Ch. 360.

Unsafe structures — See Ch. 475.

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255:3

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- C. The 2006 International Residential Code, Appendix E, for the governance of manufactured one- and two-family dwellings and appurtenances.
- D. The National Fire Protection Association Standard No. 70, The National Electric Code.
- E. Chapter 415 of the Code of Public Local Laws of Allegany County, Maryland, entitled, "Plumbing."
- F. The International Mechanical Code.
- G. Chapter 325 of the Code of Public Local Laws of Allegany County, Maryland, entitled "Floodplain Management."
- H. The Maryland Accessibility Code as set forth in COMAR 05.02.02. [**Amended 7-14-2011 by Bill No. 3-11, effective 9-1-2011**]
- I. NFPA 13D, Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes. [**Added 8-9-2012 by Bill No. 4-12, effective 9-23-2012**]

2. Editor's Note: Said Appendix is included at the end of this chapter.

§ 255-1

§ 255-2

§ 255-2. Violations and penalties.

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§ 255-2

§ 255-3

§ 255-3. Existing liabilities.

This chapter 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 chapter shall be instituted, proceeded with and prosecuted to final determination and judgment as if this chapter had not become effective.

