

CODE OF ALLEGANY COUNTY MARYLAND

CHAPTER 102 BUILDING CODE, HANDICAPPED

§ 102-1. Authority, purpose and jurisdiction.

- A. Purpose. A chapter to establish and adopt the Maryland Building Code for the Handicapped as the official Handicapped Code for Allegany County, and to establish procedures for the Enforcement of the Code..
- B. Authority. This chapter is adopted under the authority of the Maryland Building Code for the Handicapped, Title 05, Subtitle 01, Chapter 07, Code of Maryland Regulations (COMAR 05.01.07).
- C. Jurisdiction. This chapter shall apply to the unincorporated part of Allegany County, Maryland.

§ 102-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CODE - The Maryland Building Code for the Handicapped.

COMPLIANCE OFFICER - The individual designated by the Board of County Commissioners of Allegany County, Maryland, to review and approve plans for facilities subject to this Code.

FACILITY or FACILITIES - Buildings, structures, sites or improved areas, subject to the code.

LAND USE PERMIT - A permit issued by Allegany County for the erection, construction, modification or alteration of facilities subject to the code which are to be used by employees or the general public as set forth in the code.

§ 102-3. Adoption of code by reference; interpretation.

- A. Adoption. The Allegany County Commissioners hereby adopt the Maryland Building Code for the Handicapped and any subsequent revisions as the official Building Code for the Handicapped for Allegany County.
- B. Interpretation. Any questions of interpretation of the Code will be forwarded to the Maryland Department of Housing and Community Development by the person requesting the interpretation.

§ 102-4. Permit and plan approval.

- A. Prior to the erection, construction, modification or alteration of facilities subject to the code, all persons, firms or corporations shall comply with the provisions of the code and shall apply for and receive a land use permit from Allegany County.
- B. Upon receipt of an application for a land use permit, together with written plans of the proposed erection, construction, modification or alteration of a facility subject to the code, the application and plans shall be reviewed by the compliance officer or his designee and such other regulatory agencies of Allegany County, Maryland, as may be required under the circumstances, and no land use permit shall be issued until such application and plans are approved by the compliance officer.

- C. Upon approval of the application and plans by the compliance officer and the other regulatory agencies, the land use permit shall be issued by Allegany County.

§ 102-5. Waiver.

Any person, firm or corporation may request a waiver to the requirements of this code from the Maryland Department of Housing and Community Development as specified in the code.

§ 102-6. Enforcement.

- A. During construction of the facility, the permittee shall contact the compliance officer when accessibility features are being installed. The facility shall not be put into use until the accessibility features are in compliance with the state code.
- B. Any violation of this code shall be referred to the States Attorney for Allegany County by any citizen for prosecution as a misdemeanor.

§ 102-7. Violations and penalties.

- A. Any person, firm or corporation found to be violating any provision of the code or any amendment or supplement thereto shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined up to one thousand dollars (\$1,000.). Each day the violation continues may be deemed a separate offense.
- B. Alternatively, the county or any citizen may pursue civil fines or penalties to ensure compliance with this chapter and may also institute injunction, mandamus or other appropriate action 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 or mandamus or other appropriate forms of remedy or relief.

§ 102-8. Effective date; future amendments.

- A. This chapter is hereby enacted and shall become effective on June 3, 1992.
- B. This chapter may be amended as required by COMAR 05.01.07 of the State of Maryland.

History:

Adopted by the Board of Commissioners of Allegany County 6/3/1992 by Resolution No. 92-22.¹
Amendments noted where applicable.

See also CHR Bill 2-83 Amended, passed 6/7/1983, effective 8/1/1983

General Reference:

LaVale Zoning District - See Chapter 58.
Building Construction - See Chapter 101
Building Permits - See Chapter 103
Land Development - See Chapter 141, Part 4, Zoning.
Plumbing - See Chapter 166.

Editor's Notes:

1. It also provided that it shall take effect 6/3/1992.
- 2.

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