

CODE OF ALLEGANY COUNTY MARYLAND

CHAPTER 101 BUILDING CONSTRUCTION

§ 101-1. Adoption of Building Code

The following Codes and any subsequent amendments, are hereby adopted by reference as the 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 Appendix A, attached hereto and made a part hereof.

1. The Maryland Building Performance Standards (MBPS), as prescribed in COMAR §§ 05.02.07.01 thru.09.
2. The International Building Code.
3. The International Residential Code for the governance of one and two family dwellings and appurtenances.
4. The National Fire Protection Association Standard #70 - The National Electric Code.
5. The Allegany County Plumbing Code.
6. Code of Allegany County, Maryland, Chapter 130 - Floodplain Management.
7. The Maryland Accessibility Code as set forth in COMAR 05.02.02, and the Allegany County Building Code for the 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.

APPENDIX A

SECTION A – State Modifications

The Maryland Building Performance Standards (MBPS), as prescribed in COMAR .05.02.07.01 through .09, includes the 2000 International Building Code and 2000 International Residential Code for the governance of one and two-family dwellings. The following amendments are included to provide compliance with other State laws. For other amendments, refer to COMAR 05.07.04.01 – 09.

State modifications to the 2000 International Building Code

- (1) Chapter 9. Add note to Section 901.1 Scope: Fire protection system requirements of Chapter 9 may be concurrently covered in the State Fire Code, Article 38A, §§3 - 67, and COMAR 29.06.01. The State Fire Code is enforced by the State Fire Marshal or authorized fire official.
- (2) Chapter 11. Chapter 11 of the IBC related to accessibility requirements is hereby replaced with the Maryland Accessibility Code set forth in COMAR 05.02.02.
- (3) Chapter 13. Add note to Section 1301.1 Scope: The requirements concerning energy conservation for buildings and structures are governed by Energy Conservation Building Standards, Public Utility Companies Article, §§7-401 – 7-408, Annotated Code of Maryland, as amended. In the event of a conflict between the Annotated Code of Maryland and the IBC, the requirements of the Public Utility Companies Article, §§7-401 – 7-408, Annotated Code of Maryland, prevail.
- (4) The requirements for safety glazing set forth in Article 83B, §§6-301 – 6-306, Annotated Code of Maryland, are in addition to Chapter 24, Section 2406 of the IBC related to safety glazing. In the event of a conflict between Chapter 24 of the IBC and the Annotated Code of Maryland, the requirements of the Annotated Code of Maryland prevail.
- (5) Chapter 27. Electrical. Add note to section 2701.1 Scope: The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards. For the applicable electrical requirements, refer to the local electrical code and the National Electrical Code as adopted and enforced by the State Fire Marshal, authorized fire officials, or building officials pursuant to the provisions of Article 38A, §§3 and 58 – 66, Annotated Code of Maryland.
- (6) Chapter 28. Mechanical Systems. Add note to section 2801.1 Scope: The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning the mechanical systems, refer to the local mechanical code and the mechanical code adopted pursuant to the provisions of Business Regulation Article, § 9A-205, Annotated Code of Maryland.
- (7) Chapter 29. Plumbing Systems. Add note to section 2901.1 Scope: The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning the plumbing systems, refer to the local plumbing code and the plumbing code adopted pursuant to the provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

(8) Chapter 30. The provisions of Chapter 30 of the IBC relate to elevators and conveying systems and are in addition to and not instead of the requirements set forth in Article 89, §49B, Annotated Code of Maryland. In the event of a conflict between the IBC and the Annotated Code of Maryland, the provisions of the Annotated Code of Maryland prevail.

(9) Chapter 34. Upon the adoption of the Maryland Building Rehabilitation Code by the Department under Article 83B, § 6-503, Annotated Code of Maryland, Chapter 34, Existing Structures of the IBC will be deleted and no longer applicable. The provisions of Chapter 34, Existing Structures, are applicable until the adoption of the Maryland Building Rehabilitation Code by the Department.

State modifications to the 2000 International Residential Code

(1) Mechanical, Chapter 12. Mechanical Administration. Add note to section M1201.1 Scope: The subject matter of the chapters 12 through 24 is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning the mechanical systems, refer to the local mechanical code and the mechanical code adopted pursuant to the provisions of Business Regulation Article, § 9A-205, Annotated Code of Maryland.

(2) Plumbing, Chapter 25. Plumbing Administration. Add note to section P2501.1 Scope: The subject matter of the chapters 25 through 32 is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning the plumbing systems, refer to the local plumbing code and the plumbing code adopted pursuant to the provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

(3) Electrical. Chapter 33. General Requirements. Add note to section E 3301.1 Applicability: The subject matter of the chapters 33 through 42 is not within the scope of the Maryland Building Performance Standards. For the applicable electrical requirements, refer to the local electrical code and the National Electrical Code as adopted and enforced by the State Fire Marshal, authorized fire officials, or building officials pursuant to the provisions of Article 38A, §§3 and 58 – 66, Annotated Code of Maryland.

SECTION B - County Modifications

The following modifications and amendments have been made pursuant to enabling legislation set forth in COMAR.05.02.07.01 through .09, as to amend the following regulations to conform to local building conditions peculiar to Allegany County, as well as to compliment existing statute and administrative processes to better serve it citizens.

County modifications to the 2000 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 (excepting Industrialized Feeding Operations).
3. All additions of 600 square feet or less
4. All accessory structures of 600 square feet or less
5. Greenhouse
6. Tent
7. Fence
8. Deck additions less than or equal to 30" above grade.
9. Signs
10. Billboards
11. Swimming pools
12. Antennas, masts, dishes, microwave towers and other similar communication devices.
13. All ordinary repairs.
14. All interior modifications, renovations or alterations to existing buildings or structures.
15. All alterations to equipment, or installation of equipment, that is not associated with construction requiring a permit.
16. Oil derricks.
17. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
18. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
19. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
20. Temporary motion picture, television and theater stage sets and scenery.
21. Shade cloth or membrane structures constructed for nursery or agricultural purposes and not including service systems.
22. Swings and other playground equipment accessory to one-and two-family dwellings.
23. Window awnings supported by an exterior wall of Group R-3, as applicable in §101.2, and Group U occupancies.
24. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Subsection 105.3. Application for a permit, subset line #4 :

Add at the end of the sentence the phrase " or as prescribed by the Building Official."

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 license numbers, respectively.

Subsection 105.3.2. Time limitation of application:

In the third line, replace "180" with "365". In the seventh line, replace "90" with "180".

Subsection 105.5. Expiration:

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

Subsection 106.1. Submittal documents:

In the second 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 third line behind the phrase " shall be prepared", add following text ", signed and sealed".

Subsection 106.3.1. Approval of construction documents:

In the fourth line, 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 110.3. Required inspections:

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

Subsection 110.4. Temporary occupancy:

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

§110.4 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 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.

- A. 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.
- B. 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:

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 written of the notice.
 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 written of the notice.
- C. 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
- D. 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.
- E. 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.
- F. 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.

County modifications to the 2000 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 line, 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 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 (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. Greenhouse.
6. Tent.
7. Fence.

8. Deck additions less than 30" above grade.
9. Signs.
10. Swimming pool.
11. Antennas, masts, dishes, microwave towers and other similar communication devices.
12. All ordinary repairs.
13. All interior modifications, renovations or alterations to existing buildings or structures.
14. All alterations to equipment, or installation of equipment, that is not associated with construction requiring a permit.
15. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall.
16. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
17. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
18. Swings and other playground equipment accessory to one-and two-family dwellings.
19. Window awnings supported by an exterior wall of Group R-3, as applicable in §101.2, and Group U occupancies.
20. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

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 R109.2 Inspections:

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

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	Seismic Design Category ^{f,g}	Subject To Damage From				Winter Design Temp ^f	Flood Hazards ^h
	Speed ^e (mph)		Weathering ^a	Frost line depth ^b	Termite ^c	Decay ^d		
40	90	C	Severe	36"	Moderate to Heavy	Moderate	9	1988

Table R301.4 Minimum Uniformly Distributed Live Loads:

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

Part V - Mechanical

Chapters 12 through 23

The International Residential Code Chapters 12 through 23 are hereby deleted and replaced with the mechanical code adopted pursuant to the provisions of Business Regulation Article, § 9A-205, Annotated Code of Maryland.

Part VI - Fuel Gas

Chapter 24

The International Residential Code Chapter 24 is hereby deleted and replaced with the appropriate references in the Allegany County Plumbing Code Ordinance and the mechanical code adopted pursuant to the provisions of Business Regulation Article, §9A-205, Annotated Code of Maryland.

Part VII - Plumbing

Chapters 25 through 32

The International Residential Code Chapters 25 through 32 are hereby deleted and replaced with the appropriate references in the Allegany County Plumbing Code Ordinance.

Part VIII - Electrical

Chapters 33 through 42

The International Residential Code Chapters 33 through 42 are hereby deleted and replaced with the National Electrical Code as adopted and enforced by the State Fire Marshal, authorized fire officials, or building officials pursuant to the provisions of Article 38A, §§3 and 58 – 66, Annotated Code of Maryland.

SECTION C - 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.

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IMPORTANT NOTICE: This document has been reproduce through various electronic means for the purposes of public convenience and information. Though proofread, this document may contain errors. For *True Test Copies* of this Law, please contact the *County Clerk*, Office of the Allegany County Commissioners, County Office Complex, Suite 400, 701 Kelly Road, Cumberland, Maryland 21502-3401.