

MONTGOMERY COUNTY

23A-5. ADMINISTRATION AND ENFORCEMENT OF CHAPTER.

THIS CHAPTER SHALL BE ADMINISTERED AND ENFORCED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

23A-6. RIGHT-OF-ENTRY OF DEPARTMENTAL PERSONNEL.

THE DIRECTOR OR HIS AUTHORIZED REPRESENTATIVES UPON EXHIBITING PROPER CREDENTIALS OR PROOF OF IDENTITY ON REQUEST SHALL HAVE THE RIGHT TO ENTER ANY FACILITY LICENSED IN ACCORDANCE WITH PROVISIONS OF THIS CHAPTER FOR THE PURPOSE OF INSPECTING ALL SPACES AND AREAS EXCEPT THE SLEEPING QUARTERS UNLESS THE CONSENT OF THE OCCUPANT OF SUCH QUARTERS IS FIRST OBTAINED, AT ALL REASONABLE TIMES AND AT SUCH OTHER TIMES AS MAY BE NECESSARY FOR THE HEALTH, SAFETY OR WELFARE OF THE RESIDENTS.

23A-7. RULES AND REGULATIONS.

(A) SUBJECT TO RULES AND REGULATIONS PROMULGATED BY THE LOCAL BOARD OF HEALTH FOR MONTGOMERY COUNTY AND RULES AND REGULATIONS OF THE STATE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE COUNTY EXECUTIVE MAY ADOPT, AMEND OR ALTER WRITTEN RULES AND REGULATIONS FOR THIS CHAPTER AND MAY AT HIS DISCRETION, HOLD PUBLIC HEARINGS AS PART OF THIS RULE-MAKING PROCEDURE. SUCH RULES AND REGULATIONS SHALL NOT CONFLICT WITH NOR WAIVE ANY PROVISIONS OF THIS CHAPTER, BE LESS RESTRICTIVE THAN ITS PROVISIONS NOR THOSE FOUND IN CHAPTER 26 OF THIS CODE, TITLE "HOUSING STANDARDS." SUCH RULES AND REGULATIONS AND AMENDMENTS THERETO SHALL BECOME EFFECTIVE UPON THEIR ADOPTION BY THE COUNTY EXECUTIVE AND SHALL HAVE THE FORCE AND EFFECT OF LAW FROM AND AFTER THE 30TH DAY FOLLOWING THEIR ADOPTION, OR UPON SUCH EARLIER DATE AS MAY BE AFFIXED UPON DECLARATION OF AN EMERGENCY.

(B) PROMPTLY FOLLOWING ADOPTION AND PRIOR TO THE EFFECTIVE DATE, THE COUNTY EXECUTIVE SHALL CAUSE TO BE PUBLISHED IN THE COUNTY, A BRIEF SUMMARY OF THE RULES OR REGULATIONS SO ADOPTED, TOGETHER WITH A STATEMENT OF ITS EFFECTIVE DATE AND OF THE PLACE WHERE A COPY THEREOF MAY BE OBTAINED. THE REQUIREMENT OF PUBLICATION PRIOR TO THE EFFECTIVE DATE SHALL NOT APPLY TO RULES AND REGULATIONS ADOPTED UPON THE DECLARATION OF AN EMERGENCY. A SUMMARY OF EMERGENCY RULES AND REGULATIONS SHALL BE PUBLISHED PROMPTLY AFTER THE ADOPTION OF SUCH REGULATIONS.

(C) IN DETERMINING COMPLIANCE WITH THE STANDARDS PROVIDED IN THE RULES AND REGULATIONS PROMULGATED PURSUANT TO AUTHORITY GRANTED HEREIN, THE DIRECTOR SHALL RESOLVE ANY DOUBT AS TO THE ADEQUACY OF COMPLIANCE IN FAVOR OF THE RESIDENTS OF THE GROUP RESIDENTIAL FACILITY.

(D) THE DIRECTOR SHALL HAVE THE AUTHORITY TO WAIVE