

Bill No. 44-01  
Concerning: Housing Code -  
Amendments  
Revised: 12-7-01 Draft No. 3  
Introduced: December 11, 2001  
Expires: June 11, 2003  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
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Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the request of the County Executive

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**AN ACT** to:

- (1) amend the housing standards law to address visual blight;
- (2) modify requirements for wiring for air conditioning units, emergency access, and food storage;
- (3) require removal of graffiti, and that painted surfaces and floor coverings be kept in good repair and condition;
- (4) require maintenance of unoccupied structures;
- (5) require proper drainage from paved surfaces;
- (6) amend inspection, right-of-entry, and warrant procedures;
- (7) allow condemnation of vacant structures and structures found to be a public nuisance under certain conditions;
- (8) clarify condemnation procedures and eliminate redundant appeal processes; and
- (9) reorganize, update and clarify language in, and generally amend the County housing and building maintenance standards law.

By amending

Montgomery County Code  
Chapter 26, Housing Standards

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

**Sec. 1. Chapter 26 is amended as follows:**

**Chapter 26. Housing and Building Maintenance Standards.**

**[26-1. Definitions.**

In this Chapter, the following words and phrases have the following meanings unless the context indicates otherwise:

Accessory structure: A structure or other improvement subordinate in use to, and located on the same lot with, a main structure. Accessory structure includes a building for any use or occupancy, an outbuilding, shed, driveway, parking lot, garage, fence, step, stair, walk, retaining wall, fire escape, railing or anything erected or framed of component parts and fastened to or resting upon the ground or upon a permanent foundation.

Basement: A portion of a building located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Boardinghouse: A dwelling in which, for compensation, lodging or lodging and meals are provided or offered to not more than five (5) guests.

Cellar: A portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Chief administrative officer: The Chief Administrative Officer for Montgomery County, or his designee.

Deadbolt lock: A bolt which is key-operated from outside the premises and which automatically engages when fully thrown and lacks any springs to extend or retract the bolt.

Dwelling: Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants. Temporary housing and fallout or

emergency shelters are not dwellings. Mobile homes and personal living quarters buildings are dwellings.

Dwelling unit: Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating. Such term shall also include "rooming unit."

Enforcing agency:

- (a) The Department of Housing and Community Affairs; or
- (b) Any other agency of County government which the chief administrative officer assigns to enforce this Chapter; or
- (c) An applicable municipal agency in any municipality in which this Chapter applies.

Extermination: The control and elimination of insects, rodents or other vermin by:

- (a) Eliminating their harborage points;
- (b) Removing or making inaccessible materials that may serve as their food;
- (c) Poisoning, spraying, fumigating, trapping; or
- (d) Any other vermin elimination methods approved by the enforcing agency.

Garbage: All organic waste, consisting of the residue of animal, fruit or vegetable matter, resulting from the preparation, cooking, handling or storage of food, exclusive of human or animal feces.

Habitable room: A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes excluding bathroom, water closet compartment, laundries, pantries, foyers or communicating corridors, closets, recreation room, private workshops or lobby rooms, storage spaces and fallout or emergency shelters.

54           Hostel: Any building or portion thereof or any group of buildings where, for  
55 compensation, lodging or lodging and meals are provided or offered to three (3) or  
56 more transient guests and shall include hotels, motels, tourist courts, motor courts,  
57 tourist camps and similar establishments.

58           Individual living unit: A private living accommodation, located in a personal  
59 living quarters building, which may contain complete sanitation facilities and  
60 equipment for incidental food preparation, such as small portable kitchen appliances,  
61 but must not contain complete cooking facilities, such as a stove, oven, or similar  
62 device.

63           Infestation: The presence, within or around a dwelling, of any insects, rodents  
64 or other vermin.

65           Mobile home: A structure, transportable in one (1) or more sections, which is  
66 eight (8) body feet or more in width and is thirty-two (32) body feet or more in  
67 length, and which is built on a permanent chassis, and designed to be used as a  
68 dwelling with or without permanent foundation when connected to the required  
69 utilities, and includes the plumbing, heating, air-conditioning and electrical systems  
70 contained therein and is used for living or sleeping by human occupants for more  
71 than thirty (30) consecutive days or more than ninety (90) days in any calendar year.

72           Multiple dwelling: Any dwelling containing two (2) or more dwelling units.

73           Nonresidential structure: Any structure, building, accessory structure, or any  
74 part thereof used for purposes other than human habitation.

75           Occupant: Any person, over one year of age, living, sleeping, cooking or  
76 eating in or having actual possession of a dwelling unit, rooming unit, or individual  
77 living unit.

78           Operator: Any person who has charge, care or control of a building or part  
79 thereof in which dwelling units or rooming units are let.

80           Owner: Any person who, alone or jointly or severally with others:

- (a) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (b) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall comply with the provisions of this chapter and rules as if he were the owner.

Personal living quarters building: Any building or portion of a building containing at least 6 individual living units which must have cooking facilities that the residents may share, and which may also have shared sanitation facilities.

Plumbing: All of the following supplied facilities and equipment: Gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, and all connections to water, sewer or gas lines.

Public nuisance: Any dwelling, dwelling unit, nonresidential structure and its premises, or any part thereof, that is:

- (a) An attractive nuisance to children, including vacant unsecured buildings, unprotected or abandoned wells, open shafts, open basements, excavations, unsafe fences, unsafe stairways, and unsafe steps;
- (b) Unsanitary, littered with rubbish or garbage, used for outdoor storage or abandonment of appliances for more than two (2) days, or of equipment which poses a threat of injury or danger to life;
- (c) Severely deteriorated, dilapidated, structurally unsafe, or fire-damaged;
- (d) Not equipped with properly functioning sanitary sewage and plumbing facilities;

(e) Creating a condition that results in or potentially may result in substantial damage to another property;

(f) Unsafe, dangerous, or unhealthful to occupants, neighbors, employees, or visitors, guests, and tradesmen.

Recreational vehicles: A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or towed by another vehicle. The basic entities are: Travel trailer, camping trailer, truck camper and motor home.

Rooming house: Any dwelling or that part of any dwelling containing one (1) or more rooming units, in which space is let or offered by the owner or operator to three (3) or more persons who are not husband or wife, son or daughter, mother or father or sister or brother of the owner or operator.

Rooming unit: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish: All refuse other than garbage, whether combustible or noncombustible, including but not limited to the following: Rubbish from building construction or reconstruction, dead trees, uprooted tree stumps, slash, rubble, street refuse, abandoned automobiles, machinery, bottles, cans, waste paper, cardboard, sawdust piles, slash from sawmill operations and all other waste material.

Security measure: A device, action or precaution, as established by executive regulation, designed and intended to improve an occupant's ability to protect against another person's entry into his dwelling unit without permission. Security measures shall include but not be limited to efforts such as key control programs, changing cylinders or pin settings between tenancies, and devices such as deadbolt locks, cane bolts, header and threshold bolts, viewers, window locks or pins, charlie bars and track locks.

Shelter, fallout or emergency: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, enemy action, storms or like emergencies.

Structure: An assembly of materials constructed for occupancy or use, including a building, stadium, gospel or circus tent, reviewing stand, platforming, observation tower, radio or television broadcasting tower, water tank, trestle, pier, wharf, open shed, coal bin, shelter, fence, wall, sign, power line tower, pipeline, railroad track, or pole.

Supplied: Paid for, furnished or provided by or under the control of the owner or operator.

Temporary housing: Any tent, recreational vehicle or similar structure which is used for human shelter for not more than thirty (30) consecutive days nor more than ninety (90) days in any calendar year; provided, that such tent, recreational vehicle or similar structure shall comply with the statutes, ordinances and regulations of the County. Nothing is herein intended to prohibit the use of the tent, recreational vehicle or similar structure as a dwelling for more than thirty (30) consecutive days or more than ninety (90) days in any calendar year if such tent, recreational vehicle or similar structure complies with the provisions of this Chapter and the statutes, ordinances and regulations of the County. Mobile homes, as defined above, shall not be regarded as temporary housing.

Tourist home: A dwelling in which, for compensation, lodging or lodging and meals are provided or offered to not more than twelve (12) transient guests.

The words "dwelling," "dwelling unit," "hostel," "boardinghouse," "personal living quarters," "tourist home," "rooming house," "rooming unit," or "premises" include any part thereof.]

**[26-2. Reserved.]**

**[26-3. Certain institutions exempted from provisions of chapter.**

Sanitariums, hospitals, nursing homes, care homes, child care homes and other similar institutional facilities which are operated under a license granted by the state department of health or the county shall not be subject to the terms and provisions of this Chapter.]

**[26-4. Inspections generally; when warrants required; right of entry of inspectors and owners.**

(a) The enforcing agency may inspect the condition of dwellings, nonresidential structures, and premises located in the county to safeguard the health and safety of the occupants and the general public. For the purpose of making such inspections, the enforcing agency may enter, examine and survey, at all reasonable times, all dwellings, nonresidential structures, and premises. Before an inspection, the enforcing agency must give notice either orally or in writing of the day of the inspection and obtain the consent of the owner, operator or occupant to the inspection.

(b) If the owner, operator or occupant refuses to consent to such inspection, the enforcing agency must, before any entry or inspection, obtain a warrant for such inspection. The warrant must be obtained by a written application, signed and sworn to by an officer of the enforcing agency, setting forth the purpose of the inspection and the address or location of the dwelling or premises to be inspected. When, upon such application, any court with jurisdiction finds that there is probable cause to believe that a violation of this Chapter exists, then the court may forthwith issue a warrant directed to the enforcing agency authorizing it to enter and inspect such dwelling or premises. The warrant must state that any inspection made thereunder must be made within thirty (30) calendar



188 days after the warrant is issued. After the thirty-day period expires, the  
 189 warrant is void.

190 (c) Each occupant of a dwelling or premises must give the owner thereof or  
 191 his agent or employee access to any part of such dwelling or its  
 192 premises at all reasonable times to make repairs or alterations or take  
 193 such action as necessary to comply with this Chapter or any lawful  
 194 order issued under this Chapter.

195 (d) When a violation of this Chapter also falls within the jurisdiction of  
 196 another county department or office, the Chief Administrative Officer  
 197 determines which agency will handle the investigation, enforcement and  
 198 administration.]

199 **[26-5. Minimum standards for basic equipment and facilities.**

200 The owner of any dwelling or dwelling unit must assure compliance with the  
 201 following standards during human habitation:

202 (a) Every dwelling unit and personal living quarters building must contain a  
 203 room or space for the storage, preparation, and cooking of food, which  
 204 must include:

- 205 (1) A stove or other comparable installed cooking facilities;
- 206 (2) Space for dry food storage;
- 207 (3) A refrigerator or other facilities for refrigerated food storage;
- 208 (4) A kitchen sink installed.

209 The sink must be in good working condition and properly  
 210 connected to a hot and cold running water system under pressure,  
 211 and a sewer system. The sink and systems must be installed and  
 212 maintained as prescribed by applicable County regulations, or by  
 213 the Washington Suburban Sanitary Commission. Dwelling units  
 214 on property where Washington Suburban Sanitary Commission

215 water or sewer services are not available and private water supply  
216 and sewage disposal systems cannot be legally installed may be  
217 eligible for a waiver under conditions set in this Chapter. In  
218 mobile homes, plumbing systems must be protected from  
219 freezing. Complete cooking facilities must not be included in an  
220 individual living unit located in a personal living quarters  
221 building. Any cooking facility which is installed in every  
222 individual living unit need not be installed in a shared kitchen.

223 (b) (1) Every dwelling unit and personal living quarters building must be  
224 equipped with a complete bathroom fixture group consisting of a  
225 flush water closet, lavatory basin and bathtub or shower in good  
226 working condition and installed and maintained in a manner  
227 prescribed by applicable County regulations. That fixture group  
228 must be properly connected to an approved sewage disposal  
229 system and an approved hot and cold running water system under  
230 pressure; except that the flush water closet must be connected to  
231 an approved sewage disposal system and to an approved cold  
232 running water system under pressure.

233 (2) The flush water closet, lavatory basin and bathtub or shower need  
234 not be installed in the same room, but that room where it is  
235 installed must afford privacy to a person within that room. A  
236 flush water closet and lavatory must be accessible from each  
237 bedroom without passing through another bedroom.

238 (3) Every personal living quarters building that does not contain a  
239 flush water closet, lavatory basin, and bathtub or shower in each  
240 individual living unit must contain shared facilities, located in the  
241 building and accessible to all occupants from common halls or

passageways, with at least one flush water closet, lavatory basin,  
and bathtub or shower for each 6 occupants.

- (c) Every dwelling unit, personal living quarters, hostel, boardinghouse, tourist home and rooming house must be supplied with adequate rubbish storage facilities and with adequate garbage disposal facilities or garbage storage containers as required by chapter 48.
- (d) Water-heating facilities necessary to provide the hot water required by this section must be properly installed and connected to the hot water lines required under this section, must be maintained in safe and good working condition and must be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees or more than 140 degrees Fahrenheit. Such supplied water-heating facilities must be capable of meeting the requirements of this subsection when the heating facilities required under this chapter are not in operation.
- (e) Every dwelling unit, individual living unit, and rooming unit must have safe, unobstructed means of escape leading to safe and open space at ground level as required by chapters 8 and 22.
- (f) Every mobile home must have at least two (2) exit doors which must provide a means of unobstructed escape and must be located at a sufficient distance from each other to assure safe escape from any part of the mobile home in a fire or emergency. Exterior mobile home doors must:
  - (1) Be constructed for exterior use;
  - (2) Open outward;

(3) Be capable of being opened from the inside by the use of a lever, knob, button, handle or other device which does not require a key for operation from the inside; and

(4) Provide a twenty-six-inch-wide clear opening unless otherwise permitted as an emergency exit only.

Every room in a mobile home designed expressly for sleeping purposes, unless it has an exit door, must have at least one outside window which can be opened from the inside without the use of tools to provide a clear opening of not less than twenty-two (22) inches in the least dimension and five (5) square feet in area with the bottom of the opening not more than four (4) feet above the floor. Where a screen or storm window must be removed from this window to permit emergency escape, it must be readily removable without the use of a tool.

(g) Every mobile home, except mobile homes located in licensed mobile home parks, must meet the following additional requirements:

(1) Every mobile home must be placed on a permanent foundation which meets the requirements of Chapter 8.

(2) Every mobile home must be securely tied down with ties and ground anchors which meet the requirements of Chapter 8.

(h) The access to any sleeping room must not pass through another sleeping room.

(i) Dwelling units, individual living units, and rooming units must be arranged to provide privacy.]

**[26-6. Minimum standards for light, ventilation and heating.**

The owner of any dwelling or dwelling unit must assure compliance with the following standards during human habitation:

- (a) Every habitable room must contain windows, skylights, shutters, monitors, glazed doors, transoms, glass block panels or other light transmitting media open to the sky or to a public street, yard or court which comply with the provisions for lighting of rooms in Chapter 8. When windows and exterior doors are used as a natural means of light and ventilation, their aggregate glass area must be at least 8 percent of the floor area. If walls or other portions of structures face a window of any habitable room and such light obstruction structures are located less than 3 feet from the window and extend above the ceiling of the room, such a window must not be included in the required minimum total window area. If the only window in a room is a skylight in the ceiling, the minimum aggregate glass area of the skylight must be at least 15 percent of the floor area of such room. Alternate arrangements of windows, doors or other methods that will provide the equivalent minimum light performance as prescribed in Chapter 8 may be used, except that every individual living unit must have at least one window with aggregate glass area greater than 4 percent of the floor area of all rooms in the individual living unit.
- (b) Every habitable room must provide adequate natural or artificial ventilation that meets the minimum standards prescribed in Chapter 8. When ventilation is provided by windows and exterior doors, the total of the openable window or door area in each habitable room must be at least forty-five (45) percent of the minimum aggregate glass area of the window or skylight as required in subsection (a) or four (4) percent of the floor area.
- (c) Every bathroom and water closet compartment shall comply with the light and ventilation requirements for such rooms contained in the

plumbing regulations of the Washington Suburban Sanitary District or of the County (as contained in Chapter 34) as applicable to the location of the dwelling.

(d) Where electric service is available from power lines which are not more than 300 feet away, every dwelling, dwelling unit, personal living quarters, hostel, boardinghouse, tourist home, rooming house and all public and common areas must be supplied with electric service, outlets and fixtures which must be properly installed, maintained in good and safe working condition, and connected to the source of electric power in a manner prescribed by applicable County regulations. The capacity of such services and the number of outlets and fixtures must be as follows:

(1) Every habitable room must have an electric service and outlets or fixtures or both capable of providing at least 3 watts per square foot of floor area.

(2) Every habitable room must have at least one floor-or-wall electric convenience outlet for each 60 square feet or fraction thereof of floor area, and in no case less than 2 such outlets.

(3) Every water closet compartment, bathroom, laundry room, furnace room and public hall must contain at least one supplied ceiling- or-wall-type electric light fixture.

(4) Every cooking area must be supplied with at least one circuit rated for at least 20 ampere service capacity.

(5) Circuit breakers, fuses and other circuit protection devices must not exceed the rated capacity of the circuit and must accommodate normal household use.

(e) Every dwelling or dwelling unit, personal living quarters building, hostel, boardinghouse, tourist home and rooming house must be

348 supplied with heating facilities which are properly installed and are  
349 maintained in safe and good working condition. Either central or space  
350 heating facilities may be used, but must meet the following  
351 requirements:

352 (1) Every central heating unit or central hot water heating unit must:

- 353 (A) Have every heat duct, steam pipe or hot water pipe free of  
354 leaks and functioning properly to provide an adequate  
355 amount of heat and hot water to the intended place of  
356 delivery;
- 357 (B) Be provided with seals between sections of hot air furnaces  
358 to prevent the escape of toxic gases into heat ducts;
- 359 (C) If the unit uses electricity, be connected to an electric  
360 circuit of adequate capacity in an approved manner; and
- 361 (D) Be provided with automatic safety devices and be installed  
362 and operated in the manner required by applicable County  
363 regulations.

364 (2) Every space heating unit or unit hot water facility must:

- 365 (A) Not use gasoline as a fuel;
- 366 (B) Not be manufactured or designed to be portable if the unit  
367 uses solid, liquid or gaseous fuel;
- 368 (C) If the unit uses a flame, be connected to a flue or vent in  
369 the manner required by applicable County regulations;
- 370 (D) If the unit uses solid or liquid fuels, have a fire resistant  
371 panel beneath it;
- 372 (E) Be located at least 2 feet away from any wall, or be  
373 equipped with insulation sufficient to prevent the  
374 overheating of any wall in a manner prescribed by the

current standards of the American Standards Association  
and the National Fire Protection Association;

(F) If the unit uses gaseous fuel, be connected with a non-  
flexible metal tubing;

(G) If the unit uses electricity, be connected to an electric  
circuit of adequate capacity in an approved manner; and

(H) Be installed and operated in a manner required by  
applicable County regulations.

(f) Every common hallway and stairway in every multiple dwelling and  
personal living quarters building must be adequately lighted with  
lighting facilities sufficient to provide at least 3 footcandles of light at  
the floor or stair tread level at all times. Every common hallway and  
stairway in structures devoted solely to dwelling occupancy and  
containing not more than 4 dwelling units may be supplied with  
conveniently located light switches controlling an adequate lighting  
system which may be turned on when needed, instead of full-time  
lighting.

(g) During that portion of each year when it is necessary for protection  
against mosquitos, flies, and other insects, every window or other  
device with openings to outdoor space, used or intended to be used for  
ventilation, must be supplied with screens. In lieu of screens, other  
methods of insect control may be used where such method has been  
approved by the enforcing agency. Every window used or intended to  
be used for ventilation, and every other opening in any dwelling which  
might provide an entry for rodents, must be supplied with a screen or  
such other device that effectively prevents, their entrance.]

**[26-7. Temperature control.**



- 402 (a) Every owner of a dwelling unit or individual living unit in which the
- 403 heat is not under the control of the tenant must maintain in such unit a
- 404 temperature of at least 68 degrees Fahrenheit in all habitable rooms,
- 405 bathrooms and water closet compartments at a distance of 3 feet above
- 406 floor level.
- 407 (b) Every owner of a dwelling unit or individual living unit in which the
- 408 heat is under the control of the tenant must provide in working condition
- 409 heating equipment capable of maintaining in such unit a temperature of
- 410 at least 68 degrees Fahrenheit in all habitable rooms, bathrooms and
- 411 water closet compartments at a distance of 3 feet above floor level.
- 412 (c) If the thermostat or other mechanism governing the heat in more than
- 413 one dwelling unit in a multiple dwelling or individual living unit in a
- 414 personal living quarters building is located in a dwelling unit or
- 415 individual living unit where the occupant of that unit controls the heat
- 416 delivery to other dwelling units or individual living units, the owner
- 417 must provide the tenants with an emergency phone number to directly
- 418 contact a person who has twenty-four-hour access to adjust the heat and
- 419 who will adjust the heat within 2 hours.]

420 **[26-8. General requirements relating to safe and sanitary maintenance.**

421 The owner of any dwelling or dwelling unit must assure compliance with the

422 following standards during human habitation:

- 423 (a) Every foundation, floor, wall, ceiling and roof must be reasonably
- 424 weather-tight, water-tight and rodent-proof, must be capable of
- 425 affording privacy, and must be kept in good repair.
- 426 (b) Every window, exterior door and basement hatchway must be
- 427 reasonably weather-tight, water-tight and rodent-proof, and must be
- 428 kept in sound working condition and good repair.

- 429 (c) Every inside and outside stair, every porch and every appurtenance  
430 thereto must be maintained and kept in sound condition and good repair.
- 431 (d) Every plumbing fixture and water and waste pipe must be properly  
432 installed and maintained in good sanitary working condition, free from  
433 defects, leaks and obstructions.
- 434 (e) Every water closet compartment floor surface and bathroom floor  
435 surface must be constructed and maintained so as to be reasonably  
436 impervious to water and so as to permit such floor to be easily kept in a  
437 clean and sanitary condition as provided in applicable plumbing  
438 regulations.
- 439 (f) All rain water must be so drained and conveyed from every roof so as  
440 not to cause dampness in walls, ceilings or floors.
- 441 (g) All exterior wood surfaces must be adequately protected from water  
442 seepage and against decay.
- 443 (h) All walls, ceilings, interior woodwork, doors and windows must be kept  
444 free of flaking, peeling or loose paint, and only lead-free paint may be  
445 used.
- 446 (i) Every supplied facility, piece of equipment or utility which is required  
447 under this Chapter must be constructed or installed so that it will  
448 function safely and effectively, and must be maintained in satisfactory  
449 working condition.
- 450 (j) An owner, operator or occupant must not cause any service, facility,  
451 equipment or utility which is required under this Chapter to be removed  
452 from or shut off from or discontinued for any occupied dwelling, except  
453 for such temporary interruption that is necessary while actual repairs or  
454 alterations are in process, or during temporary emergencies when  
455 discontinuance of service is approved by the enforcing agency. If a

rental dwelling unit or individual living unit is not equipped with a separate meter for a utility, the owner must make sufficient utility payments to prevent the utility service from being discontinued.

(k) An owner or operator must not occupy or initially let to any other occupant any vacant dwelling, individual living unit, or rooming unit unless it is clean, sanitary and fit for human occupancy.

(l) (1) The owner or operator of a rental dwelling unit or individual living unit must repaint the painted interior surfaces of the unit;

(A) If after the third year of tenancy:

i. The paint is stained or is not intact and cleanable; and

ii. This condition is not due to tenant abuse; and

(B) At least every 5 years.

(2) Painting required under subsection (1) may be postponed for 5 years or until a change in occupancy, whichever occurs first, when an occupant certifies that the occupants do not want the unit to be painted at the scheduled time.]

**[26-9. Minimum space, use and location requirements.**

The owner of any dwelling or dwelling unit must assure compliance with the following standards during human habitation:

(a) Every dwelling unit must contain at least 150 square feet of floor area for the first occupant and at least 100 additional square feet of floor area for every additional occupant.

(b) In every dwelling unit of 2 or more rooms, every room occupied for sleeping purposes by one occupant must contain at least 70 square feet of usable floor area, and every room occupied for sleeping purposes by more than one occupant must contain at least 50 square feet of usable

area for each occupant. However, in every mobile home every room occupied for sleeping purposes by one occupant must contain at least 50 square feet of usable floor area, every room occupied for sleeping purposes by 2 occupants must contain at least 70 square feet of usable floor area, and every room occupied for sleeping purposes by more than 2 occupants must contain at least an additional 50 square feet of usable floor area for each additional occupant.

- (c) The minimum floor areas required by this Section must be calculated on the basis of total usable floor area of habitable rooms. The calculation of general living area in subsection (a) must not include rooms or space used in the calculation of sleeping area in subsection (b), except that a dwelling unit without a separate bedroom may meet both requirements with separate space in one room.
- (d) Each individual living unit must contain at least 150 square feet of floor area for each occupant.
- (e) At least one-half of the floor area of every habitable room must have a ceiling height of at least 7 feet. The floor area of that part of any room where the ceiling height is less than 5 feet or where the room width is less than 7 feet must not be considered in computing the usable floor area of the room to determine its maximum permissible occupancy.
- (f) Cellar space must not be used as a habitable room or dwelling unit without written permission from the enforcing agency.
- (g) Basement space must not be used as a habitable room or dwelling unit unless, in addition to the other requirements of this Chapter:
  - (1) The floor and walls are impervious to leakage of underground and surface runoff water and insulated against dampness; and

- (2) The minimum aggregate glass area of windows as required by this Chapter is located entirely above the grade of the ground adjoining the window area.]

**[26-10. Responsibilities of owners and occupants.**

The following responsibilities of owners and occupants of residential property are in addition to those specified elsewhere in this Chapter:

- (a) Every owner of a multiple dwelling or personal living quarters building is responsible for maintaining in a clean and sanitary condition the shared or common area of the land and buildings.
  - (1) All equipment and facilities provided in laundry rooms and other shared spaces must be maintained in clean condition and good working order.
  - (2) All rubbish and garbage must be stored and maintained in approved containers which conform to Chapter 48. Rubbish and garbage must not remain outside of the approved storage containers, or containment areas approved for bulk objects, for more than 24 hours. The owner must provide a sufficient number of containers for storage of rubbish and garbage to prevent overflow.
- (b) Every occupant of a dwelling, dwelling unit, or individual living unit must keep in a clean and sanitary condition that part of the dwelling, dwelling unit, individual living unit, and premises which the occupant occupies and controls.
- (c) Every occupant of a dwelling, dwelling unit or individual living unit must dispose of all rubbish in a clean and sanitary manner by placing it in rubbish containers as required by Chapter 48.

- 535 (d) Every occupant of a dwelling, dwelling unit, or individual living unit  
536 must dispose of all his garbage and any other organic waste which  
537 might be food for rodents, in a clean and sanitary manner, by placing it  
538 in the garbage disposal facilities or garbage storage containers required  
539 by Chapter 48.
- 540 (e) Every occupant of a dwelling unit is responsible for hanging all screens  
541 except where the owner has agreed to supply such service.
- 542 (f) Every occupant of a dwelling containing a single dwelling unit is  
543 responsible for the extermination of any insects, rodents, or other  
544 vermin therein or on the premises.
- 545 (1) Every occupant of a dwelling unit or individual living unit in a  
546 dwelling containing more than one dwelling unit is responsible  
547 for extermination whenever that unit is the only unit infested.
- 548 (2) Notwithstanding the foregoing provisions of this subsection,  
549 whenever infestation is caused by failure of the owner to  
550 maintain a dwelling in a ratproof or reasonably insect proof  
551 condition, extermination is the responsibility of the owner.
- 552 (3) Whenever infestation exists in 2 or more dwelling units or  
553 individual living units in any dwelling, or in the shared or  
554 common parts of any dwelling containing 2 or more dwelling  
555 units or individual living units, extermination is the responsibility  
556 of the owner.
- 557 (g) Every occupant of a dwelling unit or individual living unit must keep all  
558 plumbing fixtures therein in a clean and sanitary condition and is  
559 responsible for the exercise of reasonable care in the proper use and  
560 operation thereof.

- 561 (h) Every occupant of a single-family dwelling, owner of a multiple  
562 dwelling or personal living quarters, or owner of a vacant building, and  
563 any occupant of a dwelling unit in a multifamily dwelling who controls  
564 a lawn or yard area, must cut any grass or weeds periodically and must  
565 not allow grass or weeds to grow more than 12 inches high.
- 566 (i) Every owner must keep lawns and other land not covered by structures  
567 reasonably free of erosion or gullyng and must replace damaged  
568 ground cover.
- 569 (j) Every owner must maintain shrubbery, trees, vines, hedges and other  
570 vegetation, including dead trees and branches, so they do not constitute  
571 a danger to the public health or safety.
- 572 (k) Every owner must keep all accessory structures structurally sound and  
573 maintained in good repair. Each surface exposed to the elements and  
574 susceptible to deterioration must be painted or provided with other  
575 suitable, weather-resistant protective coating sufficient to prevent  
576 deterioration.
- 577 (l) Every owner must maintain each paved and gravel surface of entry  
578 aprons, driveways, sidewalks and parking lots in good, serviceable and  
579 safe condition.
- 580 (m) Every owner must eliminate any condition which creates a public  
581 nuisance.
- 582 (n) Every owner must complete each exterior surface, including windows,  
583 wall siding, and roof, of every renovation, addition and new  
584 construction of a dwelling or accessory structure within one year after  
585 the building permit is first issued, or within one year after the start of  
586 construction if no building permit was issued. This subsection does not  
587 apply to dwellings containing more than 4 dwelling units. When more

than 5 dwelling units are being developed at one location, as defined in chapter 25A, this subsection does not apply during a halt in construction due to bankruptcy of the property owner.

- (o) Every owner must direct any exterior lighting away from the windows of any adjacent dwelling unit or individual living unit.]

**[26-10A. Security requirements for rental dwelling units and personal living quarters.**

- (a) Every owner of any rental dwelling unit in any multiple dwelling and every owner of a personal living quarters building must supply, install and maintain deadbolt locks and other security measures for doors and windows.

- (1) Key control.

- (A) Every owner of a personal living quarters building or 2 or more contiguous rental dwelling units must alter the required deadbolt locks on all affected dwelling unit, personal living quarters, and individual living unit entrance doors between tenancies to protect against misuse of a master key or whenever the enforcing agency notifies the owner that there is reason to believe that a master key has been lost, stolen or is being used in the commission of a crime.

- (B) The owner must restrict access to any master key, or any other key which is operable in more than one key cylinder. Every master key must be accounted for at all times, and records must be available for inspection by the enforcing agency or the police department during normal business hours.



- 615 (2) Door locks.
- 616 (A) All swinging entrance and exit doors to a personal living
- 617 quarters building, individual living unit, or rental dwelling
- 618 unit must have deadbolt locks or other security devices.
- 619 Security measures other than the manufacturer's latch are
- 620 not required for those doors which only allow access to a
- 621 balcony located 3 stories or more above the ground.
- 622 (B) Every sliding, double, french or paired exterior door less
- 623 than 3 stories above the ground must be installed and
- 624 maintained to protect the door from sliding or being pried
- 625 out of its track or forced open when locked. One door of
- 626 all sliding door structures must be stationary and secured
- 627 in place by screws or pins.
- 628 (3) Viewers. A viewer must be installed in every entrance or exit
- 629 door to individual living units and rental dwelling units; but a
- 630 viewer need not be installed if windows, vision panels or similar
- 631 devices are located within 2 feet of such door and face the
- 632 external area in front of the door.
- 633 (4) Window locks. Openable windows in exterior walls of rental
- 634 dwelling units, personal living quarters buildings, and individual
- 635 living units that are located within reach of the ground or any
- 636 adjacent surface must be constructed, repaired and maintained to
- 637 protect them from being opened from the outside and from being
- 638 pried out of their frames or tracks.
- 639 (5) Encouraging use. Every owner must provide each new tenant
- 640 with information about the reasons for the security measures and
- 641 how to use them.

(b) Every owner of any rental dwelling unit which is not in a multiple dwelling must supply, install and maintain a lock for every door to the outside, and each door must close securely. The owner must supply the tenant with a key which will operate the lock from the outside, and the lock must operate by a thumb turn from the inside. A comparable lock may be substituted on doors with thin frames.

(c) The owner of any multiple dwelling with rental dwelling units or any personal living quarters building must lock any access panel to a roof, attic, crawl space, storage area, and any other area which is not used daily.]

**[26-11. Hotels, boardinghouses, rooming houses and tourist homes.**

(a) The provisions of this Chapter shall apply to all hostels, boardinghouses, rooming houses and tourist homes, and no person shall operate such facilities or shall occupy or rent to another for occupancy any such facilities or units in such facilities except in compliance with provisions of every section of this chapter, except the provisions of Sections 26-5 and 26-10, which shall not apply to such facilities except as otherwise set forth.

(b) No person shall operate a hostel, rooming house, boardinghouse, or tourist home unless he holds a valid license as required by Chapter 54 of this Code and complies with the provisions of that chapter.

(c) At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the enforcing agency and in good working condition, must be supplied for each 6 persons or fractional number thereof residing with a hostel, boardinghouse, rooming house or tourist home, including members of the owner's or operator's family wherever they share the use of such

669 facilities; but in any such facility where rooms are let only to males,  
670 flush urinals may be substituted for not more than one-half of the  
671 required number of water closets. All such required bathroom facilities  
672 must be located within the building so as to be reasonably accessible  
673 from common hall or passageways to all persons sharing such facilities.  
674 A bathroom unit must be provided on each floor on which guests'  
675 sleeping rooms are located. Every lavatory basin and bathtub or shower  
676 must be supplied with hot water at all times in accordance with this  
677 chapter. No such bathroom facilities may be located in a basement  
678 except by written approval of the enforcing agency.

- 679 (d) Establishments mentioned in this section shall comply with the  
680 provisions of subsections (c), (d) and (e) of Section 26-5.
- 681 (e) Every owner-occupant or other operator of any hostel, boardinghouse,  
682 rooming house or tourist home shall be responsible for the sanitary  
683 maintenance of all walls, floors and ceilings and for maintenance of  
684 sanitary conditions in every other part of the establishment. He shall  
685 also be responsible for the sanitary maintenance of the entire premises  
686 where the entire structure or building is occupied, leased or controlled  
687 by the operator. Such operator or owner-operator shall be responsible  
688 for maintenance of the establishment in accordance with all provisions  
689 of this chapter.
- 690 (f) No person shall operate in any hostel, tourist home, boardinghouse or  
691 rooming house an enterprise for the preparation or merchandising of  
692 food and drink for human consumption for compensation except under  
693 permit and in compliance with the provisions of Chapter 15 of this  
694 Code.

- (g) The operator or owner-operator of any rooming house shall post in every rooming unit a sign on which shall be written or printed, in letters not less than three-eighths of one inch in height, the following words: "No Cooking Permitted in This Room," and such sign shall remain so posted at all times the room is occupied.]

**[26-12. Designation of unfit dwellings and unsafe nonresidential structures; legal procedure of condemnation.**

The designation of dwellings or dwelling units as unfit for human habitation and the designation of nonresidential structures as unsafe for human occupancy or use under this Chapter, and the condemnation and placarding of unfit dwellings or dwelling units and unsafe nonresidential structures, must comply with the following requirements:

- (a) Any dwelling or dwelling unit and any nonresidential structure which has any of the following defects may be condemned as unfit for human habitation or unsafe for human occupancy or use by the enforcing agency:

- (1) One which is, entirely or in part, so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- (2) One which lacks, entirely or in part, illumination, ventilation, heating, water supply, or sanitation facilities adequate to protect the health or safety of the occupants or of the public, as required in this Chapter.
- (3) One which because of its general condition is, entirely or in part, unsanitary or otherwise dangerous to the health or safety of the occupants or the public.

(4) One which contains unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment, on the premises or in the structure which is in such disrepair or condition that it is a hazard to the life, health, property or safety of the occupants or the public.

(b) The enforcing agency must notify the owner of every dwelling or dwelling unit and every nonresidential structure condemned for human habitation, occupancy or use. The enforcing agency must post a warning placard on the property.

(c) (1) Any person occupying a dwelling or dwelling unit when it is condemned as unfit for human habitation must vacate the dwelling unit within a reasonable time as ordered by the enforcing agency.

(2) Any person occupying or using a nonresidential structure when it is condemned as unsafe for human use or occupancy must vacate the building or structure immediately after a warning placard is posted.

(3) A person must not occupy or use and an owner must not permit a person to occupy or use a dwelling, a dwelling unit, or a nonresidential structure which has been condemned as unfit for human habitation or unsafe for human occupancy or use until the enforcing agency approves the occupancy or use and removes the placard. The enforcing agency may remove the placard if all defects upon which the condemnation was based have been eliminated.

(d) A person must not deface or remove a placard from any dwelling, dwelling unit, or nonresidential structure, except as authorized by the enforcing agency.

(e) Every owner of a condemned or abandoned structure must secure all windows and doors that are accessible from the ground, from an adjacent structure, or by the reasonably foreseeable use of a ladder, table or other device, and must keep them secured against unauthorized entry.]

**[26-13. Reserved.]**

**[26-14. Notice of violation and order to comply with chapter; appeal.**

(a) Notice and orders. If the enforcing agency determines that there has been a violation of this chapter, except for occupancy of a condemned dwelling or dwelling unit under section 26-12(c), the enforcing agency must notify the person responsible and order action to be taken. Such notice and order must:

- (1) be in writing;
- (2) describe in general terms a remedial action which, if taken, will effect compliance with this chapter;
- (3) provide or establish a reasonable time for the performance of any action required;
- (4) be served on the owner or his agent, or the occupant as the case may require. A notice and order is properly served upon an owner or agent, or upon an occupant, if:
  - (A) a copy is served personally;
  - (B) a copy is sent by certified mail to the owner's or occupant's last-known address;

- 773 (C) a copy is posted in a conspicuous place on or near the  
 774 dwelling affected by the notice; or
- 775 (D) the owner, agent or occupant is served by any other  
 776 method authorized by state law.
- 777 (5) also be sent to the Historic Preservation Commission if any  
 778 affected building or structure:
- 779 (A) has been designated on the master plan for historic  
 780 preservation as an historic site or an historic resource  
 781 within an historic district, or
- 782 (B) is listed on the locational atlas and index of historic sites  
 783 maintained by the Maryland-National Capital Park and  
 784 Planning Commission.
- 785 (b) Appeal. Any person affected by any notice issued in connection with  
 786 the enforcement of this Chapter may appeal to the County Board of  
 787 Appeals within 15 days after service is first effective under subsection  
 788 (a)(4). The hearing may be held on less than 30 days notice on a written  
 789 request from the enforcing agency after reasonable notice to all parties.]
- 790 **[26-15. Reserved.]**
- 791 **[26-16. Waivers.**
- 792 (a) The enforcing agency may waive provisions of this chapter if:
- 793 (1) No violation presents an immediate danger to the health, safety,  
 794 or welfare of the occupants of a dwelling or the public; and
- 795 (2) a. The property owner is experiencing extreme financial  
 796 hardship, has insufficient resources and cannot obtain financing  
 797 to rehabilitate the dwelling to comply with this chapter; or

- 798                   b.     Physical conditions of the site or other conditions beyond
- 799                         the control of the owner make it impossible to bring the
- 800                         dwelling into compliance with this chapter; or
- 801                   c.     Legal or other unusual constraints, such as unclear title or
- 802                         probate disputes, prevent or delay the owner from bringing
- 803                         the dwelling into compliance with this chapter; or
- 804                   d.     (i)    The dwelling or dwelling unit(s) cannot
- 805                         economically be made to comply with this chapter without
- 806                         the occupants vacating the dwelling; and
- 807                         (ii)   No other adequate housing is available at a cost the
- 808                         occupants can afford.

809       (b)   The enforcing agency may revoke a waiver if:

- 810           (1)   A danger to health, safety or welfare is presented or would be
- 811                 presented if the waiver continued; or
- 812           (2)   The circumstances that justified the waiver change.

813       (c)   Nothing in this section prevents the reasonable enforcement of this

814                 chapter or alleviates the requirement to keep dwellings, dwelling units,

815                 nonresidential structures, and their premises in as sanitary and healthful

816                 condition as circumstances permit.]

817   **[26-17.     Effect of chapter on other laws.**

- 818       (a)   This chapter does not repeal, modify, or otherwise affect any other
- 819                 County law or regulation. However, except as specified in subsection
- 820                 (b), if this Chapter imposes more stringent limits or requirements, this
- 821                 Chapter prevails.
- 822       (b)   If an enforcing agency proposes to take any action under Sections 26-
- 823                 12, 26-14, 26-18, or 26-19(b) that would directly affect any building or
- 824                 structure (1) which has been designated on the master plan for historic



preservation as an historic site or an historic resource within an historic district, or (2) which is listed on the locational atlas and index of historic sites maintained by the Maryland-National Capital Park and Planning Commission, the enforcing agency must apply for a historic area work permit under Section 24A-7 or a permit under Section 24A-10, whichever applies, before the enforcing agency removes the building or structure, substantially alters its exterior features, or contracts to do either.]

**[26-18. Repair or removal of condemned buildings or structures.**

(a) If the owner of any building or structure or part of a building or structure condemned under this Chapter does not remedy in a manner satisfactory to the enforcing agency the conditions which led to the condemnation by causing the building or structure or part of a building or structure to be put into full compliance with this Chapter, or to be demolished and removed, within the time specified by the enforcing agency in the order of condemnation or any extension, the enforcing agency may, after 30 days' written notice to the owner, order the demolition of the building or structure, the filling of any excavation and the clearing of the property so that it will be in a safe condition. The County may charge the cost of removal to the owner of the property and collect it as taxes on real property or other debts are collected. Any such charge is a lien on the property.

(b) Any person aggrieved by an order of the enforcing agency under this Section may appeal the order to the County Board of Appeals.]

**[26-19. Emergency and corrective actions.**

(a) Whenever, in the judgment of the enforcing agency, a severe emergency exists which requires immediate action to protect the public health and

safety, resulting from violations of this chapter, chapter 22, chapter 8, or chapter 17, the enforcing agency may, without notice, conference or hearing, order the owner, agent or operator to take action to correct or abate the emergency. The order must be hand-delivered to the owner, agent or operator. If the order cannot be hand-delivered, the order must be posted on the property in a conspicuous location on or near each dwelling affected by the order. If the owner, agent or operator does not take the action to abate or correct the emergency within twenty-four (24) hours after the delivery or posting of the order, the enforcing agency, after determining that a severe emergency still exists which endangers the health and safety of the public or any individual, may take any action reasonably necessary to abate or correct the emergency, or may enter into a contract to have corrective action taken. An appeal filed with the County Board of Appeals does not stay an order to abate or correct an emergency. If an enforcing agency proposes to take any action under this subsection that would directly affect any building or structure which has been designated on the master plan for historic preservation as an historic site or an historic resource within an historic district, the enforcing agency must make its best efforts to consult with the Chair of the Planning Board or the Chair's designee during the 24 hour period referred to in this subsection before the enforcing agency removes the building or structure, substantially alters its exterior features, or contracts to do either.

- (b) If the enforcing agency finds that any violation of this chapter affects neighboring properties or the health or safety of the occupants or the public, the enforcing agency may order the necessary corrections by notice and service as provided in subsection (a). If an order is not

879 complied with in the time and manner prescribed, the enforcing agency  
 880 may authorize an officer, agent or employee of the county, or a  
 881 contractor, to execute the order.

- 882 (c) The owner is liable to the county for all reasonable and necessary costs  
 883 incurred by the county as a result of an action taken under subsection (a)  
 884 or (b). Such costs constitute a debt owed the county and may be placed  
 885 upon the tax bill as a lien on the property and be collected in the manner  
 886 in which ordinary taxes are collected. In the alternative, such costs may  
 887 be collected as any other debt.]

888 **[26-20. Penalty for violations of chapter; injunctive, etc., relief.**

889 Any violation of any provisions of this chapter or regulations promulgated  
 890 hereunder shall be punished as a class A violation as set forth in section 1-19 of  
 891 chapter 1 of the County Code. Each day a violation of the provisions of this chapter  
 892 continues to exist shall constitute a separate offense.]

893 **[26-21. Smoke detectors.**

- 894 (a) Requirement: It shall be the responsibility of the owner of each new and  
 895 existing occupied dwelling unit to install smoke detectors in each such  
 896 dwelling unit as hereinafter provided. Said smoke detectors shall be  
 897 either the ionization or photo-electric type capable of sensing visible or  
 898 invisible particles of combustion and providing a suitable audible alarm  
 899 thereof; further, they shall be installed by July 1, 1978, in the manner  
 900 hereinafter provided (unless any other provision of County, state or  
 901 federal law shall require installation before that date).

- 902 (b) Location:

- 903 (1) At least one smoke detector shall be installed to protect each  
 904 sleeping area. A sleeping area is defined as the area or areas of  
 905 the family living unit in which the bedrooms (or sleeping rooms)

are located. Where bedrooms or rooms ordinarily used for sleeping are separated by other-use areas (such as kitchens or living rooms, but not bathrooms or closets), they shall be considered as separate sleeping areas for the purposes of this section.

(2) At least one smoke detector shall be installed in or near each stairway leading to an occupied area in such a manner as to assure that rising smoke is not obstructed in reaching the detector and that rising smoke cannot effectively bypass the detector before it reaches the occupied area.

(3) The director may grant exceptions to subsections (1) and (2) including, but not limited to, installation of smoke detectors on every level of the home.

(4) Smoke detectors installed or in the process of installation in compliance with subsection (b)(2) of Section 22-96 prior to the effective date of these amendments shall be deemed to have complied with this law.

(c) Alternative: Where smoke detectors are installed as part of an approved fire detection system, the requirements for single station smoke detectors may be set aside. An approved system shall be defined as a combination of devices that meets the requirements of this section and is installed in accordance with National Fire Protection Association Standard 74.

(d) Equipment: All devices, combinations of devices and equipment required herein must be installed in conformance with the building code and this section and approved by the Department of Fire and Rescue Services for the purpose for which they are intended. Such approval is

933 permanent unless the Department later finds that the equipment is  
934 hazardous or unreliable, in which case the Department may suspend or  
935 revoke approval. The enforcing agency may in any such case determine  
936 whether replacement of an existing installation is required. Transfer to  
937 the inactive list does not affect equipment approval.

938 (e) Installation:

939 (1) In new residential dwellings, single-station smoke detectors must  
940 be wired directly (hard-wired) to the building's power supply.

941 (2) In existing multifamily buildings of four (4) units or more, the  
942 detectors must meet the multifamily building power source  
943 requirements of state law or, in the absence of state law, the  
944 requirements for other existing dwellings.

945 (3) In other existing dwellings, single-station smoke detectors must  
946 be wired directly to the power supply, except that said detectors  
947 may be powered by a self-monitored battery or operated through  
948 a plug-in outlet fitted with a plug restrainer device if the outlet is  
949 not controlled by any switch other than the main power supply.

950 (f) Change in occupancy: After July 1, 1978, at every change of occupancy  
951 of every dwelling unit occasioned by or incidental to a sale, lease or  
952 sublease of said unit, it shall be the duty of the grantor thereof (i.e., the  
953 seller, lessor or sublessor, as the case may be) to provide before  
954 occupancy, all smoke detectors as required by this section (or other  
955 applicable laws) in proper working condition. Failure to comply with  
956 this subsection shall be punishable as set forth herein; provided,  
957 however, that this subsection shall not be construed to vitiate or render  
958 void any contract, lease or sublease subject hereto.

- (g) Permits and fees. A smoke detector or alternative system must not be directly connected (permanently wired) to the electrical system of the structure unless an electrical permit is first obtained from the Department of Permitting Services or the municipal electrical permit authority having jurisdiction. The County Executive may by regulations under method (3), adopt a fee schedule for the issuance of a permit which must not exceed the cost of administering this Section, and may waive, partially or wholly, the fee requirement or issue multiple permits after payment of a single fee.
- (h) Supplemental standards: This section is intended to be used with and supplemented by the applicable provisions of the NFPA Standards 72-E and 74, 1974 Editions, which are hereby incorporated herein; however, if there shall be any conflict between this statute and the same supplemental standards, this statute and any rules and regulations adopted pursuant thereto shall prevail.
- (i) Enforcement: Where any inspector of any dwelling unit finds that smoke detectors have not been installed pursuant to this section, he shall report this violation to the Department of Fire and Rescue Services or proceed directly under the provisions of this Chapter. Failure to install smoke detectors as and where required by said date will subject the property owners to the penalties set forth in Section 26-20, Montgomery County Code, as amended.
- (j) Where any provision of this law shall conflict with any county, state or federal law, the more stringent law shall apply.]

**[26-22. Executive regulations.]**

984           The county executive is hereby authorized to adopt regulations, under method  
985 (2) of section 2A-15 of this Code, to implement and administer the provisions of this  
986 chapter and to create standards for materials and equipment.]

987 **[26-23.       Minimum standards for nonresidential property.**

988           The owner of each nonresidential structure and land, including structures and  
989 land converted from residential use, must comply with the following requirements:

- 990           (a)    Lawns and other land not covered by structures must be properly  
991                   maintained, reasonably free of erosion, gullying and missing ground  
992                   cover. All weeds and grass must be cut periodically and must not grow  
993                   more than twelve (12) inches high. Lawns, shrubbery, trees, vines,  
994                   hedges, dead trees or branches, and other vegetation must be maintained  
995                   so they do not constitute a danger to the public health or safety. Weeds  
996                   and grass must be maintained as required by chapter 58.
- 997           (b)    All accessory structures must be structurally sound and maintained in  
998                   good repair. All surfaces exposed to the elements and susceptible to  
999                   deterioration must be painted or provided with a suitable, weather-  
1000                  resistant protective coating sufficient to prevent deterioration.
- 1001           (c)    All rubbish and garbage must be stored in approved containers which  
1002                   conform to chapter 48. Litter, rubbish, refuse, and garbage must not  
1003                   remain on the property outside of approved storage containers. The  
1004                   owner or operator and the occupant of nonresidential structures are  
1005                   jointly and severally responsible to provide sufficient containers for  
1006                   storage of rubbish and garbage to prevent overflow, and to maintain the  
1007                   premises in accordance with standards established in chapter 48.
- 1008           (d)    An owner or occupant of any nonresidential property must not permit  
1009                   the accumulation of trash, litter, rubbish or other waste matter outside of  
1010                   approved containers for more than one day, or permit its being carried

to or deposited upon any street, sidewalk or other public or private property.

(e) The paved and gravel surfaces of each entry apron, driveway, sidewalk, and parking lot must be maintained in good, serviceable and safe condition.

(f) All exterior surfaces and appurtenances, such as walls, windows, doors, roof, canopy, steps, walkways, planter boxes and signs, must be maintained in good condition, with materials having properties and qualities substantially equal to the original materials, and substantially free from damage and deterioration.

(g) Every condition which creates a public nuisance must be eliminated in a manner that will prevent a repeated occurrence.]

#### **Sec. 26-1. Purpose.**

This Chapter is intended to protect the people of the County against the consequences of urban blight, assure the continued economic and social stability of structures and neighborhoods, and protect the health, safety and welfare of residents, by authorizing the enforcement of:

(a) minimum standards of health and safety, fire protection, light and ventilation, cleanliness, repair and maintenance, and occupancy for residential properties; and

(b) minimum standards of repair and maintenance for nonresidential properties.

#### **26-2. Definitions.**

In this Chapter, the following words and phrases have the following meanings unless the context clearly indicates otherwise:

Basement: That portion of a building located below the first floor joists, at least half of whose clear ceiling height is above the mean level of the adjacent



1038 ground.

1039 Cellar: That portion of a building located below the first floor joists, at least  
1040 half of whose clear ceiling height is below the mean level of the adjacent ground.

1041 Chief Administrative Officer or CAO: The Chief Administrative Officer or the  
1042 CAO's designee.

1043 Deadbolt lock: A single cylinder bolt lock which:

1044 (a) operates with a thumb turn from inside and a key from outside the  
1045 premises, and

1046 (b) automatically engages when fully thrown and lacks a spring to extend or  
1047 retract the bolt.

1048 Director: The Director of the Department of Housing and Community Affairs,  
1049 or the Director's designee.

1050 Dwelling: Any building which is wholly or partly used or intended to be used  
1051 for residing, lodging, or sleeping by human occupants. **Dwelling** includes a **mobile**  
1052 **home** or personal living quarters building. **Dwelling** does not include **temporary**  
1053 **housing** or a **fallout or emergency shelter.**

1054 Dwelling unit: Any room or group of rooms located in a **dwelling** which forms  
1055 a single habitable unit with facilities which are used or intended to be used for living,  
1056 sleeping, cooking, and eating. **Dwelling unit** includes a rooming unit.

1057 Enforcing agency:

1058 (a) the Department of Housing and Community Affairs;

1059 (b) any other agency of County government which the **Chief**

1060 **Administrative Officer** assigns to enforce this Chapter; or

1061 (c) an applicable municipal agency in any municipality where this Chapter  
1062 applies.

1063 Exterminate: Control or eliminate insects, rodents, or other vermin by:

1064 (a) eliminating harborage points;

- (b) removing or making inaccessible materials that may serve as food;
- (c) lawful poisoning, spraying, fumigating, or trapping; or
- (d) any other method approved by an **enforcing agency**.

*Garbage:* All organic waste, consisting of the residue of animal, fruit or vegetable matter, resulting from the preparation, cooking, handling, or storage of food, but not including human or animal feces.

*Habitable room:* A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating. **Habitable room** does not include any bathroom, water closet compartment, laundry, pantry, foyer, communicating corridor, closet, recreation room, private workshop or hobby room, storage space, or **fallout or emergency shelter**.

*Habitable space:* Any space in a **dwelling unit** or **individual living unit** except a bathroom, water closet compartment, laundry, pantry, foyer or communicating corridor, closet, recreation room, private workshop or hobby room, storage space, and **fallout or emergency shelter**.

*Individual living unit:* A private living accommodation, located in a personal living quarters building, which may contain complete sanitation facilities and equipment for incidental food preparation, such as small portable kitchen appliances, but does not contain complete cooking facilities, such as a stove, oven, or similar device.

*Infestation:* The presence, in or around a **dwelling**, of any insect, rodent, or other vermin.

*Mobile home:* A structure, transportable in one or more sections, which:

- (a) is at least 8 body feet wide and 32 body feet long;
- (b) is built on a permanent chassis;
- (c) is designed to be used as a **dwelling**, with or without a permanent foundation, when connected to the required utilities;

- (d) includes plumbing, heating, air-conditioning, and electrical systems; and
- (e) is used for living or sleeping by human occupants for more than 90  
days, or more than 30 consecutive days, in any calendar year.

*Multiple dwelling:* Any **dwelling** containing 2 or more **dwelling** units.

*Nonresidential structure:* Any structure or part of a structure used for purposes  
 other than human habitation, and its premises.

*Occupant:* Any person, over one year of age, living, sleeping, cooking, or  
 eating in, or having actual possession of, a **dwelling** unit, rooming unit, or **individual**  
**living unit.**

*Owner:* Any person who, alone or jointly or severally with any other person:

(a) has legal title to any **dwelling** or **dwelling unit**, with or without having  
actual possession of the unit; or

(b) has charge, care, or control of any **dwelling** or **dwelling unit**, as **owner**  
or agent of the **owner**, or as executor, administrator, trustee, or guardian  
of the estate of the **owner**.

*Personal living quarters building:* Any building or portion of a building  
 containing at least 6 **individual living units** which must have cooking facilities that  
 the residents may share, and which may also have shared sanitation facilities.

*Plumbing:* The following facilities and equipment: gas pipe, gas-burning  
 equipment, water pipe, **garbage** disposal unit, waste pipe, water closet, sink, installed  
 dishwasher, lavatory, bathtub, shower bath, installed clothes-washing machine, catch  
 basin, drain, or vent; any similar supplied fixture; and all connections to a water,  
 sewer, or gas line.

*Public nuisance:* Any **dwelling**, **dwelling unit**, or **nonresidential structure**,  
 or any part of any of them, that is:

- (a) a threat or hazard to the health and safety of the community, including  
any vacant unsecured building, unprotected or abandoned well, open

- 1119            shaft, open **basement**, excavation, unsafe fence, unsafe stairway, or  
 1120            unsafe step;
- 1121            (b)    unsanitary, littered with rubbish or **garbage**, used for outdoor storage or  
 1122            abandonment of appliances for more than 48 hours or equipment which  
 1123            poses a threat of injury or danger to life;
- 1124            (c)    severely deteriorated, dilapidated, structurally unsafe, or fire-damaged;
- 1125            (d)    not equipped with properly functioning sanitary sewage and **plumbing**  
 1126            facilities;
- 1127            (e)    creating a condition that would or could result in substantial damage to  
 1128            another property;
- 1129            (f)    unsafe or unhealthful to any **occupant**, neighbor, employee, visitor,  
 1130            guest, or tradesman; or
- 1131            (g)    creating a **visual blight**.

1132            *Recreational vehicle:* A vehicle or attachment to a vehicle which is primarily  
 1133            designed as temporary living quarters. A **recreational vehicle** may have its own  
 1134            motive power or be mounted on or towed by another vehicle. **Recreational vehicle**  
 1135            includes a travel trailer, camping trailer, truck camper, or motor home.

1136            *Rooming house:* Any **dwelling**, or that part of any **dwelling**, which contains  
 1137            one or more **rooming units**, in which space is let or offered by the **owner** to 2 or  
 1138            more persons who are not husband or wife, son or daughter, mother or father, or  
 1139            sister or brother of the **owner**.

1140            *Rooming unit:* Any room or group of rooms which forms a single habitable  
 1141            unit used or intended to be used for living and sleeping, but not for cooking or eating.

1142            *Rubbish:* All refuse, combustible or noncombustible, except **garbage**.  
 1143            **Rubbish** includes any debris from building construction or reconstruction, dead tree,  
 1144            uprooted tree stump, rubble, street refuse, **unused vehicle**, disabled machinery,

bottle, can, waste paper, cardboard, sawdust pile, slash from sawmill operations, or other waste material.

*Security measure:* A device, action, or precaution, approved by regulation, designed to protect against another person's entry into a **dwelling unit** without permission. **Security measure** includes a key control program, changing cylinder or pin settings between tenancies, and any device such as a **deadbolt lock**, cane bolt, header and threshold bolt, viewer, window lock or pin, charlie bar, or track lock.

*Shelter, fallout or emergency:* A **structure** or part of a **structure** intended to protect human life from nuclear fallout, enemy action, storm, or a like emergency.

*Structure:* Something which is built or constructed, including a part of a **structure**.

*Supplied:* Paid for, furnished or provided by or under the control of an **owner**.

*Temporary housing:* Any tent, **recreational vehicle**, or similar **structure** which is used for human shelter for not more than 90 days, nor more than 30 consecutive days, in any calendar year and complies with all applicable laws and regulations.

*Transient lodging facility:* A hostel, boardinghouse, tourist home, or **rooming house** licensed under Chapter 54.

*Unused vehicle:* A device in, on, or by which any person or property may be transported on a public street, which is:

(a) inoperable or, if operable, not currently registered by a government agency which registers vehicles of that type in Maryland, and

(b) not completely enclosed in a garage or other building.

An **unused vehicle** does not include any farm equipment which is kept on a property of 2 or more acres on which crops are grown and harvested, and which is used to grow and harvest crops.

Ventilation: The process of supplying air to, or removing air from, any space by natural or mechanical means.

Visual blight: Any condition or use of a building or surrounding land which because of its appearance, viewed at ground level from a public right-of-way or from neighboring premises, is likely to reduce the value of nearby property. **Visual blight** includes keeping, storing, scattering over, or accumulating any:

(a) **rubbish**, lumber, packing materials, or building materials;

(b) abandoned, discarded or unused object or equipment, including any furniture, appliance, can or container, automobile part or equipment;  
and

(c) abandoned, disabled, dismantled, or **unused vehicle** or part of a vehicle.

**Visual blight** does not include wood or building materials intended to be used for any repair or renovation activity for which a building permit was issued and has not expired, which is stored for the time reasonably necessary to promptly complete the work for which the permit was issued.

Workmanlike: Executed in a skilled manner; for example, generally plumb, level, square, in line, undamaged, and without marring adjacent work.

The words **dwelling, dwelling unit, personal living quarters, rooming house, rooming unit, or transient lodging facility** include any part of each and the premises of each.

### **26-3. Applicability; exemptions.**

(a) *Residential.* An **owner** and any **occupant** of a **dwelling, individual living unit, or rooming unit** must comply with all applicable provisions of this Chapter. An **owner** must not occupy, or initially let to any other **occupant**, any vacant **dwelling, individual living unit, or rooming unit** unless it complies with all applicable provisions of law.

(b) Exemptions. This Chapter does not apply to any sanitarium, hospital, nursing home, care home, child day care center, or similar institutional facility which is operated under a license issued by a state or County agency.

(c) Nonresidential. Each **owner** of a **nonresidential** property must comply with all applicable provisions of this Chapter.

**26-4. Compliance with other laws.**

(a) Other County laws apply. In addition to this Chapter, each **owner** of property must also comply with any property and **structure** maintenance requirements in Chapter 8, Chapter 17, Chapter 22, Chapter 29, Chapter 48, Chapter 55, Chapter 58, and Chapter 59.

(b) Historic properties. If an enforcement action taken under this Chapter would directly affect any building or **structure** which has been designated on the master plan for historic preservation as a historic site or a historic resource in a historic district, or which is listed on the locational atlas and index of historic sites maintained by the Planning Board, the **enforcing agency** must apply for a historic area work permit under Section 24-7 or a permit under Section 24A-10, whichever applies, before the **enforcing agency** removes the building or **structure**, substantially alters its exterior features, or contracts to do either.

(c) Conflict of laws. If any provision of this Chapter conflicts with any other County, municipal, state, or federal law, the more stringent law applies.

**26-5. Space, use, and location.**

The **owner** of any **dwelling** or **dwelling unit** must assure compliance with the following standards during human habitation:

- (a) *Floor area, **dwelling unit**.* Every **dwelling unit** must contain at least 150 square feet of floor area for the first **occupant** and at least 100 additional square feet of floor area for every additional **occupant**. The floor area of that part of any room where the ceiling height is less than 5 feet or where the room width is less than 7 feet must not be considered in computing the **habitable space** of the room to decide its maximum permissible occupancy.
- (b) *Floor area, **sleeping**.* In every **dwelling unit** of 2 or more rooms, every room occupied for sleeping purposes by one **occupant** must contain at least 70 square feet of **habitable space**, and every room occupied for sleeping purposes by more than one **occupant** must contain at least 50 square feet of **habitable space** for each **occupant**. However, in a **mobile home** every room occupied for sleeping purposes by one **occupant** must contain at least 50 square feet of **habitable space**; by 2 **occupants**, at least 70 square feet of **habitable space**; and by more than 2 **occupants**, at least an additional 50 square feet of **habitable space** for each additional **occupant**.
- (c) *Floor area, **individual living unit**.* Each **individual living unit** must contain at least 150 square feet of floor area for each **occupant**. The floor area of that part of any room where the ceiling height is less than 5 feet or where the room width is less than 7 feet must not be considered in computing the **habitable space** of the room to decide its maximum permissible occupancy.
- (d) *Ceiling height.* At least one-half of the floor area of every **habitable room** must have a ceiling height of at least 7 feet.
- (e) *Cellar space.* **Cellar** space must not be used as **habitable space** without written permission from an **enforcing agency**.



(f) **Basement space.** Basement space must not be used as **habitable space** unless, in addition to all other requirements of this Chapter:

- (1) the floor and walls and are impervious to leakage of underground and surface runoff water and insulated against dampness; and
- (2) the minimum aggregate glass area of windows required by this Chapter is located entirely above the grade of the ground adjoining the window area.

(g) Access to sleeping room. The access to any sleeping room must not pass through another sleeping room.

(h) Privacy. Each **dwelling unit** and **individual living unit** must be arranged to provide privacy, with doors and floor to ceiling walls.

**26-6. Basic equipment and facilities.**

All equipment and facilities must be properly installed, maintained, and kept in good repair. The **owner** of any **dwelling** or **dwelling unit** must assure compliance with the following standards during human habitation:

(a) Electric service. Where electric service is available from power lines which are not more than 300 feet away, each **dwelling, dwelling unit, personal living quarters, transient lodging facility,** and all public and common areas must be **supplied** with electric service, outlets and fixtures which are properly installed, maintained in good and safe working condition, and connected to the source of electric power in a manner consistent with applicable County regulations. The capacity of the services and the number of outlets and fixtures must meet the following requirements:

- (1) Every **habitable room** must have an electric service and outlets or fixtures, or both, capable of providing at least 3 watts per square foot of floor area.

- 1278           (2)   Every **habitable room** must have at least one floor or wall  
 1279                   electric convenience outlet for each 60 square feet of floor area,  
 1280                   and in no case less than 2 outlets.
- 1281           (3)   Every water closet compartment, bathroom, laundry room,  
 1282                   furnace room and public hall must contain at least one **supplied**  
 1283                   ceiling or wall electric light fixture.
- 1284           (4)   Every cooking area must be **supplied** with at least one circuit  
 1285                   rated for at least 20 ampere service capacity.
- 1286           (5)   Circuit breakers, fuses and other circuit protection devices must:  
 1287                   (A)   not exceed the rated capacity of the circuit; and  
 1288                   (B)   be sufficient for normal household use.
- 1289           (6)   Each individual room air conditioning unit, regardless of its  
 1290                   current rating, must be served by not less than an individual 20-  
 1291                   amp circuit using No. 12 copper wire which terminates in a single  
 1292                   receptacle.
- 1293       (b)   Water and sewer service.
- 1294           (1)   All **plumbing** fixtures and systems must be installed and  
 1295                   maintained as prescribed by applicable County or Washington  
 1296                   Suburban Sanitary Commission regulations.
- 1297           (2)   Any **dwelling unit** on property where Washington Suburban  
 1298                   Sanitary Commission water or sewer service is not available and  
 1299                   a private water supply and sewage disposal system cannot be  
 1300                   legally installed may receive a waiver under conditions set by  
 1301                   regulation.
- 1302           (3)   In **mobile homes**, **plumbing** systems must be protected from  
 1303                   freezing.
- 1304       (c)   Kitchen.

(1) Every **dwelling unit** and **personal living quarters** building must contain a room or space with the following equipment and facilities to store, prepare, and cook food:

(A) cooking and baking facilities;

(B) storage cabinets;

(C) a refrigerator and freezer (compartment or separate unit) for perishable food storage. Each refrigerator must be capable of maintaining a temperature below 45 degrees Fahrenheit. Each freezer or freezer unit must be capable of maintaining a temperature between 6 and 12 degrees Fahrenheit;

(D) a kitchen sink in good working condition, properly connected to a hot and cold running water system under pressure and an approved sewer system.

(2) Any cooking equipment which is installed in every **individual living unit** in a **personal living quarters** building need not be installed in a shared kitchen. However, an **individual living unit** must not be equipped with complete cooking facilities.

(3) The **owner** of a **rooming house** must post in each occupied **rooming unit** a sign stating "No Cooking Permitted in This Room" in letters at least 3/8 inch high.

(d) *Bathroom.* Each **dwelling unit**, **personal living quarters** building, and **transient lodging facility** must be equipped with a complete bathroom fixture group, consisting of a flush water closet, lavatory basin, and bathtub or shower in good working condition, installed and maintained as prescribed by applicable County or Washington Suburban Sanitary Commission regulations.

(1) The bathroom fixture group must be properly connected to an approved sewage disposal system and an approved hot and cold running water system under pressure, except that the flush water closet must be connected to an approved sewage disposal system and an approved cold running water system under pressure.

(2) The flush water closet, lavatory basin, and bathtub or shower need not be installed in the same room, but the room where any of them is installed must afford privacy to a person in that room. A flush water closet and lavatory must be accessible from each bedroom without passing through another bedroom.

(3) Every **personal living quarters** building and every **transient lodging facility** that does not contain a flush water closet, lavatory basin, and bathtub or shower in each **individual living unit** must contain shared facilities, located in the building and accessible to all **occupants** from common halls or passageways. At least one flush water closet, lavatory basin, and bathtub or shower must be installed for each 6 **occupants** or fraction of 6. In a **transient lodging facility** where rooms are let only to males, flush urinals may be substituted for not more than half the required water closets.

(e) **Rubbish and garbage storage.** Each **dwelling unit, personal living quarters, and transient lodging facility** must be supplied with adequate **rubbish** storage facilities and with adequate **garbage** disposal facilities or **garbage** storage containers as required by Chapter 48.

(f) **Additional requirements for certain mobile homes.** Each **mobile home**, except a **mobile home** located in a licensed **mobile home** park, must be:

(1) placed on a permanent foundation which meets the requirements of Chapter 8; and

(2) securely tied down with ties and ground anchors which meet the requirements of Chapter 8.

**26-7. Light, ventilation and heating, temperature control.**

The **owner** of each **dwelling** or **dwelling unit** must assure compliance with the following standards during human habitation:

(a) *Natural light.* Each **habitable room** must contain windows, skylights, shutters, monitors, glazed doors, transoms, glass block panels, or other light transmitting media open to the sky or to a public street, yard or court which comply with the requirements for lighting in Chapter 8.

(1) When windows and exterior doors are used to provide natural light and **ventilation**, their aggregate glass area must be at least 8 percent of the floor area of each habitable room.

(2) If walls or other portions of **structures** face a window of any **habitable room** and are located less than 3 feet from the window and extend above the ceiling of the room, the window must not be included in the required minimum total window area.

(3) If the only window in a room is a skylight in the ceiling, the minimum aggregate glass area of the skylight must be at least 15 percent of the floor area of the room.

(4) Alternate arrangements of windows, doors or other methods that will provide the equivalent minimum light performance as prescribed in Chapter 8 may be used, but every **individual living unit** must have at least one window with aggregate glass area greater than 4 percent of the floor area of all rooms in the **individual living unit**.

(b) Artificial light. Each common hallway and stairway in a multiple dwelling and personal living quarters building must be adequately lighted with lighting facilities sufficient to provide at least 3 foot-candles of light at the floor or stair tread level at all times. Each common hallway and stairway in a structure devoted solely to dwelling occupancy and containing not more than 4 dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

(c) Ventilation. Each habitable room must provide adequate ventilation that meets the minimum standards prescribed in Chapter 8.

(1) When ventilation is provided by windows and exterior doors, the total of the openable window or door area in each habitable room must be at least 45 percent of the minimum aggregate glass area of the window or skylight as required in subsection (a) or 4 percent of the floor area of every habitable room.

(2) Every window or opening to outdoor space, used or intended to be used for ventilation, must be supplied with screens or other method of insect control approved by the Director.

(3) Every window used or intended to be used for ventilation and every other opening in any dwelling which might provide an entry for rodents, must be supplied with a screen or other device which effectively prevents their entrance.

(d) Light and ventilation for bathrooms. Each bathroom and water closet compartment must comply with the light and ventilation requirements in Chapter 34 or applicable plumbing regulations of the Washington Suburban Sanitary District.

(e) Space and water heating. Each dwelling or dwelling unit, personal living quarters building, and transient lodging facility must be supplied with space and water heating facilities which are properly installed and are maintained in safe and good working condition. Either central or space heating may be used, but each must meet the following requirements:

(1) Central heating. Each central heating unit or central hot water heating unit must:

(A) have each heat duct, steam pipe, or hot water pipe free of leaks and functioning properly to provide a sufficient amount of heat and hot water to the intended place of delivery;

(B) be equipped with seals between sections of hot air furnaces to prevent the escape of toxic gases into heat ducts;

(C) if the unit uses electricity, be connected to an electric circuit of sufficient capacity in an approved manner; and

(D) be provided with automatic safety devices which are installed and operated as required by applicable County regulations.

(2) Space heating; hot water. Each space heating or hot water unit must:

(A) not use gasoline as a fuel;

(B) not be manufactured or designed to be portable if the unit uses solid, liquid, or gaseous fuel;

(C) if the unit uses a flame, be connected to a flue or vent as required by applicable County regulations;

- (D) if the unit uses gaseous fuel, be connected with a non-flexible metal tubing;
- (E) if the unit uses solid or liquid fuels, have a fire resistant panel beneath it;
- (F) be located at least 2 feet away from any wall, or be equipped with insulation sufficient to prevent the overheating of any wall as prescribed by applicable standards of the American National Standards Association or the National Fire Protection Association;
- (G) if the unit uses electricity, be connected to an electric circuit of sufficient capacity in an approved manner; and
- (H) be installed and operated as required by applicable County regulations.

(3) *Temperature control - space heating.*

- (A) Each **owner** of a **dwelling unit** or **individual living unit** where the heat is not under the control of the tenant must maintain a temperature of at least 68 degrees Fahrenheit in each **habitable room**, bathroom, and water closet compartment at a distance of 3 feet above floor level.
- (B) Each **owner** of a **dwelling unit** or **individual living unit** where the heat is under the control of the tenant must provide in working condition heating equipment capable of maintaining a temperature of at least 68 degrees Fahrenheit in each **habitable room**, bathroom, and water closet compartment at a distance of 3 feet above floor level.
- (C) If the thermostat or other mechanism governing the heat in more than one **dwelling unit** in a multiple **dwelling** or



individual living unit in a personal living quarters building is located in a dwelling unit or individual living unit where the occupant of that unit controls the heat delivery to other dwelling units or individual living units, the owner must provide each tenant with an emergency phone number to directly contact a person who has 24-hour access to adjust the heat and who will adjust the heat within 2 hours.

- (4) Temperature control - hot water. Water-heating facilities necessary to provide hot water required by this Chapter must be capable of heating water to a temperature that permits a sufficient amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees or more than 140 degrees Fahrenheit. The supplied water-heating facilities must be capable of meeting applicable water heat requirements when heating facilities required under this Chapter are not operating.

## **26-8. Fire safety and security.**

### **(a) Fire safety - means of escape.**

- (1) Each dwelling unit, individual living unit, and rooming unit must have a safe, unobstructed means of escape leading to safe and open space at ground level, as required by Chapters 8 and 22.
- (2) Each mobile home must have at least 2 exit doors which provide a means of unobstructed escape and are located at a sufficient distance from each other to assure safe escape from any part of the mobile home in a fire or emergency. Each exterior mobile home door must:

- 1493                   (A)   be constructed for exterior use;
- 1494                   (B)   open outward;
- 1495                   (C)   be capable of being opened from the inside by the use of a  
 1496                       lever, knob, button, handle, or other device which does not  
 1497                       require a key for operation from the inside; and
- 1498                   (D)   provide a 26-inch-wide clear opening, unless otherwise  
 1499                       permitted as an emergency exit only.
- 1500           (3)   Each room in a **mobile home** designed expressly for sleeping  
 1501                   purposes, unless it has an exit door, must have at least one outside  
 1502                   window which:
- 1503                   (A)   can be opened from the inside without using tools;
- 1504                   (B)   has a clear opening of not less than 22 inches in the least  
 1505                       dimension and 5 square feet in area, with the bottom of the  
 1506                       opening not more than 4 feet above the floor; and
- 1507                   (C)   if **supplied** with a screen or storm window, must have the  
 1508                       screen or storm window readily removable without using a  
 1509                       tool.
- 1510           (b)   Fire safety - smoke detectors.
- 1511                   (1)   The **owner** of each occupied **dwelling unit** must provide smoke  
 1512                       detectors in that **dwelling unit** as required by Section 22-96 and  
 1513                       Section 17-37.
- 1514                   (2)   Where an **enforcing agency** finds that smoke detectors have not  
 1515                       been properly installed or maintained in working order, the  
 1516                       **agency** must promptly report this fact to the Fire and Rescue  
 1517                       Service or notify the nearest fire station.
- 1518           (c)   Doors off common areas, multi-family **dwellings**. Any door in a multi-  
 1519                   family **dwelling** which opens onto an exit access corridor must be self-

closing and self-latching, and must have a minimum 20-minute fire protection rating under the applicable fire safety provision.

(d) Security in multiple **dwelling units** and **personal living quarters** buildings.

(1) Each **owner** of a rental **dwelling unit** in any **multiple dwelling** or of a **personal living quarters** building must supply, install and maintain **locks** and other **security measures** for doors and windows.

(2) A person must not replace or alter any keyed lock, or place a new lock on the entrance of a **dwelling unit**, without first providing both the tenant and **owner** of that **dwelling unit** with a suitable functional key to operate the lock. A tenant must obtain permission from the **owner**, in writing, before installing a lock.

(3) (A) Every **owner** of a **personal living quarters** building or 2 or more contiguous rental **dwelling units** must alter the required **deadbolt locks** on all affected **dwelling unit**, **personal living quarters**, and **individual living unit** entrance doors between tenancies to protect against misuse of a master key or if the **enforcing agency** notifies the **owner** that the **agency** has reason to believe that a master key has been lost or stolen or is being used in the commission of a crime.

(B) The **owner** must restrict access to any master key, or any other key which operates more than one key cylinder. Every master key must be accounted for at all times. Master key records must be available for inspection by the **enforcing agency** or the police department during normal business hours.

(4) Door locks.

(A) Each swinging entrance and exit door to a **personal living quarters** building, **individual living unit**, or rental **dwelling unit** must have a **deadbolt lock** with a minimum one-inch throw, or another acceptable security device.

**Security measures** other than the manufacturer's latch are not required for a door which only allows access to a balcony located at least 3 stories above the ground.

(B) Each sliding, double, french or paired exterior door less than 3 stories above the ground must be installed and maintained to protect the door from sliding or being pried out of its track, or forced open when locked. One door of each sliding door structure must be stationary and secured in place by screws or pins.

(5) Viewers. A viewer must be installed in each entrance or exit door to an **individual living unit** or rental **dwelling unit**, but a viewer need not be installed if a window, vision panel, or similar transparent device is located within 2 feet of the door and faces the external area in front of the door.

(6) Windows. Each openable window in an exterior wall of a rental **dwelling unit**, **personal living quarters** building, or **individual living unit** that is located within reach of the ground or any adjacent surface must be constructed and maintained to protect it from being opened from the outside and from being pried out of its frame or track.

(7) Other locks required. The **owner** of each multiple **dwelling** with rental **dwelling units** or **personal living quarters** building must

lock any access panel to a roof, attic, crawl space, storage area,  
and any other area which is not used daily.

(e) Security in other rental **dwelling units**. Each **owner** of any rental  
**dwelling unit** must supply, install, and maintain a lock for every door to  
the outside, and each door must close securely. The **owner** must supply  
the tenant with a key which will operate the lock from the outside, and  
the lock must operate by a thumb turn from the inside. A comparable  
lock may be substituted on any door with a thin frame.

(f) Address number. Each **dwelling** must be numbered as required in  
Section 22-97. Each individual unit in a **dwelling** must be numbered.

**26-9. Maintenance of dwelling units.**

Unless otherwise stated, the **owner** of each **dwelling** or **dwelling unit** must  
assure compliance with the following standards at all times. All installation, repair,  
and replacement must be performed in a **workmanlike** manner and with materials  
having properties and qualities substantially equal to or better than the original  
materials.

(a) Basic requirements.

(1) Each **structure** must be maintained in good repair.

(2) Each window, door, and hatchway must be maintained in sound  
working condition.

(3) In any renovation, addition or new construction of a **dwelling** or  
other **structure** on the premises, the **owner** must complete each  
exterior surface, including windows, wall siding, and roof within  
one year after the building permit was first issued, or within one  
year after construction started if no building permit was required.  
This subsection does not apply to any **dwelling** containing more  
than 4 **dwelling units**.

- (4) Each **supplied** facility, piece of equipment, or utility which is required under this Chapter must be constructed or installed so that it will function safely and effectively, and must be maintained in satisfactory working condition.
- (5) Each **owner** of a multiple **dwelling** or **personal living quarters** building must maintain:
- (A) the shared or common area of the land and buildings in clean and sanitary condition; and
- (B) all equipment and facilities in laundry rooms and other shared spaces in clean condition and good working order.
- (6) Each **occupant** of a **dwelling**, **dwelling unit**, or **individual living unit** must maintain in safe and sanitary condition that part of the **dwelling**, **dwelling unit**, **individual living unit**, and premises which the **occupant** occupies and controls.
- (7) An **owner** or **occupant** must not cause any service, facility, equipment, or utility which is required by this Chapter to be removed or discontinued for any occupied **dwelling**, except for a temporary interruption that is necessary while repairs or alterations are actually taking place, or during a temporary emergency when discontinuance of service is approved by an **enforcing agency**. If a rental **dwelling unit** or **individual living unit** is not equipped with a separate meter for a utility, the **owner** must make sufficient utility payments to prevent the utility service from being discontinued.
- (8) All **rubbish** and **garbage** must be stored and maintained in approved containers as required by Chapter 48. **Rubbish** and **garbage** must not remain outside of approved storage containers,

or containment areas approved for bulk objects, for more than 24 hours.

(A) The **owner** must provide a sufficient number of containers for storage of **rubbish** and **garbage** to prevent overflow and must maintain the containers as required by Chapter 48.

(B) Each **occupant** of a **dwelling, dwelling unit, or individual living unit** must dispose of all **rubbish** and **garbage** in a clean and sanitary manner by placing it in appropriate containers as required by Chapter 48.

(9) Each **occupant** of a **dwelling** containing a single **dwelling unit** must **exterminate** any insects, rodents, or other vermin in or on the premises. Each **occupant** of a **dwelling unit** or **individual living unit** in a **dwelling** containing more than one unit must **exterminate** if that unit is the only infested unit. The **owner** must **exterminate** if the **infestation**:

(A) includes more than one unit or the shared or common areas of a **dwelling**, or

(B) was caused by the **owner's** failure to maintain the **dwelling** in a rat-proof or reasonably insect-proof condition.

(10) The exterior surfaces of each **structure** and the interior surfaces of all common areas in each multi-family **dwelling** must be maintained free of graffiti, as defined in Section 32-12A.

(11) All water must be drained and conveyed from every roof and paved surface so it does not cause dampness in any wall, ceiling or floor.

(12) Each **owner**, after notice, must eliminate any condition which creates a **public nuisance** in a manner that will prevent the **nuisance** from reoccurring.

(b) *Exterior.*

(1) Each foundation, floor, wall, ceiling, and roof must be reasonably weather-tight, water-tight, rodent-proof, free from foreign matter, and capable of affording privacy.

(2) Each window, exterior door, and hatchway must be reasonably weather-tight, water-tight, and rodent-proof. Each **occupant** must hang all window screens unless the **owner** has agreed to do so.

(3) All exterior surfaces must be adequately protected from water seepage and against decay. All exterior surfaces must be free of flaking, peeling, or loose paint.

(4) The **owner** must maintain the paved or gravel surface of each entry apron, driveway, sidewalk and walkway, parking lot, and patio in good, serviceable, and safe condition.

(5) Each lawn and other land not covered by a **structure** must be reasonably free of erosion or gullyng. Any grass or weeds must not be allowed to grow more than 12 inches high where required by Chapter 58. Shrubbery, trees, vines, hedges, and other vegetation, including dead trees and branches, must be maintained so they do not pose a danger to health or safety.

(A) The **owner** of a multiple **dwelling** or **personal living quarters**, the **owner** of a vacant building, each **occupant** of a single-family **dwelling**, and any **occupant** of a **dwelling unit** in a multifamily **dwelling** who controls a



lawn or yard area, must keep grass and weeds below any required height limit.

(B) The **owner** must keep the premises free of erosion or gullying and replace damaged ground cover.

(C) The **owner** must maintain shrubbery, trees, vines, hedges, and other vegetation.

(6) Each **owner** must direct any exterior lighting away from the windows of any adjacent **dwelling unit** or **individual living unit**.

(c) *Interior.*

(1) Each **plumbing** fixture and water and waste pipe must be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions. Each **occupant** of a **dwelling unit** or **individual living unit** must maintain all **plumbing** fixtures in the unit in a clean and sanitary condition and must exercise reasonable care in their use and operation.

(2) Each water closet compartment floor surface and bathroom floor surface must be constructed and maintained reasonably impervious to water and to permit the floor to be easily maintained in a clean and sanitary condition.

(3) All walls, ceilings, floors, interior woodwork, doors and windows must be maintained in sound condition and good repair, and free of flaking, peeling, or loose paint. Only lead-free paint may be used.

(4) The **owner** of a rental **dwelling unit** or **individual living unit** must repaint the painted interior surfaces of the unit:

(A) (i) if after the third year of tenancy, the paint is stained, or  
is not intact and cleanable; and

(ii) this condition is not due to tenant abuse; and

(B) at least every 5 years.

Any painting required under this subsection may be postponed  
for 5 years or until a change in occupancy, whichever occurs first,  
if an **occupant** certifies that all **occupants** do not want the unit to  
be painted at the scheduled time.

(5) All floor coverings must be in good repair and sanitary condition.

**26-10. Maintenance of nonresidential property.**

The **owner** of each **nonresidential** property, including any property converted  
from residential use, must comply with the following requirements:

(a) *Grounds maintenance.* Each lawn or other land not covered by a  
**structure** must be properly maintained reasonably free of erosion,  
gulying, and missing ground cover. All weeds and grass must be cut  
periodically, and must not grow more than 12 inches high when  
required by Chapter 58. Lawns, shrubbery, trees, vines, hedges, dead  
trees or branches, and other vegetation must be maintained so they do  
not endanger public health or safety.

(b) *Structure maintenance.* Each **structure** must be structurally sound and  
maintained in good repair. Each surface exposed to the elements and  
susceptible to deterioration must be painted or provided with a suitable,  
weather-resistant protective coating sufficient to prevent deterioration.

(c) *Exterior surfaces.* Each exterior surface and appurtenance, such as a  
wall, window, door, roof, canopy, step, walkway, planter box, or sign,  
must be maintained in good condition, with materials having properties  
and qualities substantially equal to the original materials, and

substantially free from damage and deterioration. Each exterior surface must be maintained free of flaking, peeling, or loose paint, and graffiti as defined in Section 32-12A.

(d) **Rubbish and garbage.** All **rubbish** and **garbage** must be stored in approved containers as required by Chapter 48. The **owner** and each tenant of a **nonresidential structure** are both responsible for providing sufficient **rubbish** and **garbage** containers to prevent overflow, and for maintaining the premises as required by Chapter 48. Litter, **rubbish**, refuse, and **garbage** must not remain on the property outside of approved storage containers, or containment areas approved for bulk objects, for more than 24 hours. An **owner** or tenant of any nonresidential property must not let trash, litter, or **rubbish** be carried to or deposited on any street, sidewalk or other public or private property.

(e) **Paved surfaces.** The paved and gravel surfaces of each entry apron, driveway, sidewalk, and parking lot must be maintained in good, serviceable, and safe condition.

(f) **Public nuisance.** Each owner, after notice, must eliminate any condition which creates a **public nuisance** in a manner that will prevent its reoccurrence.

## **26-11. Inspections; warrants; right of entry of inspectors and owners.**

(a) **Inspection by agency.** An **enforcing agency** may inspect the condition of any **dwelling, nonresidential structure**, and other premises to safeguard the health and safety of **occupants** and the public.

(b) **Administrative search warrant.** The **enforcing agency** may apply to a judge of the District Court or Circuit Court for an administrative search warrant to enter any premises regulated under this Chapter to conduct a code enforcement inspection.

- 1762 (c) Application for warrant. The applicant for the warrant must, in  
 1763 writing and under oath, particularly describe the premises to be  
 1764 searched and the nature, scope, and purpose of the proposed search.
- 1765 (d) Grounds for issuance. A judge may issue the warrant if the judge  
 1766 finds that:
- 1767 (1) the applicant is authorized or required by law to make the  
 1768 inspection;
- 1769 (2) the applicant has demonstrated that the inspection of the  
 1770 premises is sought:
- 1771 (A) as a result of evidence of an existing violation of this  
 1772 Chapter or other law; or
- 1773 (B) as a result of a general and neutral administrative plan to  
 1774 conduct fire inspections or a condition of a rental  
 1775 property license which authorizes periodic inspections;
- 1776 (3) the **owner**, tenant, or other individual in charge of the property  
 1777 has denied access to the property, or after making a reasonable  
 1778 effort the applicant has been unable to contact any of these  
 1779 individuals for oral communication; and
- 1780 (4) the inspection is sought for health, safety, and general welfare  
 1781 related purposes.
- 1782 (e) Described premises. An administrative search warrant issued under  
 1783 this Section must describe the premises to be searched. The  
 1784 inspection must not exceed any limit specified in the warrant.
- 1785 (f) Time period. An administrative search warrant issued under this  
 1786 Section must be executed and returned to the judge who issued it not  
 1787 later than:
- 1788 (1) the time specified in the warrant, which must not exceed 30

- 1789                    days; or
- 1790                    (2)    if no time period is specified in the warrant, 15 days after it is
- 1791                    issued.
- 1792                    (g)    *Information confidential.* Any information obtained under an
- 1793                    administrative search warrant is confidential and must not be
- 1794                    disclosed, except:
- 1795                    (1)    in an administrative or judicial proceeding arising out of a
- 1796                    violation relating to the purpose for which the warrant was
- 1797                    issued and within the scope of the warrant; or
- 1798                    (2)    to an **owner** or **occupant** of the premises.
- 1799                    (h)    *Access.* Each occupant of a **dwelling** or **nonresidential structure** must
- 1800                    give the **owner** access to the **dwelling** or **nonresidential structure** at
- 1801                    all reasonable times to make repairs or alterations or take other action
- 1802                    necessary to comply with this Chapter or an order issued under this
- 1803                    Chapter.
- 1804                    (i)    *Determination of lead agency.* When a violation of this Chapter also
- 1805                    falls under the jurisdiction of another County department or office, the
- 1806                    **Chief Administrative Officer** must determine which agency will
- 1807                    investigate possible violations and enforce this Chapter.
- 1808                    **26-12. Notice of violation; order to comply.**
- 1809                    If an **enforcing agency** finds a violation of this Chapter, except for occupancy
- 1810                    of a condemned **dwelling** or **dwelling unit** under Section 26-13(c), the **enforcing**
- 1811                    **agency** may order action to be taken and, if it so orders, must notify the person
- 1812                    responsible. The notice and order must:
- 1813                    (a)    be in writing;
- 1814                    (b)    describe in general terms a remedial action which, if taken, will achieve
- 1815                    compliance with this Chapter;

- (c) specify a reasonable time to perform any required action;
- (d) be served on the **owner** or **occupant** as the order requires. A notice and order is properly served if:
  - (1) a copy is served personally;
  - (2) a copy is sent by certified mail to the last known address of the **owner** or **occupant**;
  - (3) a copy is posted in a conspicuous place on or near the **dwelling** affected by the notice; or
  - (4) the **owner** or **occupant** is served by any other method authorized by state law.
- (e) also be sent to the Historic Preservation Commission if any affected building or **structure**:
  - (1) has been designated on the master plan for historic preservation as a historic site or a historic resource in a historic district, or
  - (2) is listed on the locational atlas and index of historic sites published by the Planning Board.

**26-13. Designation of unfit dwellings and unsafe nonresidential structures; condemnation.**

- (a) *Standards for condemnation.* The **enforcing agency** may condemn as unfit for human habitation any **individual living unit, dwelling, or dwelling unit** or its premises, or as unsafe for human occupancy or use any **nonresidential structure** or its premises, which:
  - (1) is entirely or partly so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the **occupants** or the public;
  - (2) lacks, entirely or partly, illumination, **ventilation**, heating, water supply, or sanitation facilities, as required by this Chapter;

- 1843           (3)   is, because of its general condition, unsanitary or otherwise  
 1844                 dangerous to the health or safety of the **occupants** or the public;
- 1845           (4)   contains unsafe equipment, including any boiler, heating  
 1846                 equipment, elevator, moving stairway, electrical wiring or device,  
 1847                 flammable liquid container, or other equipment, on the premises  
 1848                 or in the **structure** which is in disrepair or a condition that the  
 1849                 **Director** finds presents a hazard to the life, health, property, or  
 1850                 safety of the **occupants** or the public;
- 1851           (5)   (A)   is vacant and unoccupied for the purpose for which it was  
 1852                 built;
- 1853                 (B)   has remained substantially in that condition for at least one  
 1854                 year; and
- 1855                 (C)   has been cited for 5 or more violations of this Chapter,  
 1856                 none of which has resulted in a ‘not guilty’ finding by a  
 1857                 court; or
- 1858           (6)   is a **public nuisance**.
- 1859    (b)   *Notice required.* The **enforcing agency** must attempt to notify the  
 1860                 owner of each **individual living unit, dwelling or dwelling unit, and**  
 1861                 **nonresidential structure** condemned for human habitation, occupancy,  
 1862                 or use. The **enforcing agency** also must post a warning placard on the  
 1863                 property.
- 1864    (c)   *Vacating condemned property.*
- 1865           (1)   Any person occupying an **individual living unit, dwelling, or**  
 1866                 **dwelling unit** when it is condemned as unfit for human  
 1867                 habitation must vacate the condemned premises within a  
 1868                 reasonable time ordered by the **enforcing agency**.

(2) Any person occupying or using a **nonresidential structure** when it is condemned as unsafe for human use or occupancy must vacate the building or **structure** immediately after a warning placard is posted.

(3) A person must not occupy or use, and an **owner** must not allow a person to occupy or use, an **individual living unit, dwelling, dwelling unit, or nonresidential structure** which has been condemned as unfit for human habitation or unsafe for human occupancy or use until the **enforcing agency** approves the occupancy or use and removes the placard. The **enforcing agency** may remove the placard if all defects on which the condemnation was based have been eliminated.

(d) *Removal of placard.* A person must not deface or remove a placard from any **individual living unit, dwelling, dwelling unit, or nonresidential structure**, except as authorized by the **enforcing agency**.

(e) *Secure from entry.* Each **owner** of a condemned or abandoned **structure** must:

(1) secure all windows and doors which are accessible from the ground, from an adjacent **structure**, or by the reasonably foreseeable use of a ladder, table, or other device, and

(2) keep them secured against unauthorized entry.

**26-14. Repair or removal of condemned buildings or structures.**

(a) *Order of demolition.* If the **owner** of any building, **structure**, or premises condemned under this Chapter does not bring the building, **structure**, or premises into full compliance with this Chapter, or demolish and remove it, during the time specified by the **enforcing**



agency in the order of condemnation or any extension, the **enforcing agency** may, after 30 days' written notice to the **owner**, order the building or **structure** to be demolished, any excavation to be filled, and the property cleared so that it will be in a safe condition.

- (b) *Cost charged to owner.* The County may charge the cost of any action taken under subsection (a) to the **owner** of the property and collect it as taxes on real property or other debts are collected. The charge is a lien on the property.

**26-15. Severe conditions and corrective actions.**

- (a) *Severe conditions.* If the **enforcing agency** finds that immediate action is needed to protect the public health and safety as a result of a violation of this Chapter, Chapter 22, Chapter 8, or Chapter 17, the **enforcing agency** may, without notice, conference, or hearing, order the **owner** to correct or abate the violation.

- (1) The order must be hand-delivered to the **owner**. If the order cannot be hand-delivered, the order must be posted on the property in a conspicuous location on or near each **dwelling** or **nonresidential structure** affected by the order.
- (2) If the **owner** does not abate or correct the violation as directed after the order is delivered or posted, the **enforcing agency** may take any action reasonably necessary to abate or correct the condition or may contract to have the necessary action taken.
- (3) If an **enforcing agency** proposes to take any action under this subsection that would directly affect any building or **structure** which has been designated on the master plan for historic preservation as a historic site or a historic resource in a historic district, the **enforcing agency** must make its best effort to consult

with the Chair of the Planning Board or the Chair's designee  
before the **enforcing agency** removes the building or **structure**,  
substantially alters any exterior feature, or contracts to do either.

(b) *Violation, affect on adjacent property.* If an **enforcing agency** finds  
that any violation of this Chapter affects neighboring properties or the  
health or safety of the **occupants** or the public, the **enforcing agency**  
may order necessary actions by notice and service under subsection (a).  
If the actions are not taken in the time and manner prescribed, the  
**enforcing agency** may authorize an officer, agent or employee of the  
County, or a contractor, to execute the order.

(c) *Costs charged to owner.* The **owner** is liable to the County for all  
reasonable and necessary costs the County incurs as a result of an action  
taken under subsection (a) or (b). The costs constitute a debt owed the  
County and may be placed on the tax bill as a lien on the property and  
collected as ordinary taxes are collected, or collected as any other debt.

**26-16. Penalty for violation of Chapter.**

Any violation of this Chapter or any regulation issued under it is a class A  
violation. Each day a violation exists is a separate offense.

**26-17. Waivers.**

(a) *Conditions for waiver.* An **enforcing agency** may waive any provision  
of this Chapter with respect to an owner occupied **dwelling unit** if:

(1) no violation presents an immediate danger to the health, safety, or  
welfare of an **occupant** of a **dwelling** or the public; and

(2) (A) the property **owner** is experiencing extreme financial  
hardship, has insufficient resources, and cannot obtain  
financing to rehabilitate the **dwelling** to comply with this  
Chapter;

- 1950 (B) physical conditions of the site or other conditions beyond  
 1951 the **owner's** control make it impossible to bring the  
 1952 **dwelling** into compliance with this Chapter; or  
 1953 (C) legal or other unusual constraints, such as unclear title or a  
 1954 probate dispute, prevent or delay the **owner** from bringing  
 1955 the **dwelling** into compliance with this Chapter.
- 1956 (b) *Revocation of waiver.* An **enforcing agency** may revoke a waiver if:  
 1957 (1) a danger to health, safety or welfare is presented or would be  
 1958 presented if the waiver continued; or  
 1959 (2) the circumstances that justified the waiver change.
- 1960 (c) *Limit of waiver.* Nothing in this Section prevents the reasonable  
 1961 enforcement of this Chapter or alleviates the requirement to maintain  
 1962 each **dwelling, dwelling unit, and nonresidential structure** in as  
 1963 sanitary and healthful condition as possible.

1964 **26-18. Regulations.**

1965 The County Executive may adopt regulations under method (2) to administer  
 1966 this Chapter and adopt standards for materials and equipment.

1967 **Sec. 2. Section 2-112 is amended as follows:**

1968 **2-112. Jurisdiction.**

1969 \* \* \*

1970 (c) The Board has the following appellate jurisdiction.

1971 The board must hear and decide each appeal taken under: Those appeals involve:

1972 \* \* \*

1973 [Section 26-14 Housing and building maintenance standards]

1974 \* \* \*

1975 *Approved:*

1976

1977

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Steven Silverman, President, County Council

Date

1978 *Approved:*

1979

---

Douglas M. Duncan, County Executive

Date

1980 *This is a correct copy of Council action.*

1981

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Mary A. Edgar, CMC, Clerk of the Council

Date