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, repeal obsolete provisions, and generally amend the County housing and building maintenance standards law and related laws.

By amending
Montgomery County Code
Chapter 26, Housing Standards

Chapter 2, Administration
Section 2-112

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

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 must not contain complete cooking facilities, such as a stove, oven, or similar device.

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

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

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

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

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.

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

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

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

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

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

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

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

(1) A stove or other comparable installed cooking facilities;

(2) Space for dry food storage;

(3) A refrigerator or other facilities for refrigerated food storage;

(4) A kitchen sink installed.

The sink must be in good working condition and properly connected to a hot and cold running water system under pressure, and a sewer system. The sink and systems must be installed and maintained as prescribed by applicable County regulations, or by the Washington Suburban Sanitary Commission. Dwelling units on property where Washington Suburban Sanitary Commission
water or sewer services are not available and private water supply and sewage disposal systems cannot be legally installed may be eligible for a waiver under conditions set in this Chapter. In mobile homes, plumbing systems must be protected from freezing. Complete cooking facilities must not be included in an individual living unit located in a personal living quarters building. Any cooking facility which is installed in every individual living unit need not be installed in a shared kitchen.

(b) (1) Every dwelling unit and personal living quarters building 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 and installed and maintained in a manner prescribed by applicable County regulations. That 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 to 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 that room where it is installed must afford privacy to a person within 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 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, 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
supplied with heating facilities which are properly installed and are
maintained in safe and good working condition. Either central or space
heating facilities may be used, but must meet the following
requirements:

(1) Every central heating unit or central hot water heating unit must:
    (A) Have every heat duct, steam pipe or hot water pipe free of
        leaks and functioning properly to provide an adequate
        amount of heat and hot water to the intended place of
        delivery;
    (B) Be provided 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 adequate capacity in an approved manner; and
    (D) Be provided with automatic safety devices and be installed
        and operated in the manner required by applicable County
        regulations.

(2) Every space heating unit or unit hot water facility 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 in
        the manner required by applicable County regulations;
    (D) If the unit uses solid or liquid fuels, have a fire resistant
        panel beneath it;
    (E) Be located at least 2 feet away from any wall, or be
        equipped with insulation sufficient to prevent the
        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.]
(a) Every owner of a dwelling unit or individual living unit in which the heat is not under the control of the tenant must maintain in such unit a temperature of at least 68 degrees Fahrenheit in all habitable rooms, bathrooms and water closet compartments at a distance of 3 feet above floor level.

(b) Every owner of a dwelling unit or individual living unit in which the heat is under the control of the tenant must provide in working condition heating equipment capable of maintaining in such unit a temperature of at least 68 degrees Fahrenheit in all habitable rooms, bathrooms and water closet compartments 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 the tenants with an emergency phone number to directly contact a person who has twenty-four-hour access to adjust the heat and who will adjust the heat within 2 hours.

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

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

(a) Every foundation, floor, wall, ceiling and roof must be reasonably weather-tight, water-tight and rodent-proof, must be capable of affording privacy, and must be kept in good repair.

(b) Every window, exterior door and basement hatchway must be reasonably weather-tight, water-tight and rodent-proof, and must be kept in sound working condition and good repair.
(c) Every inside and outside stair, every porch and every appurtenance thereto must be maintained and kept in sound condition and good repair.

(d) Every plumbing fixture and water and waste pipe must be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

(e) Every water closet compartment floor surface and bathroom floor surface must be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition as provided in applicable plumbing regulations.

(f) All rain water must be so drained and conveyed from every roof so as not to cause dampness in walls, ceilings or floors.

(g) All exterior wood surfaces must be adequately protected from water seepage and against decay.

(h) All walls, ceilings, interior woodwork, doors and windows must be kept free of flaking, peeling or loose paint, and only lead-free paint may be used.

(i) Every 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.

(j) An owner, operator or occupant must not cause any service, facility, equipment or utility which is required under this Chapter to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption that is necessary while actual repairs or alterations are in process, or during temporary emergencies when 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.]

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.
(d) Every occupant of a dwelling, dwelling unit, or individual living unit must dispose of all his garbage and any other organic waste which might be food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by Chapter 48.

(e) Every occupant of a dwelling unit is responsible for hanging all screens except where the owner has agreed to supply such service.

(f) Every occupant of a dwelling containing a single dwelling unit is responsible for the extermination of any insects, rodents, or other vermin therein or on the premises.

(1) Every occupant of a dwelling unit or individual living unit in a dwelling containing more than one dwelling unit is responsible for extermination whenever that unit is the only unit infested.

(2) Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insect proof condition, extermination is the responsibility of the owner.

(3) Whenever infestation exists in 2 or more dwelling units or individual living units in any dwelling, or in the shared or common parts of any dwelling containing 2 or more dwelling units or individual living units, extermination is the responsibility of the owner.

(g) Every occupant of a dwelling unit or individual living unit must keep all plumbing fixtures therein in a clean and sanitary condition and is responsible for the exercise of reasonable care in the proper use and operation thereof.
(h) Every occupant of a single-family dwelling, owner of a multiple dwelling or personal living quarters, or owner of a vacant building, and any occupant of a dwelling unit in a multifamily dwelling who controls a lawn or yard area, must cut any grass or weeds periodically and must not allow grass or weeds to grow more than 12 inches high.

(i) Every owner must keep lawns and other land not covered by structures reasonably free of erosion or gullying and must replace damaged ground cover.

(j) Every owner must maintain shrubbery, trees, vines, hedges and other vegetation, including dead trees and branches, so they do not constitute a danger to the public health or safety.

(k) Every owner must keep all accessory structures structurally sound and maintained in good repair. Each surface exposed to the elements and susceptible to deterioration must be painted or provided with other suitable, weather-resistant protective coating sufficient to prevent deterioration.

(l) Every owner must maintain each paved and gravel surface of entry aprons, driveways, sidewalks and parking lots in good, serviceable and safe condition.

(m) Every owner must eliminate any condition which creates a public nuisance.

(n) Every owner must complete each exterior surface, including windows, wall siding, and roof, of every renovation, addition and new construction of a dwelling or accessory structure within one year after the building permit is first issued, or within one year after the start of construction if no building permit was issued. This subsection does not 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.
(2) Door locks.

(A) All swinging entrance and exit doors to a personal living quarters building, individual living unit, or rental dwelling unit must have deadbolt locks or other security devices. Security measures other than the manufacturer's latch are not required for those doors which only allow access to a balcony located 3 stories or more above the ground.

(B) Every 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 all sliding door structures must be stationary and secured in place by screws or pins.

(3) Viewers. A viewer must be installed in every entrance or exit door to individual living units and rental dwelling units; but a viewer need not be installed if windows, vision panels or similar devices are located within 2 feet of such door and face the external area in front of the door.

(4) Window locks. Openable windows in exterior walls of rental dwelling units, personal living quarters buildings, and individual living units that are located within reach of the ground or any adjacent surface must be constructed, repaired and maintained to protect them from being opened from the outside and from being pried out of their frames or tracks.

(5) Encouraging use. Every owner must provide each new tenant with information about the reasons for the security measures and how to use them.
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.

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

(d) Establishments mentioned in this section shall comply with the provisions of subsections (c), (d) and (e) of Section 26-5.

(e) Every owner-occupant or other operator of any hostel, boardinghouse, rooming house or tourist home shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for maintenance of sanitary conditions in every other part of the establishment. He shall also be responsible for the sanitary maintenance of the entire premises where the entire structure or building is occupied, leased or controlled by the operator. Such operator or owner-operator shall be responsible for maintenance of the establishment in accordance with all provisions of this chapter.

(f) No person shall operate in any hostel, tourist home, boardinghouse or rooming house an enterprise for the preparation or merchandising of food and drink for human consumption for compensation except under permit and in compliance with the provisions of Chapter 15 of this 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-eights 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;
(C) a copy is posted in a conspicuous place on or near the dwelling affected by the notice; or

(D) the owner, agent or occupant is served by any other method authorized by state law.

(5) also be sent to the Historic Preservation Commission if any affected building or structure:

(A) has been designated on the master plan for historic preservation as an historic site or an historic resource within an historic district, or

(B) is listed on the locational atlas and index of historic sites maintained by the Maryland-National Capital Park and Planning Commission.

(b) Appeal. Any person affected by any notice issued in connection with the enforcement of this Chapter may appeal to the County Board of Appeals within 15 days after service is first effective under subsection (a)(4). The hearing may be held on less than 30 days notice on a written request from the enforcing agency after reasonable notice to all parties.

[26-15. Reserved.]


(a) The enforcing agency may waive provisions of this chapter if:

(1) No violation presents an immediate danger to the health, safety, or welfare of the occupants 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; or
b. Physical conditions of the site or other conditions beyond the control of the owner make it impossible to bring the dwelling into compliance with this chapter; or

c. Legal or other unusual constraints, such as unclear title or probate disputes, prevent or delay the owner from bringing the dwelling into compliance with this chapter; or

d. (i) The dwelling or dwelling unit(s) cannot economically be made to comply with this chapter without the occupants vacating the dwelling; and

(ii) No other adequate housing is available at a cost the occupants can afford.

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

(1) A danger to health, safety or welfare is presented or would be presented if the waiver continued; or

(2) The circumstances that justified the waiver change.

(c) Nothing in this section prevents the reasonable enforcement of this chapter or alleviates the requirement to keep dwellings, dwelling units, nonresidential structures, and their premises in as sanitary and healthful condition as circumstances permit.]

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

(a) This chapter does not repeal, modify, or otherwise affect any other County law or regulation. However, except as specified in subsection (b), if this Chapter imposes more stringent limits or requirements, this Chapter prevails.

(b) If an enforcing agency proposes to take any action under Sections 26-12, 26-14, 26-18, or 26-19(b) that would directly affect any building or structure (1) which has been designated on the master plan for historic
[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
complied with 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) The owner is liable to the county for all reasonable and necessary costs incurred by the county as a result of an action taken under subsection (a) or (b). Such costs constitute a debt owed the county and may be placed upon the tax bill as a lien on the property and be collected in the manner in which ordinary taxes are collected. In the alternative, such costs may be collected as any other debt.]

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

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

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

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

(b) Location:

(1) At least one smoke detector shall be installed to protect each sleeping area. A sleeping area is defined as the area or areas of 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
permanent unless the Department later finds that the equipment is hazardous or unreliable, in which case the Department may suspend or revoke approval. The enforcing agency may in any such case determine whether replacement of an existing installation is required. Transfer to the inactive list does not affect equipment approval.

(e) Installation:

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

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

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

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

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.

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.

Where any provision of this law shall conflict with any county, state or
federal law, the more stringent law shall apply.]

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


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

(a) Lawns and other land not covered by structures must be properly maintained, reasonably free of erosion, gullying and missing ground cover. All weeds and grass must be cut periodically and must not grow more than twelve (12) inches high. Lawns, shrubbery, trees, vines, hedges, dead trees or branches, and other vegetation must be maintained so they do not constitute a danger to the public health or safety. Weeds and grass must be maintained as required by chapter 58.

(b) All accessory structures must be structurally sound and maintained in good repair. All surfaces 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) All rubbish and garbage must be stored in approved containers which conform to chapter 48. Litter, rubbish, refuse, and garbage must not remain on the property outside of approved storage containers. The owner or operator and the occupant of nonresidential structures are jointly and severally responsible to provide sufficient containers for storage of rubbish and garbage to prevent overflow, and to maintain the premises in accordance with standards established in chapter 48.

(d) An owner or occupant of any nonresidential property must not permit the accumulation of trash, litter, rubbish or other waste matter outside of 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
Cellar: That portion of a building located below the first floor joists, at least half of whose clear ceiling height is below the mean level of the adjacent ground.

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

Deadbolt lock: A single cylinder bolt lock which:

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

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

Director: The Director of the Department of Housing and Community Affairs, or the Director’s designee.

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

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

Enforcing agency:

(a) the Department of Housing and Community Affairs;

(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 where this Chapter applies.

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

(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;
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
shaft, open **basement**, excavation, unsafe fence, unsafe stairway, or unsafe step;

(b) unsanitary, littered with rubbish or **garbage**, used for outdoor storage or abandonment of appliances for more than 48 hours or 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 would or could result in substantial damage to another property;

(f) unsafe or unhealthful to any **occupant**, neighbor, employee, visitor, guest, or tradesman; or

(g) creating a **visual blight**.

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

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

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

**Rubbish:** All refuse, combustible or noncombustible, except **garbage**. **Rubbish** includes any debris from building construction or reconstruction, dead tree, 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 of the following which can be viewed at ground level from a public right-of-way or from neighboring premises:

(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;
(c) abandoned, disabled, dismantled, or unused vehicle or part of a vehicle;
(d) pile of dirt, mulch, sand, gravel, concrete, or other similar construction materials.

Visual blight also includes any other 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 does not include wood or building or construction materials intended to be used for any repair or renovation activity for which a building permit was issued and has not expired, 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.

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

(3) Every water closet compartment, bathroom, laundry room, furnace room and public hall must contain at least one supplied ceiling or wall 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:

(A) not exceed the rated capacity of the circuit; and

(B) be sufficient for normal household use.

(6) Each individual room air conditioning unit, regardless of its current rating, must be served by not less than an individual 20-amp circuit using No. 12 copper wire which terminates in a single receptacle.

(b) Water and sewer service.
(1) All plumbing fixtures and systems must be installed and maintained as prescribed by applicable County or Washington Suburban Sanitary Commission regulations.

(2) Any dwelling unit on property where Washington Suburban Sanitary Commission water or sewer service is not available and a private water supply and sewage disposal system cannot be legally installed may receive a waiver under conditions set by regulation.

(3) In mobile homes, plumbing systems must be protected from freezing.

(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:

(A) be constructed for exterior use;

(B) open outward;

(C) 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

(D) provide a 26-inch-wide clear opening, unless otherwise permitted as an emergency exit only.

(3) Each room in a *mobile home* designed expressly for sleeping purposes, unless it has an exit door, must have at least one outside window which:

(A) can be opened from the inside without using tools;

(B) has a clear opening of not less than 22 inches in the least dimension and 5 square feet in area, with the bottom of the opening not more than 4 feet above the floor; and

(C) if *supplied* with a screen or storm window, must have the screen or storm window readily removable without using a tool.
(b) *Fire safety - smoke detectors.*

(1) The *owner* of each occupied *dwelling unit* must provide smoke detectors in that *dwelling unit* as required by Section 22-96 and Section 17-37.

(2) Where an *enforcing agency* finds that smoke detectors have not been properly installed or maintained in working order, the *agency* must promptly report this fact to the Fire and Rescue Service or notify the nearest fire station.

c) *Doors off common areas, multi-family dwellings.* Any door in a multi-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.
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.

Each lawn and other land not covered by a structure must be
reasonably free of erosion or gullying. 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.

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.

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

The owner must maintain shrubbery, trees, vines, hedges,
and other vegetation.

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

Interior.

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,
gullying, 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.

(c) **Application for warrant.** The applicant for the warrant must, in writing and under oath, particularly describe the premises to be searched and the nature, scope, and purpose of the proposed search.

(d) **Grounds for issuance.** A judge may issue the warrant if the judge finds that:

1. the applicant is authorized or required by law to make the inspection;
2. the applicant has demonstrated that the inspection of the premises is sought:
   (A) as a result of evidence of an existing violation of this Chapter or other law; or
   (B) as a result of a general and neutral administrative plan to conduct fire inspections or a condition of a rental
property license which authorizes periodic inspections;

(3) the owner, tenant, or other individual in charge of the property has denied access to the property, or after making a reasonable effort the applicant has been unable to contact any of these individuals for oral communication; and

(4) the inspection is sought for health, safety, and general welfare related purposes.

(e) Described premises. An administrative search warrant issued under this Section must describe the premises to be searched. The inspection must not exceed any limit specified in the warrant.

(f) Time period. An administrative search warrant issued under this Section must be executed and returned to the judge who issued it not later than:

(1) the time specified in the warrant, which must not exceed 30 days; or

(2) if no time period is specified in the warrant, 15 days after it is issued.

(g) Information confidential. Any information obtained under an administrative search warrant is confidential and must not be disclosed, except:

(1) in an administrative or judicial proceeding arising out of a violation relating to the purpose for which the warrant was issued and within the scope of the warrant; or

(2) to an owner or occupant of the premises.

(h) Access. Each occupant of a dwelling or nonresidential structure must give the owner access to the dwelling or nonresidential structure at all reasonable times to make repairs or alterations or take other action
necessary to comply with this Chapter or an order issued under this Chapter.

(i) **Determination of lead agency.** When a violation of this Chapter also falls under the jurisdiction of another County department or office, the **Chief Administrative Officer** must determine which agency will investigate possible violations and enforce this Chapter.

**26-12. Notice of violation; order to comply.**

If an **enforcing agency** finds a violation of this Chapter, except for occupancy of a condemned **dwelling** or **dwelling unit** under Section 26-13(c), the **enforcing agency** may order action to be taken and, if it so orders, must notify the person responsible. The notice and order must:

(a) be in writing;

(b) describe in general terms a remedial action which, if taken, will achieve 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;

(3) is, because of its general condition, unsanitary or otherwise dangerous to the health or safety of the occupants or the public;

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

(5) (A) is vacant and unoccupied for the purpose for which it was built;

(B) has remained substantially in that condition for at least one year; and
(C) has been cited for 5 or more violations of this Chapter, none of which has resulted in a ‘not guilty’ finding by a court; or

(6) is a **public nuisance**.

(b) **Notice required.** The enforcing agency must attempt to notify the owner of each **individual living unit**, dwelling or **dwelling unit**, and nonresidential structure condemned for human habitation, occupancy, or use. The enforcing agency also must post a warning placard on the property.

(c) **Vacating condemned property.**

(1) Any person occupying an **individual living unit**, dwelling, or dwelling unit when it is condemned as unfit for human habitation must vacate the condemned premises within a 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;
         (B) physical conditions of the site or other conditions beyond the owner's control make it impossible to bring the dwelling into compliance with this Chapter; or
         (C) legal or other unusual constraints, such as unclear title or a probate dispute, prevent or delay the owner from bringing the dwelling into compliance with this Chapter.
   (b) Revocation of waiver. An enforcing agency may revoke a waiver if:
       (1) a danger to health, safety or welfare is presented or would be presented if the waiver continued; or
       (2) the circumstances that justified the waiver change.
   (c) Limit of waiver. Nothing in this Section prevents the reasonable enforcement of this Chapter or alleviates the requirement to maintain
each dwelling, dwelling unit, and nonresidential structure in as
sanitary and healthful condition as possible.

**26-18. Regulations.**

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

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

**2-112. Jurisdiction.**

* * *

(c) The Board has the following appellate jurisdiction.

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

* * *

1981 [Section 26-14 Housing and building maintenance standards]

* * *

1983 [[Section 55-2 Dangerous buildings]]

* * *

Sec. 3. Chapter 55 is repealed as follows:

[[CHAPTER 55, UNSAFE BUILDINGS]]

[55-1. Notice to repair or vacate generally.]

If the County Fire Marshal finds, after due investigation, that any building or
structure in the County is unsafe for use of occupancy because it constitutes a
violation of the County fire code, or if the Director of Permitting Services finds, after
due investigation, that any building or structure in the County is unfit for use or
occupancy for any of the following reasons:

(a) Absence of water supply; or contaminated water supply; or unsafe
plumbing which may contaminate the water supply; or

(b) Absence of excreta disposal facilities; or absence of an indoor waste
water receptacle connected to a proper disposal facility; or excreta
disposal or drainage facilities which do not meet the standards required by any applicable laws, ordinances or regulations; or

(c) Absence of or inadequate provision for garbage storage and disposal; or

(d) Vermin or rodent infestation; or

(e) Accumulation of filth or debris; or

(f) Undue exposure of the occupants to the elements; or

(g) Porches, balconies or openings in outside walls or floors which are unprotected so as to be unsafe or unsafe interior or exterior stairways; or

(h) In any building containing 3 or more dwelling units, the absence of an inside toilet and lavatory for each dwelling unit; the Fire Marshal or the Director, as the case may be, must immediately after a finding under this Section serve on the owner, agent, lessee, occupant or any other person with control over the building or structure, a written notice describing the premises, a statement of the particulars in which the premises are unsafe or unfit for use or occupancy including the repairs and improvements necessary to correct the conditions, and an order directing that corrective repairs and improvements be made. Where necessary, the Fire Marshal or Director may order a building or structure vacated if previously ordered corrective repairs and improvements have not been made. In cases of extreme and immediate danger to life or health, the Fire Marshal or Director may require that a building or structure be vacated immediately.]

[[55-2. Hearing before county board of appeals.]

Any person aggrieved by any order issued pursuant to the authority of this chapter may, within ten (10) days of the receipt of such order, petition the county board of appeals in writing for a hearing thereon. Within thirty (30) days from the receipt of such petition, the board shall hold such a hearing after which the board in
its discretion may either affirm, modify or rescind the order. The board is authorized
to waive its filing fee upon request of applicant and evidence of economic hardship.
No official of the county government shall take any measures to close or vacate any
building or enforce any order issued hereunder until after such hearing by the board
has been held and decision thereon or until after the time to petition for such hearing
has expired without such a petition having been filed.]]

[[55-3. County to enforce compliance with orders.]]
Upon the failure of any person to comply with the provisions of any order
issued under this chapter within the time specified therein, the county shall take such
action as may be necessary to vacate and close the building or structure and shall
cause a notice to be posted thereon stating that the premises are not safe for human
habitation or occupancy.]]

[[55-4. Notice or orders to be in writing, etc.; service.]]
Any notice or order issued pursuant to the provisions of this chapter shall be in
writing and shall be served upon the person to whom directed either by personal
delivery or by registered mail. If the owner of the building or structure, or his agent,
is not known to reside in or cannot be found within the county, such service shall be
made by publication of such order or notice once in a newspaper of general
circulation published in the county and by posting the same on the premises which
are the subject of such notice or order in a conspicuous manner. Service by
publication and posting shall be deemed to be made on the day publication and
posting of such order or notice are complete.]]

[[55-5. Penalties and enforcement.]]
Any person who fails to comply with any notice or order issued pursuant to the
authority of this chapter or who violates any other provision hereof shall be subject to
punishment for a class A violation as set forth in section 1-19 of chapter 1 of the
County Code. Each day of violation shall be deemed a separate violation hereof.]]
Approved:

/S/       June 5, 2002

Steven A. Silverman, President, County Council

Approved:

/S/       June 17, 2002

Douglas M. Duncan, County Executive

This is a correct copy of Council action.

/S/       June 18, 2002

Mary A. Edgar, CMC, Clerk of the Council