

Bill No. 44-01
Concerning: Housing Code
Amendments
Revised: 5-30-02 Draft No. 4
Introduced: December 11, 2001
Enacted: June 4, 2002
Executive: June 17, 2002
Effective: September 16, 2002
Sunset Date: None
Ch. 15, Laws of Mont. Co. 2002

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive

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

Boldface
Underlining
[Single boldface brackets]
Double underlining
[[Double boldface brackets]]
* * *

Heading or defined term.
Added to existing law by original bill.
Deleted from existing law by original bill.
Added by amendment.
Deleted from existing law or the bill by amendment.
Existing law unaffected by bill.

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

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

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

3 **[26-1. Definitions.**

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

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

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

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

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

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

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

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

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

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

32 Enforcing agency:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 108 (e) Creating a condition that results in or potentially may result in
109 substantial damage to another property;
- 110 (f) Unsafe, dangerous, or unhealthful to occupants, neighbors, employees,
111 or visitors, guests, and tradesmen.

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

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

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

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

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

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

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

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

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

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

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

160 [26-2. Reserved.]

161 [26-3. Certain institutions exempted from provisions of chapter.

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

166 **[26-4. Inspections generally; when warrants required; right of entry of**
167 **inspectors and owners.**

- 168 (a) The enforcing agency may inspect the condition of dwellings,
169 nonresidential structures, and premises located in the county to
170 safeguard the health and safety of the occupants and the general public.
171 For the purpose of making such inspections, the enforcing agency may
172 enter, examine and survey, at all reasonable times, all dwellings,
173 nonresidential structures, and premises. Before an inspection, the
174 enforcing agency must give notice either orally or in writing of the day
175 of the inspection and obtain the consent of the owner, operator or
176 occupant to the inspection.
- 177 (b) If the owner, operator or occupant refuses to consent to such inspection,
178 the enforcing agency must, before any entry or inspection, obtain a
179 warrant for such inspection. The warrant must be obtained by a written
180 application, signed and sworn to by an officer of the enforcing agency,
181 setting forth the purpose of the inspection and the address or location of
182 the dwelling or premises to be inspected. When, upon such application,
183 any court with jurisdiction finds that there is probable cause to believe
184 that a violation of this Chapter exists, then the court may forthwith issue
185 a warrant directed to the enforcing agency authorizing it to enter and
186 inspect such dwelling or premises. The warrant must state that any
187 inspection made thereunder must be made within thirty (30) calendar

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

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

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

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

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

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

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

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

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

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

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

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

- 242 passageways, with at least one flush water closet, lavatory basin,
243 and bathtub or shower for each 6 occupants.
- 244 (c) Every dwelling unit, personal living quarters, hostel, boardinghouse,
245 tourist home and rooming house must be supplied with adequate
246 rubbish storage facilities and with adequate garbage disposal facilities or
247 garbage storage containers as required by chapter 48.
- 248 (d) Water-heating facilities necessary to provide the hot water required by
249 this section must be properly installed and connected to the hot water
250 lines required under this section, must be maintained in safe and good
251 working condition and must be capable of heating water to such a
252 temperature as to permit an adequate amount of water to be drawn at
253 every required kitchen sink, lavatory basin, bathtub or shower at a
254 temperature of not less than 120 degrees or more than 140 degrees
255 Fahrenheit. Such supplied water-heating facilities must be capable of
256 meeting the requirements of this subsection when the heating facilities
257 required under this chapter are not in operation.
- 258 (e) Every dwelling unit, individual living unit, and rooming unit must have
259 safe, unobstructed means of escape leading to safe and open space at
260 ground level as required by chapters 8 and 22.
- 261 (f) Every mobile home must have at least two (2) exit doors which must
262 provide a means of unobstructed escape and must be located at a
263 sufficient distance from each other to assure safe escape from any part
264 of the mobile home in a fire or emergency. Exterior mobile home doors
265 must:
- 266 (1) Be constructed for exterior use;
- 267 (2) Open outward;

- 268 (3) Be capable of being opened from the inside by the use of a lever,
 269 knob, button, handle or other device which does not require a key
 270 for operation from the inside; and
 271 (4) Provide a twenty-six-inch-wide clear opening unless otherwise
 272 permitted as an emergency exit only.

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

- 281 (g) Every mobile home, except mobile homes located in licensed mobile
 282 home parks, must meet the following additional requirements:
 283 (1) Every mobile home must be placed on a permanent foundation
 284 which meets the requirements of Chapter 8.
 285 (2) Every mobile home must be securely tied down with ties and
 286 ground anchors which meet the requirements of Chapter 8.
 287 (h) The access to any sleeping room must not pass through another sleeping
 288 room.
 289 (i) Dwelling units, individual living units, and rooming units must be
 290 arranged to provide privacy.]

291 **[26-6. Minimum standards for light, ventilation and heating.**

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

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

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

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

- 332 (1) Every habitable room must have an electric service and outlets or
 333 fixtures or both capable of providing at least 3 watts per square
 334 foot of floor area.
- 335 (2) Every habitable room must have at least one floor-or-wall electric
 336 convenience outlet for each 60 square feet or fraction thereof of
 337 floor area, and in no case less than 2 such outlets.
- 338 (3) Every water closet compartment, bathroom, laundry room,
 339 furnace room and public hall must contain at least one supplied
 340 ceiling- or-wall-type electric light fixture.
- 341 (4) Every cooking area must be supplied with at least one circuit
 342 rated for at least 20 ampere service capacity.
- 343 (5) Circuit breakers, fuses and other circuit protection devices must
 344 not exceed the rated capacity of the circuit and must
 345 accommodate normal household use.

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

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

- 352 (1) Every central heating unit or central hot water heating unit must:
- 353 (A) Have every heat duct, steam pipe or hot water pipe free of
354 leaks and functioning properly to provide an adequate
355 amount of heat and hot water to the intended place of
356 delivery;
 - 357 (B) Be provided with seals between sections of hot air furnaces
358 to prevent the escape of toxic gases into heat ducts;
 - 359 (C) If the unit uses electricity, be connected to an electric
360 circuit of adequate capacity in an approved manner; and
 - 361 (D) Be provided with automatic safety devices and be installed
362 and operated in the manner required by applicable County
363 regulations.
- 364 (2) Every space heating unit or unit hot water facility must:
- 365 (A) Not use gasoline as a fuel;
 - 366 (B) Not be manufactured or designed to be portable if the unit
367 uses solid, liquid or gaseous fuel;
 - 368 (C) If the unit uses a flame, be connected to a flue or vent in
369 the manner required by applicable County regulations;
 - 370 (D) If the unit uses solid or liquid fuels, have a fire resistant
371 panel beneath it;
 - 372 (E) Be located at least 2 feet away from any wall, or be
373 equipped with insulation sufficient to prevent the
374 overheating of any wall in a manner prescribed by the

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

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

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

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

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

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

401 [26-7. Temperature control.

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

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

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

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

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

- 456 rental dwelling unit or individual living unit is not equipped with a
 457 separate meter for a utility, the owner must make sufficient utility
 458 payments to prevent the utility service from being discontinued.
- 459 (k) An owner or operator must not occupy or initially let to any other
 460 occupant any vacant dwelling, individual living unit, or rooming unit
 461 unless it is clean, sanitary and fit for human occupancy.
- 462 (l) (1) The owner or operator of a rental dwelling unit or individual
 463 living unit must repaint the painted interior surfaces of the unit;
- 464 (A) If after the third year of tenancy:
- 465 i. The paint is stained or is not intact and cleanable;
 466 and
- 467 ii. This condition is not due to tenant abuse; and
- 468 (B) At least every 5 years.
- 469 (2) Painting required under subsection (1) may be postponed for 5
 470 years or until a change in occupancy, whichever occurs first,
 471 when an occupant certifies that the occupants do not want the unit
 472 to be painted at the scheduled time.]

473 **[26-9. Minimum space, use and location requirements.**

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

- 476 (a) Every dwelling unit must contain at least 150 square feet of floor area
 477 for the first occupant and at least 100 additional square feet of floor area
 478 for every additional occupant.
- 479 (b) In every dwelling unit of 2 or more rooms, every room occupied for
 480 sleeping purposes by one occupant must contain at least 70 square feet
 481 of usable floor area, and every room occupied for sleeping purposes by
 482 more than one occupant must contain at least 50 square feet of usable

483 area for each occupant. However, in every mobile home every room
484 occupied for sleeping purposes by one occupant must contain at least 50
485 square feet of usable floor area, every room occupied for sleeping
486 purposes by 2 occupants must contain at least 70 square feet of usable
487 floor area, and every room occupied for sleeping purposes by more than
488 2 occupants must contain at least an additional 50 square feet of usable
489 floor area for each additional occupant.

490 (c) The minimum floor areas required by this Section must be calculated on
491 the basis of total usable floor area of habitable rooms. The calculation of
492 general living area in subsection (a) must not include rooms or space
493 used in the calculation of sleeping area in subsection (b), except that a
494 dwelling unit without a separate bedroom may meet both requirements
495 with separate space in one room.

496 (d) Each individual living unit must contain at least 150 square feet of floor
497 area for each occupant.

498 (e) At least one-half of the floor area of every habitable room must have a
499 ceiling height of at least 7 feet. The floor area of that part of any room
500 where the ceiling height is less than 5 feet or where the room width is
501 less than 7 feet must not be considered in computing the usable floor
502 area of the room to determine its maximum permissible occupancy.

503 (f) Cellar space must not be used as a habitable room or dwelling unit
504 without written permission from the enforcing agency.

505 (g) Basement space must not be used as a habitable room or dwelling unit
506 unless, in addition to the other requirements of this Chapter:

507 (1) The floor and walls are impervious to leakage of underground
508 and surface runoff water and insulated against dampness; and

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

512 **[26-10. Responsibilities of owners and occupants.**

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

515 (a) Every owner of a multiple dwelling or personal living quarters building
516 is responsible for maintaining in a clean and sanitary condition the
517 shared or common area of the land and buildings.

518 (1) All equipment and facilities provided in laundry rooms and other
519 shared spaces must be maintained in clean condition and good
520 working order.

521 (2) All rubbish and garbage must be stored and maintained in
522 approved containers which conform to Chapter 48. Rubbish and
523 garbage must not remain outside of the approved storage
524 containers, or containment areas approved for bulk objects, for
525 more than 24 hours. The owner must provide a sufficient number
526 of containers for storage of rubbish and garbage to prevent
527 overflow.

528 (b) Every occupant of a dwelling, dwelling unit, or individual living unit
529 must keep in a clean and sanitary condition that part of the dwelling,
530 dwelling unit, individual living unit, and premises which the occupant
531 occupies and controls.

532 (c) Every occupant of a dwelling, dwelling unit or individual living unit
533 must dispose of all rubbish in a clean and sanitary manner by placing it
534 in rubbish containers as required by Chapter 48.

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

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

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

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

593 **[26-10A. Security requirements for rental dwelling units and personal living**
 594 **quarters.**

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

599 (1) Key control.

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

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

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

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

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

652 **[26-11. Hotels, boardinghouses, rooming houses and tourist homes.**

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

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

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

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

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

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

690 (f) No person shall operate in any hostel, tourist home, boardinghouse or
691 rooming house an enterprise for the preparation or merchandising of
692 food and drink for human consumption for compensation except under
693 permit and in compliance with the provisions of Chapter 15 of this
694 Code.

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

700 **[26-12. Designation of unfit dwellings and unsafe nonresidential structures;**
 701 **legal procedure of condemnation.**

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

- 707 (a) Any dwelling or dwelling unit and any nonresidential structure which
 708 has any of the following defects may be condemned as unfit for human
 709 habitation or unsafe for human occupancy or use by the enforcing
 710 agency:
- 711 (1) One which is, entirely or in part, so damaged, decayed,
 712 dilapidated, unsanitary, unsafe or vermin-infested that it creates a
 713 serious hazard to the health or safety of the occupants or of the
 714 public.
 - 715 (2) One which lacks, entirely or in part, illumination, ventilation,
 716 heating, water supply, or sanitation facilities adequate to protect
 717 the health or safety of the occupants or of the public, as required
 718 in this Chapter.
 - 719 (3) One which because of its general condition is, entirely or in part,
 720 unsanitary or otherwise dangerous to the health or safety of the
 721 occupants or the public.

- 722 (4) One which contains unsafe equipment, including any boiler,
723 heating equipment, elevator, moving stairway, electrical wiring
724 or device, flammable liquid containers or other equipment, on the
725 premises or in the structure which is in such disrepair or
726 condition that it is a hazard to the life, health, property or safety
727 of the occupants or the public.
- 728 (b) The enforcing agency must notify the owner of every dwelling or
729 dwelling unit and every nonresidential structure condemned for human
730 habitation, occupancy or use. The enforcing agency must post a warning
731 placard on the property.
- 732 (c) (1) Any person occupying a dwelling or dwelling unit when it is
733 condemned as unfit for human habitation must vacate the dwelling unit
734 within a reasonable time as ordered by the enforcing agency.
- 735 (2) Any person occupying or using a nonresidential structure when it
736 is condemned as unsafe for human use or occupancy must vacate
737 the building or structure immediately after a warning placard is
738 posted.
- 739 (3) A person must not occupy or use and an owner must not permit a
740 person to occupy or use a dwelling, a dwelling unit, or a
741 nonresidential structure which has been condemned as unfit for
742 human habitation or unsafe for human occupancy or use until the
743 enforcing agency approves the occupancy or use and removes the
744 placard. The enforcing agency may remove the placard if all
745 defects upon which the condemnation was based have been
746 eliminated.

- 747 (d) A person must not deface or remove a placard from any dwelling,
748 dwelling unit, or nonresidential structure, except as authorized by the
749 enforcing agency.
- 750 (e) Every owner of a condemned or abandoned structure must secure all
751 windows and doors that are accessible from the ground, from an
752 adjacent structure, or by the reasonably foreseeable use of a ladder, table
753 or other device, and must keep them secured against unauthorized
754 entry.]
- 755 **[26-13. Reserved.]**
- 756 **[26-14. Notice of violation and order to comply with chapter; appeal.**
- 757 (a) Notice and orders. If the enforcing agency determines that there has
758 been a violation of this chapter, except for occupancy of a condemned
759 dwelling or dwelling unit under section 26-12(c), the enforcing agency
760 must notify the person responsible and order action to be taken. Such
761 notice and order must:
- 762 (1) be in writing;
- 763 (2) describe in general terms a remedial action which, if taken, will
764 effect compliance with this chapter;
- 765 (3) provide or establish a reasonable time for the performance of any
766 action required;
- 767 (4) be served on the owner or his agent, or the occupant as the case
768 may require. A notice and order is properly served upon an owner
769 or agent, or upon an occupant, if:
- 770 (A) a copy is served personally;
- 771 (B) a copy is sent by certified mail to the owner's or occupant's
772 last-known address;

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

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

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

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

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

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

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

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

833 **[26-18. Repair or removal of condemned buildings or structures.**

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

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

849 **[26-19. Emergency and corrective actions.**

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

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

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

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

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

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

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

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

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

902 (b) Location:

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

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

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

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

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

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

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

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

938 (e) Installation:

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

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

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

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

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

983 **[26-22. Executive regulations.**

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

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

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

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

1011 to or deposited upon any street, sidewalk or other public or private
1012 property.

1013 (e) The paved and gravel surfaces of each entry apron, driveway, sidewalk,
1014 and parking lot must be maintained in good, serviceable and safe
1015 condition.

1016 (f) All exterior surfaces and appurtenances, such as walls, windows, doors,
1017 roof, canopy, steps, walkways, planter boxes and signs, must be
1018 maintained in good condition, with materials having properties and
1019 qualities substantially equal to the original materials, and substantially
1020 free from damage and deterioration.

1021 (g) Every condition which creates a public nuisance must be eliminated in a
1022 manner that will prevent a repeated occurrence.]

1023 **Sec. 26-1. Purpose.**

1024 This Chapter is intended to protect the people of the County against the
1025 consequences of urban blight, assure the continued economic and social stability of
1026 structures and neighborhoods, and protect the health, safety and welfare of
1027 residents, by authorizing the enforcement of:

1028 (a) minimum standards of health and safety, fire protection, light and
1029 ventilation, cleanliness, repair and maintenance, and occupancy for
1030 residential properties: and

1031 (b) minimum standards of repair and maintenance for nonresidential
1032 properties.

1033 **26-2. Definitions.**

1034 In this Chapter, the following words and phrases have the following meanings
1035 unless the context clearly indicates otherwise:

1036 Basement: That portion of a building located below the first floor joists, at
037 least half of whose clear ceiling height is above the mean level of the adjacent

1038 ground.

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

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

1043 Deadbolt lock: A single cylinder bolt lock which:

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

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

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

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

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

1057 Enforciᅡ agency:

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

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

1060 Administrative Officer assigns to enforce this Chapter; or

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

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

1064 (a) eliminating harborage points;

1065 (b) removing or making inaccessible materials that may serve as food;

1066 (c) lawful poisoning, spraying, fumigating, or trapping; or

1067 (d) any other method approved by an enforcing agency.

1068 *Garbage:* All organic waste, consisting of the residue of animal, fruit or
 1069 vegetable matter, resulting from the preparation, cooking, handling, or storage of
 1070 food, but not including human or animal feces.

1071 *Habitable room:* A room or enclosed floor space used or intended to be used
 1072 for living, sleeping, cooking, or eating. Habitable room does not include any
 1073 bathroom, water closet compartment, laundry, pantry, foyer, communicating
 1074 corridor, closet, recreation room, private workshop or hobby room, storage space, or
 1075 fallout or emergency shelter.

1076 *Habitable space:* Any space in a dwelling unit or individual living unit
 1077 except a bathroom, water closet compartment, laundry, pantry, foyer or
 1078 communicating corridor, closet, recreation room, private workshop or hobby room,
 1079 storage space, and fallout or emergency shelter.

1080 *Individual living unit:* A private living accommodation, located in a personal
 1081 living quarters building, which may contain complete sanitation facilities and
 1082 equipment for incidental food preparation, such as small portable kitchen appliances,
 1083 but does not contain complete cooking facilities, such as a stove, oven, or similar
 1084 device.

1085 *Infestation:* The presence, in or around a dwelling, of any insect, rodent, or
 1086 other vermin.

1087 *Mobile home:* A structure, transportable in one or more sections, which:

1088 (a) is at least 8 body feet wide and 32 body feet long;

1089 (b) is built on a permanent chassis;

1090 (c) is designed to be used as a dwelling, with or without a permanent
 1091 foundation, when connected to the required utilities;

- 1092 (d) includes plumbing, heating, air-conditioning, and electrical systems; and
 1093 (e) is used for living or sleeping by human occupants for more than 90
 1094 days, or more than 30 consecutive days, in any calendar year.

1095 *Multiple dwelling:* Any dwelling containing 2 or more dwelling units.

1096 *Nonresidential structure:* Any structure or part of a structure used for purposes
 1097 other than human habitation, and its premises.

1098 *Occupant:* Any person, over one year of age, living, sleeping, cooking, or
 1099 eating in, or having actual possession of, a dwelling unit, rooming unit, or individual
 1100 living unit.

1101 *Owner:* Any person who, alone or jointly or severally with any other person:

- 1102 (a) has legal title to any dwelling or dwelling unit, with or without having
 1103 actual possession of the unit; or
 1104 (b) has charge, care, or control of any dwelling or dwelling unit, as owner
 1105 or agent of the owner, or as executor, administrator, trustee, or guardian
 1106 of the estate of the owner.

1107 *Personal living quarters building:* Any building or portion of a building
 1108 containing at least 6 individual living units which must have cooking facilities that
 1109 the residents may share, and which may also have shared sanitation facilities.

1110 *Plumbing:* The following facilities and equipment: gas pipe, gas-burning
 1111 equipment, water pipe, garbage disposal unit, waste pipe, water closet, sink, installed
 1112 dishwasher, lavatory, bathtub, shower bath, installed clothes-washing machine, catch
 1113 basin, drain, or vent; any similar supplied fixture; and all connections to a water,
 1114 sewer, or gas line.

1115 *Public nuisance:* Any dwelling, dwelling unit, or nonresidential structure,
 1116 or any part of any of them, that is:

- 1117 (a) a threat or hazard to the health and safety of the community, including
 1118 any vacant unsecured building, unprotected or abandoned well, open

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

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

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

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

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

1145 bottle, can, waste paper, cardboard, sawdust pile, slash from sawmill operations, or
 1146 other waste material.

1147 Security measure: A device, action, or precaution, approved by regulation,
 1148 designed to protect against another person's entry into a dwelling unit without
 1149 permission. Security measure includes a key control program, changing cylinder or
 1150 pin settings between tenancies, and any device such as a deadbolt lock, cane bolt,
 1151 header and threshold bolt, viewer, window lock or pin, charlie bar, or track lock.

1152 Shelter, fallout or emergency: A structure or part of a structure intended to
 1153 protect human life from nuclear fallout, enemy action, storm, or a like emergency.

1154 Structure: Something which is built or constructed, including a part of a
 1155 structure.

1156 Supplied: Paid for, furnished or provided by or under the control of an owner.

1157 Temporary housing: Any tent, recreational vehicle, or similar structure
 1158 which is used for human shelter for not more than 90 days, nor more than 30
 1159 consecutive days, in any calendar year and complies with all applicable laws and
 1160 regulations.

1161 Transient lodging facility: A hostel, boardinghouse, tourist home, or rooming
 1162 house licensed under Chapter 54.

1163 Unused vehicle: A device in, on, or by which any person or property may be
 1164 transported on a public street, which is:

1165 (a) inoperable or, if operable, not currently registered by a government
 1166 agency which registers vehicles of that type in Maryland, and

1167 (b) not completely enclosed in a garage or other building.

1168 An unused vehicle does not include any farm equipment which is kept on a
 1169 property of 2 or more acres on which crops are grown and harvested, and which is
 1170 used to grow and harvest crops.

1171 Ventilation: The process of supplying air to, or removing air from, any space
 1172 by natural or mechanical means.

1173 Visual blight: [[Any condition or use of a building or surrounding land which
 1174 because of its appearance, viewed at ground level from a public right-of-way or from
 1175 neighboring premises, is likely to reduce the value of nearby property. **Visual blight**
 1176 includes]] keeping, storing, scattering over, or accumulating any of the following
 1177 which can be viewed at ground level from a public right-of-way or from neighboring
 1178 premises:

- 1179 (a) rubbish, lumber, packing materials, or building materials;
 1180 (b) abandoned, discarded or unused object or equipment, including any
 1181 furniture, appliance, can or container, automobile part or equipment;
 1182 [[and]]
 1183 (c) abandoned, disabled, dismantled, or unused vehicle or part of a vehicle;
 184 or
 1185 (d) pile of dirt, mulch, sand, gravel, concrete, or other similar construction
 1186 materials.

1187 Visual blight also includes any other condition or use of a building or surrounding
 1188 land which because of its appearance, viewed at ground level from a public right-of-
 1189 way or from neighboring premises, is likely to reduce the value of nearby property.

1190 Visual blight does not include [[wood or]] building or construction materials
 1191 intended to be used for any repair or renovation activity for which a building permit
 1192 was issued and has not expired, [[which is]] and stored for the time reasonably
 1193 necessary to promptly complete the work for which the permit was issued.

1194 Workmanlike: Executed in a skilled manner; for example, generally plumb,
 1195 level, square, in line, undamaged, and without marring adjacent work.

1196 The words **dwelling, dwelling unit, personal living quarters, rooming**
 1197 **house, rooming unit, or transient lodging facility** include any part of each and the
 1198 premises of each.

1199 **26-3.** **Applicability: exemptions.**

1200 (a) *Residential.* An owner and any occupant of a dwelling, individual
 1201 living unit, or rooming unit must comply with all applicable provisions
 1202 of this Chapter. An owner must not occupy, or initially let to any other
 1203 occupant, any vacant dwelling, individual living unit, or rooming
 1204 unit unless it complies with all applicable provisions of law.

1205 (b) *Exemptions.* This Chapter does not apply to any sanitarium, hospital,
 1206 nursing home, care home, child day care center, or similar institutional
 1207 facility which is operated under a license issued by a state or County
 1208 agency.

1209 (c) *Nonresidential.* Each owner of a nonresidential property must comply
 1210 with all applicable provisions of this Chapter.

1211 **26-4.** **Compliance with other laws.**

1212 (a) *Other County laws apply.* In addition to this Chapter, each owner of
 1213 property must also comply with any property and structure
 1214 maintenance requirements in Chapter 8, Chapter 17, Chapter 22,
 1215 Chapter 29, Chapter 48, Chapter 55, Chapter 58, and Chapter 59.

1216 (b) *Historic properties.* If an enforcement action taken under this Chapter
 1217 would directly affect any building or structure which has been
 1218 designated on the master plan for historic preservation as a historic site
 1219 or a historic resource in a historic district, or which is listed on the
 1220 locational atlas and index of historic sites maintained by the Planning
 1221 Board, the enforcing agency must apply for a historic area work permit
 1222 under Section 24-7 or a permit under Section 24A-10, whichever

1223 applies, before the enforcing agency removes the building or
 1224 structure, substantially alters its exterior features, or contracts to do
 1225 either.

1226 (c) Conflict of laws. If any provision of this Chapter conflicts with any
 1227 other County, municipal, state, or federal law, the more stringent law
 1228 applies.

1229 **26-5. Space, use, and location.**

1230 The owner of any dwelling or dwelling unit must assure compliance with the
 1231 following standards during human habitation:

1232 (a) Floor area, dwelling unit. Every dwelling unit must contain at least
 1233 150 square feet of floor area for the first occupant and at least 100
 1234 additional square feet of floor area for every additional occupant. The
 1235 floor area of that part of any room where the ceiling height is less than 5
 1236 feet or where the room width is less than 7 feet must not be considered
 1237 in computing the habitable space of the room to decide its maximum
 1238 permissible occupancy.

1239 (b) Floor area, sleeping. In every dwelling unit of 2 or more rooms, every
 1240 room occupied for sleeping purposes by one occupant must contain at
 1241 least 70 square feet of habitable space, and every room occupied for
 1242 sleeping purposes by more than one occupant must contain at least 50
 1243 square feet of habitable space for each occupant. However, in a
 1244 mobile home every room occupied for sleeping purposes by one
 1245 occupant must contain at least 50 square feet of habitable space; by 2
 1246 occupants, at least 70 square feet of habitable space; and by more than
 1247 2 occupants, at least an additional 50 square feet of habitable space for
 1248 each additional occupant.

- 1249 (c) Floor area, individual living unit. Each individual living unit must
 1250 contain at least 150 square feet of floor area for each occupant. The
 1251 floor area of that part of any room where the ceiling height is less than 5
 1252 feet or where the room width is less than 7 feet must not be considered
 1253 in computing the habitable space of the room to decide its maximum
 1254 permissible occupancy.
- 1255 (d) Ceiling height. At least one-half of the floor area of every habitable
 1256 room must have a ceiling height of at least 7 feet.
- 1257 (e) Cellar space. Cellar space must not be used as habitable space
 1258 without written permission from an enforcing agency.
- 1259 (f) Basement space. Basement space must not be used as habitable space
 1260 unless, in addition to all other requirements of this Chapter:
- 1261 (1) the floor and walls and are impervious to leakage of underground
 1262 and surface runoff water and insulated against dampness; and
- 1263 (2) the minimum aggregate glass area of windows required by this
 1264 Chapter is located entirely above the grade of the ground
 1265 adjoining the window area.
- 1266 (g) Access to sleeping room. The access to any sleeping room must not
 1267 pass through another sleeping room.
- 1268 (h) Privacy. Each dwelling unit and individual living unit must be
 1269 arranged to provide privacy, with doors and floor to ceiling walls.
- 1270 **26-6. Basic equipment and facilities.**
- 1271 All equipment and facilities must be properly installed, maintained, and kept in
 1272 good repair. The owner of any dwelling or dwelling unit must assure compliance
 1273 with the following standards during human habitation:
- 1274 (a) Electric service. Where electric service is available from power lines
 1275 which are not more than 300 feet away, each dwelling, dwelling unit,

- 1276 personal living quarters, transient lodging facility, and all public and
 1277 common areas must be supplied with electric service, outlets and
 1278 fixtures which are properly installed, maintained in good and safe
 1279 working condition, and connected to the source of electric power in a
 1280 manner consistent with applicable County regulations. The capacity of
 1281 the services and the number of outlets and fixtures must meet the
 1282 following requirements:
- 1283 (1) Every habitable room must have an electric service and outlets
 1284 or fixtures, or both, capable of providing at least 3 watts per
 1285 square foot of floor area.
- 1286 (2) Every habitable room must have at least one floor or wall
 1287 electric convenience outlet for each 60 square feet of floor area,
 1288 and in no case less than 2 outlets.
- 1289 (3) Every water closet compartment, bathroom, laundry room,
 1290 furnace room and public hall must contain at least one supplied
 1291 ceiling or wall electric light fixture.
- 1292 (4) Every cooking area must be supplied with at least one circuit
 1293 rated for at least 20 ampere service capacity.
- 1294 (5) Circuit breakers, fuses and other circuit protection devices must:
 1295 (A) not exceed the rated capacity of the circuit; and
 1296 (B) be sufficient for normal household use.
- 1297 (6) Each individual room air conditioning unit, regardless of its
 1298 current rating, must be served by not less than an individual 20-
 1299 amp circuit using No. 12 copper wire which terminates in a single
 1300 receptacle.
- 1301 (b) Water and sewer service.

1302 (1) All plumbing fixtures and systems must be installed and
 1303 maintained as prescribed by applicable County or Washington
 1304 Suburban Sanitary Commission regulations.

1305 (2) Any dwelling unit on property where Washington Suburban
 1306 Sanitary Commission water or sewer service is not available and
 1307 a private water supply and sewage disposal system cannot be
 1308 legally installed may receive a waiver under conditions set by
 1309 regulation.

1310 (3) In mobile homes, plumbing systems must be protected from
 1311 freezing.

1312 (c) Kitchen.

1313 (1) Every dwelling unit and personal living quarters building must
 1314 contain a room or space with the following equipment and
 1315 facilities to store, prepare, and cook food:

1316 (A) cooking and baking facilities:

1317 (B) storage cabinets:

1318 (C) a refrigerator and freezer (compartment or separate unit)
 1319 for perishable food storage. Each refrigerator must be
 1320 capable of maintaining a temperature below 45 degrees
 1321 Fahrenheit. Each freezer or freezer unit must be capable of
 1322 maintaining a temperature between 6 and 12 degrees
 1323 Fahrenheit:

1324 (D) a kitchen sink in good working condition, properly
 1325 connected to a hot and cold running water system under
 1326 pressure and an approved sewer system.

1327 (2) Any cooking equipment which is installed in every individual
 1328 living unit in a personal living quarters building need not be

1329 installed in a shared kitchen. However, an individual living unit
 1330 must not be equipped with complete cooking facilities.

1331 (3) The owner of a rooming house must post in each occupied
 1332 rooming unit a sign stating "No Cooking Permitted in This
 1333 Room" in letters at least 3/8 inch high.

1334 (d) Bathroom. Each dwelling unit, personal living quarters building, and
 1335 transient lodging facility must be equipped with a complete bathroom
 1336 fixture group, consisting of a flush water closet, lavatory basin, and
 1337 bathtub or shower in good working condition, installed and maintained
 1338 as prescribed by applicable County or Washington Suburban Sanitary
 1339 Commission regulations.

1340 (1) The bathroom fixture group must be properly connected to an
 1341 approved sewage disposal system and an approved hot and cold
 1342 running water system under pressure, except that the flush water
 1343 closet must be connected to an approved sewage disposal system
 1344 and an approved cold running water system under pressure.

1345 (2) The flush water closet, lavatory basin, and bathtub or shower
 1346 need not be installed in the same room, but the room where any
 1347 of them is installed must afford privacy to a person in that room.
 1348 A flush water closet and lavatory must be accessible from each
 1349 bedroom without passing through another bedroom.

1350 (3) Every personal living quarters building and every transient
 1351 lodging facility that does not contain a flush water closet,
 1352 lavatory basin, and bathtub or shower in each individual living
 1353 unit must contain shared facilities, located in the building and
 1354 accessible to all occupants from common halls or passageways.
 355 At least one flush water closet, lavatory basin, and bathtub or

1356 shower must be installed for each 6 occupants or fraction of 6.
 1357 In a transient lodging facility where rooms are let only to males,
 1358 flush urinals may be substituted for not more than half the
 1359 required water closets.

1360 (e) Rubbish and garbage storage. Each dwelling unit, personal living
 1361 quarters, and transient lodging facility must be supplied with
 1362 adequate rubbish storage facilities and with adequate garbage disposal
 1363 facilities or garbage storage containers as required by Chapter 48.

1364 (f) Additional requirements for certain mobile homes. Each mobile home,
 1365 except a mobile home located in a licensed mobile home park, must
 1366 be:

1367 (1) placed on a permanent foundation which meets the requirements
 1368 of Chapter 8; and

1369 (2) securely tied down with ties and ground anchors which meet the
 1370 requirements of Chapter 8.

1371 **26-7. Light, ventilation and heating, temperature control.**

1372 The owner of each dwelling or dwelling unit must assure compliance with
 1373 the following standards during human habitation:

1374 (a) Natural light. Each habitable room must contain windows, skylights,
 1375 shutters, monitors, glazed doors, transoms, glass block panels, or other
 1376 light transmitting media open to the sky or to a public street, yard or
 1377 court which comply with the requirements for lighting in Chapter 8.

1378 (1) When windows and exterior doors are used to provide natural
 1379 light and ventilation, their aggregate glass area must be at least 8
 1380 percent of the floor area of each habitable room.

1381 (2) If walls or other portions of structures face a window of any
 1382 habitable room and are located less than 3 feet from the window

- 1383 and extend above the ceiling of the room, the window must not
 1384 be included in the required minimum total window area.
- 1385 (3) If the only window in a room is a skylight in the ceiling, the
 1386 minimum aggregate glass area of the skylight must be at least 15
 1387 percent of the floor area of the room.
- 1388 (4) Alternate arrangements of windows, doors or other methods that
 1389 will provide the equivalent minimum light performance as
 1390 prescribed in Chapter 8 may be used, but every individual living
 1391 unit must have at least one window with aggregate glass area
 1392 greater than 4 percent of the floor area of all rooms in the
 1393 individual living unit.
- 1394 (b) Artificial light. Each common hallway and stairway in a multiple
 1395 dwelling and personal living quarters building must be adequately
 1396 lighted with lighting facilities sufficient to provide at least 3 foot-
 1397 candles of light at the floor or stair tread level at all times. Each
 1398 common hallway and stairway in a structure devoted solely to
 1399 dwelling occupancy and containing not more than 4 dwelling units
 1400 may be supplied with conveniently located light switches controlling an
 1401 adequate lighting system which may be turned on when needed, instead
 1402 of full-time lighting.
- 1403 (c) Ventilation. Each habitable room must provide adequate ventilation
 1404 that meets the minimum standards prescribed in Chapter 8.
- 1405 (1) When ventilation is provided by windows and exterior doors, the
 1406 total of the operable window or door area in each habitable
 1407 room must be at least 45 percent of the minimum aggregate glass
 1408 area of the window or skylight as required in subsection (a) or 4
 1409 percent of the floor area of every habitable room.

- 1410 (2) Every window or opening to outdoor space, used or intended to
 1411 be used for ventilation, must be supplied with screens or other
 1412 method of insect control approved by the Director.
- 1413 (3) Every window used or intended to be used for ventilation, and
 1414 every other opening in any dwelling which might provide an
 1415 entry for rodents, must be supplied with a screen or other device
 1416 which effectively prevents their entrance.
- 1417 (d) Light and ventilation for bathrooms. Each bathroom and water closet
 1418 compartment must comply with the light and ventilation requirements
 1419 in Chapter 34 or applicable plumbing regulations of the Washington
 1420 Suburban Sanitary District.
- 1421 (e) Space and water heating. Each dwelling or dwelling unit, personal
 1422 living quarters building, and transient lodging facility must be
 1423 supplied with space and water heating facilities which are properly
 1424 installed and are maintained in safe and good working condition. Either
 1425 central or space heating may be used, but each must meet the following
 1426 requirements:
- 1427 (1) Central heating. Each central heating unit or central hot water
 1428 heating unit must:
- 1429 (A) have each heat duct, steam pipe, or hot water pipe free of
 1430 leaks and functioning properly to provide a sufficient
 1431 amount of heat and hot water to the intended place of
 1432 delivery:
- 1433 (B) be equipped with seals between sections of hot air furnaces
 1434 to prevent the escape of toxic gases into heat ducts;
- 1435 (C) if the unit uses electricity, be connected to an electric
 1436 circuit of sufficient capacity in an approved manner; and

- 1437 (D) be provided with automatic safety devices which are
 1438 installed and operated as required by applicable County
 1439 regulations.
- 1440 (2) Space heating; hot water. Each space heating or hot water unit
 1441 must:
- 1442 (A) not use gasoline as a fuel;
 1443 (B) not be manufactured or designed to be portable if the unit
 1444 uses solid, liquid, or gaseous fuel;
 1445 (C) if the unit uses a flame, be connected to a flue or vent as
 1446 required by applicable County regulations;
 1447 (D) if the unit uses gaseous fuel, be connected with a non-
 1448 flexible metal tubing;
 1449 (E) if the unit uses solid or liquid fuels, have a fire resistant
 1450 panel beneath it;
 1451 (F) be located at least 2 feet away from any wall, or be
 1452 equipped with insulation sufficient to prevent the
 1453 overheating of any wall as prescribed by applicable
 1454 standards of the American National Standards Association
 1455 or the National Fire Protection Association;
 1456 (G) if the unit uses electricity, be connected to an electric
 1457 circuit of sufficient capacity in an approved manner; and
 1458 (H) be installed and operated as required by applicable County
 1459 regulations.
- 1460 (3) Temperature control - space heating.
- 1461 (A) Each owner of a dwelling unit or individual living unit
 1462 where the heat is not under the control of the tenant must
 163 maintain a temperature of at least 68 degrees Fahrenheit in

- 1464 each habitable room, bathroom, and water closet
 1465 compartment at a distance of 3 feet above floor level.
- 1466 (B) Each owner of a dwelling unit or individual living unit
 1467 where the heat is under the control of the tenant must
 1468 provide in working condition heating equipment capable of
 1469 maintaining a temperature of at least 68 degrees Fahrenheit
 1470 in each habitable room, bathroom, and water closet
 1471 compartment at a distance of 3 feet above floor level.
- 1472 (C) If the thermostat or other mechanism governing the heat in
 1473 more than one dwelling unit in a multiple dwelling or
 1474 individual living unit in a personal living quarters
 1475 building is located in a dwelling unit or individual living
 1476 unit where the occupant of that unit controls the heat
 1477 delivery to other dwelling units or individual living units,
 1478 the owner must provide each tenant with an emergency
 1479 phone number to directly contact a person who has 24-
 1480 hour access to adjust the heat and who will adjust the heat
 1481 within 2 hours.
- 1482 (4) Temperature control - hot water. Water-heating facilities
 1483 necessary to provide hot water required by this Chapter must be
 1484 capable of heating water to a temperature that permits a sufficient
 1485 amount of water to be drawn at every required kitchen sink,
 1486 lavatory basin, bathtub or shower at a temperature of not less than
 1487 120 degrees or more than 140 degrees Fahrenheit. The supplied
 1488 water-heating facilities must be capable of meeting applicable
 1489 water heat requirements when heating facilities required under
 1490 this Chapter are not operating.

1491 **26-8. Fire safety and security.**1492 (a) **Fire safety - means of escape.**

- 1493 (1) **Each dwelling unit, individual living unit, and rooming unit**
 1494 **must have a safe, unobstructed means of escape leading to safe**
 1495 **and open space at ground level, as required by Charters 8 and 22.**
- 1496 (2) **Each mobile home must have at least 2 exit doors which provide**
 1497 **a means of unobstructed escape and are located at a sufficient**
 1498 **distance from each other to assure safe escape from any part of**
 1499 **the mobile home in a fire or emergency. Each exterior mobile**
 1500 **home door must:**
- 1501 (A) **be constructed for exterior use;**
- 1502 (B) **open outward;**
- 1503 (C) **be capable of being opened from the inside by the use of a**
 1504 **lever, knob, button, handle, or other device which does not**
 1505 **require a key for operation from the inside; and**
- 1506 (D) **provide a 26-inch-wide clear opening, unless otherwise**
 1507 **permitted as an emergency exit only.**
- 1508 (3) **Each room in a mobile home designed expressly for sleeping**
 1509 **purposes, unless it has an exit door, must have at least one outside**
 1510 **window which:**
- 1511 (A) **can be opened from the inside without using tools;**
- 1512 (B) **has a clear opening of not less than 22 inches in the least**
 1513 **dimension and 5 square feet in area, with the bottom of the**
 1514 **opening not more than 4 feet above the floor; and**
- 1515 (C) **if supplied with a screen or storm window, must have the**
 1516 **screen or storm window readily removable without using a**
 1517 **tool.**

- 1518 **(b) Fire safety - smoke detectors.**
- 1519 **(1) The owner of each occupied dwelling unit must provide smoke**
 1520 **detectors in that dwelling unit as required by Section 22-96 and**
 1521 **Section 17-37.**
- 1522 **(2) Where an enforcing agency finds that smoke detectors have not**
 1523 **been properly installed or maintained in working order, the**
 1524 **agency must promptly report this fact to the Fire and Rescue**
 1525 **Service or notify the nearest fire station.**
- 1526 **(c) Doors off common areas, multi-family dwellings. Any door in a multi-**
 1527 **family dwelling which opens onto an exit access corridor must be self-**
 1528 **closing and self-latching, and must have a minimum 20-minute fire**
 1529 **protection rating under the applicable fire safety provision.**
- 1530 **(d) Security in multiple dwelling units and personal living quarters**
 1531 **buildings.**
- 1532 **(1) Each owner of a rental dwelling unit in any multiple dwelling**
 1533 **or of a personal living quarters building must supply, install and**
 1534 **maintain locks and other security measures for doors and**
 1535 **windows.**
- 1536 **(2) A person must not replace or alter any keyed lock, or place a new**
 1537 **lock on the entrance of a dwelling unit, without first providing**
 1538 **both the tenant and owner of that dwelling unit with a suitable**
 1539 **functional key to operate the lock. A tenant must obtain**
 1540 **permission from the owner, in writing, before installing a lock.**
- 1541 **(3) (A) Every owner of a personal living quarters building or 2**
 1542 **or more contiguous rental dwelling units must alter the required**
 1543 **deadbolt locks on all affected dwelling unit, personal living**
 1544 **quarters, and individual living unit entrance doors between**

1545 tenancies to protect against misuse of a master key or if the
 1546 enforcing agency notifies the owner that the agency has reason
 1547 to believe that a master key has been lost or stolen or is being
 1548 used in the commission of a crime.

1549 (B) The owner must restrict access to any master key, or any
 1550 other key which operates more than one key cylinder.
 1551 Every master key must be accounted for at all times.
 1552 Master key records must be available for inspection by the
 1553 enforcing agency or the police department during normal
 1554 business hours.

1555 (4) Door locks.

1556 (A) Each swinging entrance and exit door to a personal living
 1557 quarters building, individual living unit, or rental
 1558 dwelling unit must have a deadbolt lock with a minimum
 1559 one-inch throw, or another acceptable security device.
 1560 Security measures other than the manufacturer's latch are
 1561 not required for a door which only allows access to a
 1562 balcony located at least 3 stories above the ground.

1563 (B) Each sliding, double, french or paired exterior door less
 1564 than 3 stories above the ground must be installed and
 1565 maintained to protect the door from sliding or being pried
 1566 out of its track, or forced open when locked. One door of
 1567 each sliding door structure must be stationary and secured
 1568 in place by screws or pins.

1569 (5) Viewers. A viewer must be installed in each entrance or exit door
 1570 to an individual living unit or rental dwelling unit, but a viewer
 1571 need not be installed if a window, vision panel, or similar

1572 transparent device is located within 2 feet of the door and faces
 1573 the external area in front of the door.

1574 (6) Windows. Each openable window in an exterior wall of a rental
 1575 dwelling unit, personal living quarters building, or individual
 1576 living unit that is located within reach of the ground or any
 1577 adjacent surface must be constructed and maintained to protect it
 1578 from being opened from the outside and from being pried out of
 1579 its frame or track.

1580 (7) Other locks required. The owner of each multiple dwelling with
 1581 rental dwelling units or personal living quarters building must
 1582 lock any access panel to a roof, attic, crawl space, storage area,
 1583 and any other area which is not used daily.

1584 (e) Security in other rental dwelling units. Each owner of any rental
 1585 dwelling unit must supply, install, and maintain a lock for every door to
 1586 the outside, and each door must close securely. The owner must supply
 1587 the tenant with a key which will operate the lock from the outside, and
 1588 the lock must operate by a thumb turn from the inside. A comparable
 1589 lock may be substituted on any door with a thin frame.

1590 (f) Address number. Each dwelling must be numbered as required in
 1591 Section 22-97. Each individual unit in a dwelling must be numbered.

1592 **26-9. Maintenance of dwelling units.**

1593 Unless otherwise stated, the owner of each dwelling or dwelling unit must
 1594 assure compliance with the following standards at all times. All installation, repair,
 1595 and replacement must be performed in a workmanlike manner and with materials
 1596 having properties and qualities substantially equal to or better than the original
 1597 materials.

1598 (a) Basic requirements.

- 1599 (1) Each structure must be maintained in good repair.
- 1600 (2) Each window, door, and hatchway must be maintained in sound
1601 working condition.
- 1602 (3) In any renovation, addition or new construction of a dwelling or
1603 other structure on the premises, the owner must complete each
1604 exterior surface, including windows, wall siding, and roof within
1605 one year after the building permit was first issued, or within one
1606 year after construction started if no building permit was required.
1607 This subsection does not apply to any dwelling containing more
1608 than 4 dwelling units.
- 1609 (4) Each supplied facility, piece of equipment, or utility which is
1610 required under this Chapter must be constructed or installed so
1611 that it will function safely and effectively, and must be
1612 maintained in satisfactory working condition.
- 1613 (5) Each owner of a multiple dwelling or personal living quarters
1614 building must maintain:
- 1615 (A) the shared or common area of the land and buildings in
1616 clean and sanitary condition; and
- 1617 (B) all equipment and facilities in laundry rooms and other
1618 shared spaces in clean condition and good working order.
- 1619 (6) Each occupant of a dwelling, dwelling unit, or individual
1620 living unit must maintain in safe and sanitary condition that part
1621 of the dwelling, dwelling unit, individual living unit, and
1622 premises which the occupant occupies and controls.
- 1623 (7) An owner or occupant must not cause any service, facility,
1624 equipment, or utility which is required by this Chapter to be
525 removed or discontinued for any occupied dwelling, except for a

1626 temporary interruption that is necessary while repairs or
 1627 alterations are actually taking place, or during a temporary
 1628 emergency when discontinuance of service is approved by an
 1629 enforcing agency. If a rental dwelling unit or individual living
 1630 unit is not equipped with a separate meter for a utility, the owner
 1631 must make sufficient utility payments to prevent the utility
 1632 service from being discontinued.

1633 (8) All rubbish and garbage must be stored and maintained in
 1634 approved containers as required by Chapter 48. Rubbish and
 1635 garbage must not remain outside of approved storage containers.
 1636 or containment areas approved for bulk objects, for more than 24
 1637 hours.

1638 (A) The owner must provide a sufficient number of containers
 1639 for storage of rubbish and garbage to prevent overflow
 1640 and must maintain the containers as required by Chapter
 1641 48.

1642 (B) Each occupant of a dwelling, dwelling unit, or
 1643 individual living unit must dispose of all rubbish and
 1644 garbage in a clean and sanitary manner by placing it in
 1645 appropriate containers as required by Chapter 48.

1646 (9) Each occupant of a dwelling containing a single dwelling unit
 1647 must exterminate any insects, rodents, or other vermin in or on
 1648 the premises. Each occupant of a dwelling unit or individual
 1649 living unit in a dwelling containing more than one unit must
 1650 exterminate if that unit is the only infested unit. The owner
 1651 must exterminate if the infestation:

- 1652 (A) includes more than one unit or the shared or common areas
 1653 of a dwelling. or
- 1654 (B) was caused by the owner's failure to maintain the
 1655 dwelling in a rat-proof or reasonably insect-proof
 1656 condition.
- 1657 (10) The exterior surfaces of each structure and the interior surfaces
 1658 of all common areas in each multi-family dwelling must be
 1659 maintained free of graffiti, as defined in Section 32-12A.
- 1660 (11) All water must be drained and conveyed from every roof and
 1661 paved surface so it does not cause damness in any wall, ceiling
 1662 or floor.
- 1663 (12) Each owner, after notice, must eliminate any condition which
 1664 creates a public nuisance in a manner that will prevent the
 1665 nuisance from reoccurring.
- 1666 (b) *Exterior.*
- 1667 (1) Each foundation, floor, wall, ceiling, and roof must be reasonably
 1668 weather-tight, water-tight, rodent-proof, free from foreign matter,
 1669 and capable of affording privacy.
- 1670 (2) Each window, exterior door, and hatchway must be reasonably
 1671 weather-tight, water-tight, and rodent-proof. Each occupant
 1672 must hang all window screens unless the owner has agreed to do
 1673 so.
- 1674 (3) All exterior surfaces must be adequately protected from water
 1675 seepage and against decay. All exterior surfaces must be free of
 1676 flaking, peeling, or loose paint.

- 1677 (4) The owner must maintain the paved or gravel surface of each
 1678 entry apron, driveway, sidewalk and walkway, parking lot, and
 1679 patio in good, serviceable, and safe condition.
- 1680 (5) Each lawn and other land not covered by a structure must be
 1681 reasonably free of erosion or gullvng. Any grass or weeds must
 1682 not be allowed to grow more than 12 inches high where required
 1683 by Chapter 58. Shrubbery, trees, vines, hedges, and other
 1684 vegetation, including dead trees and branches, must be
 1685 maintained so they do not pose a danger to health or safety.
- 1686 (A) The owner of a multiple dwelling or personal living
 1687 quarters, the owner of a vacant building, each occupant
 1688 of a single-family dwelling, and any occupant of a
 1689 dwelling unit in a multifamily dwelling who controls a
 1690 lawn or yard area, must keep grass and weeds below any
 1691 required height limit.
- 1692 (B) The owner must keep the premises free of erosion or
 1693 gullyng and replace damaged ground cover.
- 1694 (C) The owner must maintain shrubbery, trees, vines, hedges,
 1695 and other vegetation.
- 1696 (6) Each owner must direct any exterior lighting away from the
 1697 windows of any adjacent dwelling unit or individual living unit.
- 1698 (c) Interior.
- 1699 (1) Each plumbing fixture and water and waste pipe must be
 1700 properly installed and maintained in good sanitary working
 1701 condition, free from defects, leaks, and obstructions. Each
 1702 occupant of a dwelling unit or individual living unit must
 1703 maintain all plumbing fixtures in the unit in a clean and sanitary

1704 condition and must exercise reasonable care in their use and
 1705 operation.

1706 (2) Each water closet compartment floor surface and bathroom floor
 1707 surface must be constructed and maintained reasonably
 1708 impervious to water and to permit the floor to be easily
 1709 maintained in a clean and sanitary condition.

1710 (3) All walls, ceilings, floors, interior woodwork, doors and windows
 1711 must be maintained in sound condition and good repair, and free
 1712 of flaking, peeling, or loose paint. Only lead-free paint may be
 1713 used.

1714 (4) The owner of a rental dwelling unit or individual living unit
 1715 must repaint the painted interior surfaces of the unit:

1716 (A) (i) if after the third year of tenancy, the paint is stained, or
 1717 is not intact and cleanable: and

1718 (ii) this condition is not due to tenant abuse; and

1719 (B) at least every 5 years.

1720 Any painting required under this subsection may be postponed
 1721 for 5 years or until a change in occupancy, whichever occurs first,
 1722 if an occupant certifies that all occupants do not want the unit to
 1723 be painted at the scheduled time.

1724 (5) All floor coverings must be in good repair and sanitary condition.

1725 **26-10. Maintenance of nonresidential property.**

1726 The owner of each nonresidential property, including any property converted
 1727 from residential use, must comply with the following requirements:

1728 (a) Grounds maintenance. Each lawn or other land not covered by a
 1729 structure must be properly maintained reasonably free of erosion,
 730 gullvne, and missing ground cover. All weeds and grass must be cut

1731 periodically, and must not grow more than 12 inches high when
 1732 required by Chapter 58. Lawns, shrubbery, trees, vines, hedges, dead
 1733 trees or branches, and other vegetation must be maintained so they do
 1734 not endanger public health or safety.

1735 **(b) *Structure maintenance.*** Each structure must be structurally sound and
 1736 maintained in good repair. Each surface exposed to the elements and
 1737 susceptible to deterioration must be painted or provided with a suitable,
 1738 weather-resistant protective coating sufficient to prevent deterioration.

1739 **(c) *Exterior surfaces.*** Each exterior surface and appurtenance, such as a
 1740 wall, window, door, roof, canopy, step, walkway, planter box, or sign,
 1741 must be maintained in good condition, with materials having properties
 1742 and qualities substantially equal to the original materials, and
 1743 substantially free from damage and deterioration. Each exterior surface
 1744 must be maintained free of flaking, peeling, or loose paint, and graffiti
 1745 as defined in Section 32-12A.

1746 **(d) *Rubbish and garbage.*** All rubbish and garbage must be stored in
 1747 approved containers as required by Chapter 48. The owner and each
 1748 tenant of a nonresidential structure are both responsible for providing
 1749 sufficient rubbish and garbage containers to prevent overflow, and for
 1750 maintaining the premises as required by Chapter 48. Litter, rubbish,
 1751 refuse, and garbage must not remain on the property outside of
 1752 approved storage containers, or containment areas approved for bulk
 1753 objects, for more than 24 hours. An owner or tenant of any
 1754 nonresidential property must not let trash, litter, or rubbish be carried to
 1755 or deposited on any street, sidewalk or other public or private property.

- 1756 (e) Paved surfaces. The paved and gravel surfaces of each entry apron,
 1757 driveway, sidewalk, and parking lot must be maintained in good,
 1758 serviceable, and safe condition.
- 1759 (f) Public nuisance. Each owner, after notice, must eliminate any
 1760 condition which creates a public nuisance in a manner that will prevent
 1761 its reoccurrence.
- 1762 **26-11. Inspections: warrants: right of entry of inspectors and owners.**
- 1763 (a) Inspection by agency. An enforcing agency may inspect the condition
 1764 of any dwelling, nonresidential structure, and other premises to
 1765 safeguard the health and safety of occupants and the public.
- 1766 (b) Administrative search warrant. The enforcing agency may apply to a
 1767 judge of the District Court or Circuit Court for an administrative
 1768 search warrant to enter any premises regulated under this Chapter to
 1769 conduct a code enforcement inspection.
- 1770 (c) Application for warrant. The applicant for the warrant must, in
 1771 writing and under oath, particularly describe the premises to be
 1772 searched and the nature, scope, and purpose of the proposed search.
- 1773 (d) Grounds for issuance. A judge may issue the warrant if the judge
 1774 finds that:
- 1775 (1) the applicant is authorized or required by law to make the
 1776 inspection:
- 1777 (2) the applicant has demonstrated that the inspection of the
 1778 premises is sought:
- 1779 (A) as a result of evidence of an existing violation of this
 1780 Chapter or other law; or
- 1781 (B) as a result of a general and neutral administrative plan to
 1782 conduct fire inspections or a condition of a rental

- 1783 property license which authorizes periodic inspections:
- 1784 (3) the owner, tenant, or other individual in charge of the property
- 1785 has denied access to the property, or after making a reasonable
- 1786 effort the applicant has been unable to contact any of these
- 1787 individuals for oral communication: and
- 1788 (4) the inspection is sought for health, safety, and general welfare
- 1789 related purposes.
- 1790 (e) *Described premises.* An administrative search warrant issued under
- 1791 this Section must describe the premises to be searched. The
- 1792 inspection must not exceed any limit specified in the warrant.
- 1793 (f) *Time period.* An administrative search warrant issued under this
- 1794 Section must be executed and returned to the judge who issued it not
- 1795 later than:
- 1796 (1) the time specified in the warrant, which must not exceed 30
- 1797 days; or
- 1798 (2) if no time period is specified in the warrant, 15 days after it is
- 1799 issued.
- 1800 (g) *Information confidential.* Any information obtained under an
- 1801 administrative search warrant is confidential and must not be
- 1802 disclosed. except:
- 1803 (1) in an administrative or judicial proceeding arising out of a
- 1804 violation relating to the purpose for which the warrant was
- 1805 issued and within the scope of the warrant; or
- 1806 (2) to an owner or occupant of the premises.
- 1807 (h) *Access.* Each occupant of a dwelling or nonresidential structure must
- 1808 give the owner access to the dwelling or nonresidential structure at
- 1809 all reasonable times to make repairs or alterations or take other action

1810 necessary to comply with this Chapter or an order issued under this
 1811 Chapter.

1812 (i) Determination of lead agency. When a violation of this Chapter also
 1813 falls under the jurisdiction of another County department or office, the
 1814 Chief Administrative Officer must determine which agency will
 1815 investigate possible violations and enforce this Chapter.

1816 **26-12. Notice of violation: order to comply.**

1817 If an enforcing agency finds a violation of this Chapter, except for occupancy
 1818 of a condemned dwelling or dwelling unit under Section 26-13(c), the enforcing
 1819 agency may order action to be taken and, if it so orders, must notify the person
 1820 responsible. The notice and order must:

1821 (a) be in writing;

1822 (b) describe in general terms a remedial action which, if taken, will achieve
 1823 compliance with this Chapter;

1824 (c) specify a reasonable time to perform any required action;

1825 (d) be served on the owner or occupant as the order requires. A notice and
 1826 order is properly served if:

1827 (1) a copy is served personally;

1828 (2) a copy is sent by certified mail to the last known address of the
 1829 owner or occupant;

1830 (3) a copy is posted in a conspicuous place on or near the dwelling
 1831 affected by the notice; or

1832 (4) the owner or occupant is served by any other method authorized
 1833 by state law.

1834 (e) also be sent to the Historic Preservation Commission if any affected
 1835 building or structure:

- 1836 (1) has been designated on the master plan for historic preservation
 1837 as a historic site or a historic resource in a historic district, or
 1838 (2) is listed on the locational atlas and index of historic sites
 1839 published by the Planning Board.

1840 **26-13. Designation of unfit dwellings and unsafe nonresidential structures;**
 1841 **condemnation.**

1842 (a) *Standards for condemnation.* The enforcing agency may condemn as
 1843 unfit for human habitation any individual living unit, dwelling, or
 1844 dwelli~~ng~~ unit or its premises, or as unsafe for human occupancy or use
 1845 any nonresidential structure or its premises, which:

- 1846 (1) is entirely or partly so damaged, decayed, dilapidated, unsanitary,
 1847 unsafe, or vermin-infested that it creates a serious hazard to the
 1848 health or safety of the occupants or the public;
- 1849 (2) lacks, entirely or partly, illumination, ventilation, heating, water
 1850 supply, or sanitation facilities, as required by this Chapter:
- 1851 (3) is, because of its general condition, unsanitary or otherwise
 1852 dangerous to the health or safety of the occupants or the public;
- 1853 (4) contains unsafe equipment, including any boiler, heating
 1854 equipment, elevator, moving stairway, electrical wiring or device,
 1855 flammable liquid container, or other equipment, on the premises
 1856 or in the structure which is in disrepair or a condition that the
 1857 Director finds presents a hazard to the life, health, property, or
 1858 safety of the occupants or the public;
- 1859 (5) (A) is vacant and unoccupied for the purpose for which it was
 1860 built;
- 1861 (B) has remained substantially in that condition for at least one
 1862 year; and

- 1863 (C) has been cited for 5 or more violations of this Chapter,
 1864 none of which has resulted in a 'not guilty' finding by a
 1865 court; or
- 1866 (6) is a public nuisance.
- 1867 (b) Notice required. The enforcing agency must attempt to notify the
 1868 owner of each individual living unit, dwelling or dwelling unit, and
 1869 nonresidential structure condemned for human habitation, occupancy,
 1870 or use. The enforcing agency also must post a warning placard on the
 1871 property.
- 1872 (c) Vacating condemned property.
- 1873 (1) Any person occupying an individual living unit, dwelling, or
 1874 dwelling unit when it is condemned as unfit for human
 1875 habitation must vacate the condemned premises within a
 1876 reasonable time ordered by the enforcing agency.
- 1877 (2) Any person occupying or using a nonresidential structure when
 1878 it is condemned as unsafe for human use or occupancy must
 1879 vacate the building or structure immediately after a warning
 1880 placard is posted.
- 1881 (3) A person must not occupy or use, and an owner must not allow a
 1882 person to occupy or use, an individual living unit, dwelling,
 1883 dwelling unit, or nonresidential structure which has been
 1884 condemned as unfit for human habitation or unsafe for human
 1885 occupancy or use until the enforcing agency approves the
 1886 occupancy or use and removes the placard. The enforcing
 1887 agency may remove the placard if all defects on which the
 1888 condemnation was based have been eliminated.

1889 (d) Removal of placard. A person must not deface or remove a placard
 1890 from any individual living unit, dwelling, dwelling unit, or
 1891 nonresidential structure, except as authorized by the enforcing
 1892 agency.

1893 (e) Secure from entry. Each owner of a condemned or abandoned
 1894 structure must:

1895 (1) secure all windows and doors which are accessible from the
 1896 ground, from an adjacent structure, or by the reasonably
 1897 foreseeable use of a ladder, table, or other device, and

1898 (2) keep them secured against unauthorized entry.

1899 **26-14.** **Repair or removal of condemned buildings or structures.**

1900 (a) Order of demolition. If the owner of any building, structure, or
 1901 premises condemned under this Chapter does not bring the building,
 1902 structure, or premises into full compliance with this Chapter, or
 1903 demolish and remove it, during the time specified by the enforcing
 1904 agency in the order of condemnation or any extension, the enforcing
 1905 agency may, after 30 days' written notice to the owner, order the
 1906 building or structure to be demolished, any excavation to be filled, and
 1907 the property cleared so that it will be in a safe condition.

1908 (b) Cost charged to owner. The County may charge the cost of any action
 1909 taken under subsection (a) to the owner of the property and collect it as
 1910 taxes on real property or other debts are collected. The charge is a lien
 1911 on the property.

1912 **26-15.** **Severe conditions and corrective actions.**

1913 (a) Severe conditions. If the enforcing agency finds that immediate action
 1914 is needed to protect the public health and safety as a result of a violation
 1915 of this Chapter, Chapter 22, Chapter 8, or Chapter 17, the enforcing

1916 agency may, without notice, conference, or hearing, order the owner to
 1917 correct or abate the violation.

1918 (1) The order must be hand-delivered to the owner. If the order
 1919 cannot be hand-delivered, the order must be posted on the
 1920 property in a conspicuous location on or near each dwelling or
 1921 nonresidential structure affected by the order.

1922 (2) If the owner does not abate or correct the violation as directed
 1923 after the order is delivered or posted, the enforcing agency may
 1924 take any action reasonably necessary to abate or correct the
 1925 condition or may contract to have the necessary action taken.

1926 (3) If an enforcing agency proposes to take any action under this
 1927 subsection that would directly affect any building or structure
 1928 which has been designated on the master plan for historic
 1929 preservation as a historic site or a historic resource in a historic
 1930 district, the enforcing agency must make its best effort to consult
 1931 with the Chair of the Planning Board or the Chair's designee
 1932 before the enforcing agency removes the building or structure.
 1933 substantially alters any exterior feature, or contracts to do either,

1934 (b) Violation. affect on adjacent property. If an enforcing agency finds
 1935 that any violation of this Chapter affects neighboring properties or the
 1936 health or safety of the occupants or the public, the enforcing agency
 1937 may order necessary actions by notice and service under subsection (a).
 1938 If the actions are not taken in the time and manner prescribed, the
 1939 enforcing agency may authorize an officer, agent or employee of the
 1940 County, or a contractor, to execute the order.

1941 (c) Costs charged to owner. The owner is liable to the County for all
 1942 reasonable and necessary costs the County incurs as a result of an action

1943 taken under subsection (a) or (b). The costs constitute a debt owed the
 1944 County and may be placed on the tax bill as a lien on the property and
 1945 collected as ordinary taxes are collected, or collected as any other debt.

1946 **26-16. Penalty for violation of Chapter.**

1947 Any violation of this Chapter or any regulation issued under it is a class A
 1948 violation. Each day a violation exists is a separate offense.

1949 **26-17. Waivers.**

1950 (a) Conditions for waiver. An enforcing agency may waive any provision
 1951 of this Chapter with respect to an owner occupied dwelling unit if:

1952 (1) no violation presents an immediate danger to the health, safety, or
 1953 welfare of an occupant of a dwelling or the public; and

1954 (2) (A) the property owner is experiencing extreme financial
 1955 hardship, has insufficient resources, and cannot obtain
 1956 financing to rehabilitate the dwelling to comply with this
 1957 Chapter;

1958 (B) physical conditions of the site or other conditions beyond
 1959 the owner's control make it impossible to bring the
 1960 dwelling into compliance with this Chapter; or

1961 (C) legal or other unusual constraints, such as unclear title or a
 1962 probate dispute, prevent or delay the owner from bringing
 1963 the dwelling into compliance with this Chapter.

1964 (b) Revocation of waiver. An enforcing agency may revoke a waiver if:

1965 (1) a danger to health, safety or welfare is presented or would be
 1966 presented if the waiver continued; or

1967 (2) the circumstances that justified the waiver change.

1968 (c) Limit of waiver. Nothing in this Section prevents the reasonable
 1969 enforcement of this Chapter or alleviates the requirement to maintain

1970 each dwelling, dwelling unit, and nonresidential structure in as
1971 sanitary and healthful condition as possible.

1972 **26-18. Regulations.**

1973 The County Executive may adopt regulations under method (2) to administer
1974 this Chapter and adopt standards for materials and equipment.

1975 **Sec. 2. Section 2-112 is amended as follows:**

1976 **2-112. Jurisdiction.**

1977 * * *

1978 (c) The Board has the following appellate jurisdiction.

1979 The board must hear and decide each appeal taken under: Those appeals involve:

1980 * * *

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

1982 * * *

1983 [[Section 55-2 Dangerous buildings]]

1984 * * *

1985 **Sec. 3. Chapter 55 is repealed as follows:**

1986 **[[CHAPTER 55, UNSAFE BUILDINGS]]**

1987 **[[55-1. Notice to repair or vacate generally.**

1988 If the County Fire Marshal finds, after due investigation, that any building or
1989 structure in the County is unsafe for use of occupancy because it constitutes a
1990 violation of the County fire code, or if the Director of Permitting Services finds, after
1991 due investigation, that any building or structure in the County is unfit for use or
1992 occupancy for any of the following reasons:

1993 (a) Absence of water supply; or contaminated water supply; or unsafe
1994 plumbing which may contaminate the water supply; or

1995 (b) Absence of excreta disposal facilities; or absence of an indoor waste
1996 water receptacle connected to a proper disposal facility; or excreta

- 1997 disposal or drainage facilities which do not meet the standards required
 1998 by any applicable laws, ordinances or regulations; or
- 1999 (c) Absence of or inadequate provision for garbage storage and disposal; or
 2000 (d) Vermin or rodent infestation; or
 2001 (e) Accumulation of filth or debris; or
 2002 (f) Undue exposure of the occupants to the elements; or
 2003 (g) Porches, balconies or openings in outside walls or floors which are
 2004 unprotected so as to be unsafe or unsafe interior or exterior stairways; or
 2005 (h) In any building containing 3 or more dwelling units, the absence of an
 2006 inside toilet and lavatory for each dwelling unit; the Fire Marshal or the
 2007 Director, as the case may be, must immediately after a finding under
 2008 this Section serve on the owner, agent, lessee, occupant or any other
 2009 person with control over the building or structure, a written notice
 2010 describing the premises, a statement of the particulars in which the
 2011 premises are unsafe or unfit for use or occupancy including the repairs
 2012 and improvements necessary to correct the conditions, and an order
 2013 directing that corrective repairs and improvements be made. Where
 2014 necessary, the Fire Marshal or Director may order a building or
 2015 structure vacated if previously ordered corrective repairs and
 2016 improvements have not been made. In cases of extreme and immediate
 2017 danger to life or health, the Fire Marshal or Director may require that a
 2018 building or structure be vacated immediately.]]

2019 **[[55-2. Hearing before county board of appeals.**

2020 Any person aggrieved by any order issued pursuant to the authority of this
 2021 chapter may, within ten (10) days of the receipt of such order, petition the county
 2022 board of appeals in writing for a hearing thereon. Within thirty (30) days from the
 2023 receipt of such petition, the board shall hold such a hearing after which the board in

2024 its discretion may either affirm, modify or rescind the order. The board is authorized
 2025 to waive its filing fee upon request of applicant and evidence of economic hardship.
 2026 No official of the county government shall take any measures to close or vacate any
 2027 building or enforce any order issued hereunder until after such hearing by the board
 2028 has been held and decision thereon or until after the time to petition for such hearing
 2029 has expired without such a petition having been filed.]]

2030 **[[55-3. County to enforce compliance with orders.**

2031 Upon the failure of any person to comply with the provisions of any order
 2032 issued under this chapter within the time specified therein, the county shall take such
 2033 action as may be necessary to vacate and close the building or structure and shall
 2034 cause a notice to be posted thereon stating that the premises are not safe for human
 2035 habitation or occupancy.]]

2036 **[[55-4. Notice or orders to be in writing, etc.; service.**

2037 Any notice or order issued pursuant to the provisions of this chapter shall be in
 2038 writing and shall be served upon the person to whom directed either by personal
 2039 delivery or by registered mail. If the owner of the building or structure, or his agent,
 2040 is not known to reside in or cannot be found within the county, such service shall be
 2041 made by publication of such order or notice once in a newspaper of general
 2042 circulation published in the county and by posting the same on the premises which
 2043 are the subject of such notice or order in a conspicuous manner. Service by
 2044 publication and posting shall be deemed to be made on the day publication and
 2045 posting of such order or notice are complete.]]

2046 **[[55-5. Penalties and enforcement.**

2047 Any person who fails to comply with any notice or order issued pursuant to the
 2048 authority of this chapter or who violates any other provision hereof shall be subject to
 2049 punishment for a class A violation as set forth in section 1-19 of chapter 1 of the
 2050 County Code. Each day of violation shall be deemed a separate violation hereof.]]

2051 *Approved:*

2052

2053 Steven A. Silverman 6/05/02
Steven A. Silverman, President, County Council Date

2054 *Approved:*

2055 Douglas M. Duncan June 17, 2002
Douglas M. Duncan, County Executive Date

2056 *This is a correct copy of Council action.*

2057 Mary A. Edgar June 18, 2002
Mary A. Edgar, CMC, Clerk of the Council Date