

## Chapter 44 Index

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## **Chapter 44 Housing Code**

### Article I. General Provisions.

#### § 44-1. Purpose.

The purpose of this Chapter is to protect the public health, safety, and welfare in residential structures and premises by:

- A. Establishing minimum property maintenance standards for basic equipment and facilities used for light, ventilation, heating and sanitation for residential structures and premises, and for safe and sanitary maintenance of residential structures and premises;
- B. Establishing minimum requirements for residential structures and premises for means of egress, fire protection systems and other equipment and devices necessary for safety from fire;
- C. Fixing the responsibilities of property owners, operators and tenants of residential structures and premises; and
- D. Providing for administration, enforcement and penalties.

#### § 44-2. Definitions.

Unless otherwise expressly stated the following terms have the meanings indicated.

- A. “Accessory Structure” means a detached structure located on or partially on premises that are not used or intended to be used for living or sleeping by an occupant.
- B. “Basement” means that portion of a structure which is partly or completely below grade.
- C. “Building Code” means the Town building code for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, or maintenance of premises and structures.
- D. “Central Heating” means the heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable areas from a source outside of these areas.
- E. “County” means Queen Anne's County, Maryland.
- F. “Building Official” means the official or any duly authorized agent or designee of the Town of Church Hill who is authorized to enforce this Chapter.

G. “Condemn” means to declare a structure or part of it, premises, or equipment, unsafe or unfit for use or occupation.

H. “Extermination” means the control and elimination of insects, rodents, or other pests by:

1. Eliminating their harborage places;
2. Removing or making inaccessible materials that may serve as their food.
3. Poison spraying, fumigation, trapping, or by any other pest elimination methods which have received all necessary and legally required approvals.

I. “Garbage” means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

J. “Habitable Room” means a room or enclosed floor space in a structure used or intended to be used for living, sleeping, cooking, or eating purposes. “Habitable Room” does not include bathrooms, laundries, furnace rooms, pantries, utility rooms, foyers, stairways, closets, hallways, storage spaces, workshops, accessory structures, and hobby and recreation areas in unsealed or un-insulated parts of a structure below ground level or in attics.

K. “Housing Unit” means a single unit of a structure providing or intended to provide complete living and sleeping facilities for one or more persons.

L. “Infestation” means the presence, within or contiguous to a structure or premises of insects, rodents, vermin or other pests.

M. “Maintenance” means repair of a structure, premises, or equipment to bring the structure into compliance with the standards established by this Chapter and other applicable statutes, codes, and ordinances and other acts intended to prevent a decline in the condition of structures, premises or equipment below such standards.

N. “Occupant” means an individual having possession of a space within a housing unit.

O. “Operator” means a person who has charge, care, or control of a structure or premises which is offered for occupancy.

P. “Person” includes an individual, partnership, limited partnership, trust, estate, association or corporation.

Q. “Plumbing” means the practice, materials, facilities, and fixtures used in the installation, maintenance, extension or alteration of all piping, fixtures, appliances, and appurtenances used for the water distribution system of the premises, including drainage systems for the discharge of water and waste water.

R. “Plumbing Fixture” means a receptacle or device which:

1. Is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water from it;
2. Discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or
3. Requires both water supply connection and a discharge to the drainage system of the premises.

S. "Premises" means a lot, plot or parcel of land including the structures on it.

T. "Property Owner" means a person having legal or equitable interest in the premises, including the guardian of the estate of the person, or the executor or administrator of the estate of the person if ordered to take possession of the premises by a court.

U. "Rubbish" means paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials as well as the residue from the burning of wood, coal, coke, and other combustible materials.

V. "Safe" means the condition of being free from danger and hazards that may cause accidents or disease.

W. "Structure" means a residential structure used for human habitation.

X. "Tenant" means an occupant other than a property owner.

Y. "Town" means the Town of Church Hill, Maryland.

Z. "Unsafe Structure or Premises" means a structure or premises that is, in whole or as to any part, dangerous to life, health, property, or the safety of its occupants by failing to provide minimum protection from fire or because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it is likely partially or completely to collapse.

AA. "Unsafe Equipment" means any boiler, heating equipment, cooking equipment, elevator, electrical wiring or device, flammable liquid containers or other material or equipment on the premises or within the structure that is inherently dangerous to humans or in such disrepair or poor condition that it is a hazard to the life, health, property, or safety of the occupants of the premises or structure.

BB. "Unfit for Human Habitation or Use" means a structure that is unsanitary or infested by vermin or rodents, or contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Chapter.

CC. "Ventilation"

1. "Ventilation" means the process of supplying and removing air by natural or mechanical

means to or from a space.

2. “Mechanical Ventilation” means the ventilation by power-driven devices.

3. “Natural Ventilation” means ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without power-driven devices.

#### § 44-3. Application.

A. This Chapter shall apply to all residential structures within the Town and their premises.

B. Repairs or alterations to a structure, or changes of its use that may be caused directly or indirectly by the enforcement of this Chapter shall be done in accordance with the procedures and provisions of the Town building code, plumbing code, mechanical code and electrical code.

C. The provisions of this Chapter do not abolish or impair any remedies available to the Town or its officers or agents relating to the removal or demolition of any structures that are deemed to be dangerous, unsafe, and unsanitary.

D. Repairs, maintenance, alterations, or installations that are required for compliance with this Chapter shall be executed and installed in accordance with industry standards so as to secure the results intended by this Chapter.

E. The Town Commissioners may waive applicability of this Chapter, in whole or part, to a unit of rental housing on application of the property owner if:

1. Adequate notice in a form and manner specified by the Town is afforded a tenant of the unit;

2. The tenant is afforded an opportunity to comment on the application either in writing or in person; and

3. The waiver would not threaten the health or safety of any tenant.

F. A person may not be displaced by enforcement of the article unless alternate housing of comparable affordability is available within a reasonable distance of the vacated premises.

G. The provisions of this Chapter are not intended to supersede any state laws or regulations relating to fire safety, elevators, or boilers.

#### § 44-4. Duties and Powers of Building Official

A. Code Enforcement.

It shall be the duty and responsibility of the Town Building Official to enforce the provisions of this Chapter. The building official shall decide questions of interpretation of this Chapter.

B. Powers of the Town Building Official.

1. The building official shall issue all notices and orders necessary to insure compliance with

this Chapter.

2. To the maximum extent permitted by law, the building official is authorized to enter a structure or premises at any reasonable time upon providing reasonable notice to the property owner and tenant, for the purpose of making inspections and performing duties under this Chapter.

3. The building official may collect and disseminate information concerning techniques of maintenance, repair, and sanitation in housing.

4.(a) The building official has the authority to require and approve any alterations or repairs necessary to bring a structure or premises into compliance with the provisions of this Chapter. The determination of the measures necessary to bring the premises into compliance shall take into consideration the use of equivalent alternative approaches.

(b) The building official shall have the authority to approve changes in alterations or repairs in the field when conditions are encountered that make the originally-approved work impractical, if the changes in approved work can be readily determined to be in compliance with this Chapter and are requested by the property owner or his agent.

(c) Any change shall be requested in writing by the property owner or by his agent, and the request shall describe the nature and scope of the requested change and justification for the change, and shall be filed with the permit for the project.

#### C. Access by Building Official.

If a property owner, tenant, or operator of a structure refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this Chapter is sought, the Town may seek, in court of competent jurisdiction, an order that the building official may enter the premises and/or structure.

#### D. Access by Property Owner or Operator.

A tenant of a structure or premises shall give the property owner or operator, or agent or employee, access to any part of the structure or its premises at reasonable times upon being given reasonable notice for the purpose of making the inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this Chapter.

#### E. Credentials.

The building official shall disclose his credentials for the purpose of inspecting a structure or premises.

#### F. Coordination of Enforcement.

1. Whenever the building official, in initiating an inspection of a property under this Chapter, becomes aware that an inspection of the same premises is to be made by any other governmental official or agency, the building official shall make a reasonable effort to arrange for the coordination of the inspections so as to minimize the inconvenience to the owner and/or occupants.

2. The building official shall confer with the other governmental official or agency for the purpose of eliminating conflicting orders before any are issued but may not cause the delay of the issuance of any emergency orders by any governmental official or agency with jurisdiction and authority over the premises or structure that the governmental official or agency determines are

required by applicable law.

§44-5. Transfer of Ownership.

A property owner who has received a compliance order or upon whom a notice of violation has been served may not sell, transfer, mortgage, lease, or otherwise dispose of the premises until:

- A. The provisions of the compliance order or notice of violation have been satisfied; or
- B. The property owner has furnished to the grantee, transferee, mortgagee or lessee a true copy of the compliance order or notice of violation issued by the building official and has furnished to the building official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging receipt of the compliance order or notice of violation and stating that the grantee, transfer, mortgagee or lessee accepts and assumes responsibility without condition for making the corrections or repairs required by the compliance order or notice of violation.

§ 44-6 through § 44-7. [reserved.]

Article II. Condemnation, Repair and Demolition

§ 44-8. Condemnation.

A. General.

- 1. When a structure or part of it or its premises is found by the building official to be an unsafe structure or premises or to be unfit for human habitation or use, the building official may condemn the structure or part of it and may order the structure or part of it to be placarded and vacated pursuant to the provisions of this Chapter.
- 2. When equipment is found by the building official to be unsafe equipment, it may be condemned, placarded, and placed out of service pursuant to the provisions of this Chapter.
- 3. A condemned structure or the condemned part of a structure or its premises may not be re-occupied and condemned equipment may not be placed back into service without the approval of the building official.

B. Condemnation due to unsafe equipment.

The presence of unsafe equipment, if the danger posed by such equipment cannot be avoided by placing the equipment out of service in a manner that prevents its use prior to repair or by removing it from the structure, may be the basis of a determination by the building official that the structure or premises is unsafe or unfit for human habitation or use.

C. Procedures.

- 1. When the building official determines that a structure or premises is an unsafe structure or premises or is unfit for human habitation or use, or that equipment is unsafe equipment, he shall serve a notice of such determination upon the owner or operator and the occupant in the manner set forth in Section 44-11 of this Chapter.
- 2. The notice required by Subsection C.1. of this section shall include

- (A) A statement of the nature of the determination;
- (B) A brief description of the reason for the determination;
- (C) A date that is reasonable under the circumstances by which the structure or premises, or part thereof, must be closed and vacated or the equipment must be taken out of service;
- (D) A description of the repairs that must be made to the structure, premises or equipment before the order of condemnation can be lifted; and
- (E) A date by which the required repairs must be completed.

D. Failure to close, vacate or remove from service.

If a property owner, operator, or occupant fails to close or vacate a structure or premises or to remove equipment from service within the a time specified in a notice issued pursuant to subsection c. Of this section, the building official may seek an order from a court of competent jurisdiction ordering the structure or premises to be closed or vacated or the equipment to be removed from service and may execute such order through any available public agency or by contract or arrangement with private persons and the cost shall be charged against the real property upon which the structure is located and shall be a lien upon the real property.

E. Removal of placard.

A person may not deface or remove a condemnation placard without the approval of the building official.

§ 44-9. Failure to Make Repairs.

A. General.

Whenever an owner of a structure and/or its premises or an owner or operator of equipment fails, neglects, or refuses to make repairs required by an order issued by the building official and the building official determines that such failure endangers the health, safety, or welfare of the occupants or the public and that the cost of the repairs will not exceed 85% of assessed value of the structure or equipment after the repairs are completed, the Town may seek an order from a court of competent jurisdiction authorizing it to enter upon the property and to make the necessary repairs.

B. Notice.

The building official shall serve a notice of the Town's intention to seek a court order authorizing the Town to make the necessary repairs on the owner or operator in accordance with Section 44-11 of this Chapter.

C. Impeding access for repair.

The owner of a structure and/or premises who has received notice of the Town's intention to make repairs shall, upon service of an order for abatement or repair entered by a court of competent jurisdiction, give entry and free access to the Town's employees, contractors or other agents for the purpose of making the repairs. An owner or the agent of an owner of structure or premises may not refuse, impede, interfere with, hinder, or obstruct entry by the Town or its employees, contractors or agents for the purposes of making such repairs.

D. Cost of repair.

Whenever repairs are made by the Town or its agents or contractors at the direction of the building official, the cost of the repairs shall be levied, collected, and enforced in the same manner as Town property taxes, and shall have the same rights, priorities, interest, and penalties as the Town property taxes.

§ 44-10. Demolition.

A. General.

When an owner of a structure or equipment fails, neglects, or refuses to make repairs required by an order issued by the building official and the building official determines that such failure endangers the health, safety, or welfare of the occupants or the public and that repair by the Town is not warranted under Subsection 44-8C of this Chapter, he shall order the structure or equipment to be demolished.

B. Notice.

The building official shall serve a notice of the Town's intention to seek a court order authorizing the Town to make demolish the structure or equipment on the owner or operator in accordance with Section 44-11 of this Chapter. Such notice shall give the owner or operator a reasonable amount of time under the circumstances in which to demolish or otherwise remove the structure or equipment.

C. Whenever the owner fails, neglects, or refuses to remove the unfit structure within the specified time, the building official may apply to a court of competent jurisdiction for a demolition order. On receipt of a court order authorizing demolition, the Town shall proceed with the demolition. The demolition work shall be performed by the Town or by a person or entity awarded a contract for the work by the Town. The cost of demolition shall be a lien in favor of the Town against the subject property in the same manner and with the same rights, priorities, interest, and penalties as the Town property tax.

D. Demolition, whether carried out by the owner or by the Town or its agents, shall include the removal of the debris resulting from the demolition and the filling of any excavation remaining on the property in such a manner as to eliminate any potential danger to the public health, safety, or welfare.

§ 44-11. Notices and Orders.

A. Delivery.

Notices and orders shall be deemed to be properly served upon a property owner or occupant by one of the following methods:

1. By delivering to the person to be served or his agent a copy of the notice; or
2. By mailing a copy of the notice to the person to be served at his last known address or to his agent by Certified or Registered Mail, Return Receipt Requested.

B. Posting.

In addition to the service required by Subsection A. of this Section, the building official shall post a copy of a notice or order issued pursuant to the authority of this Chapter by posting a copy of it in a conspicuous place in or about the structure, premises, or equipment affected by the notice or order.

§ 44-12. Civil Enforcement and Penalties

A. The building official may enforce the provisions of this Chapter through injunctive, mandamus, or any other appropriate.

B. A court of competent jurisdiction may issue a restraining order, interlocutory, or final injunction, mandamus, or other form of relief to restrain or correct violations of this Chapter.

C. The authority, procedures and remedies set forth in this Article 2. Of this Chapter shall be in addition to any fines or penalties imposed pursuant to Section 44-24 of this Chapter.

§ 44-13. Reconsideration; Informal Conference

A. A person aggrieved by a notice of the building official issued in connection with an alleged violation of this Chapter or by an order requiring repair or demolition issued under this Article 2. Of this Chapter, may apply to the building official for reconsideration of the notice or order within three (3) days after it has been issued.

B. The building official shall specify a date, time and place for an informal conference on the matter within seven (7) days after the receipt of the application for a reconsideration. The building official shall advise the applicant in writing of the time and place of the conference.

C. At the informal conference, the applicant shall be permitted to present grounds for revocation or modification of a notice or order to a representative of the building official.

D. Within three (3) days after the close of the informal conference, the building official shall advise the applicant whether or not the notice or order will be modified or revoked.

Article III. Housing Standards

§ 44-14. Minimum Standards

A. Condition of the premises - general

1. The premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.

2. The premises shall be kept free from infestation by insects, rodents, vermin, or other pests.

3. The premises shall be maintained free of weeds and grass exceeding a height of twelve inches (12").

4. The premises shall be kept free from pools of standing water that fail to dissipate within 24 hours of a rain event, other than approved stormwater management facilities and properly

maintained and approved swimming pools.

B. Condition of structures– exterior

1. The exterior of a structure shall be structurally sound and maintained in good repair and sanitary condition so as not to pose a threat to the health, safety, or welfare of the occupants.
2. Supporting structural members of a structure shall be maintained in a condition that is structurally sound, free from deterioration, and capable of safely bearing the loads imposed upon them in the ordinary course of residential use.
3. All foundations, exterior walls, roofs, and other exterior surfaces shall be maintained in good repair and in a condition that excludes rain, rodents, vermin and other pests.
4. Foundation walls shall be structurally sound and shall be maintained free from open cracks and breaks.
5. Each exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and other conditions that might admit rain or dampness to the interior portions of the walls or to the occupied area of the structure. All exterior surface materials, including wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface-coated when required to prevent deterioration.
6. Roofs shall be maintained in safe and structurally sound condition and in good repair and shall not have defects that might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration of the walls or interior portion of the structure.
7. All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
8. All canopies, marquees, signs, metal awnings, stairways, fire escapes, stand-pipes, exhaust ducts, and similar overhang extensions shall be maintained in safe and structurally sound condition and in good repair and shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.
9. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained in safe and structurally sound condition and in good repair and all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or other suitable surface treatment.
10. Each exterior stair, porch, fire escape, balcony, and all appurtenances attached to them shall be safe to use for their intended purposes and capable of supporting the loads imposed in the ordinary course of residential use and shall be maintained in safe and structurally sound condition and in good repair.
11. (a) Each window, door, and frame shall be maintained so as to exclude rain and rodents, and to substantially exclude wind from entering the structure.  
(b) Each window and exterior door shall be fitted reasonably in its frame and be weather-tight. Each window shall be free of cracks and holes.  
(c) Each window required or intended to be used for ventilation or emergency escape shall be capable of being easily opened from the inside and shall be held in position by window hardware.
12. During the period from April 1 to December 1, every door and window or other outside opening used for ventilation purposes shall be supplied with tight-fitting insect screens, except that,

upon the prior approval of the building official, screens may not be required for exterior doors or other types of openings as to which screening is impractical, such as openings equipped with air conditioning units, provided that the building official may require alternatives to screens in such cases.

13. Each exterior door and its hardware shall be maintained in good and secure condition. Door locks on all interior and exterior doors entering housing units shall be in good repair and capable of tightly securing the door.

C. Condition of structures – interior.

1. The interior of a structure and its equipment and facilities shall be maintained in good repair, structurally sound, and in sanitary condition so as not to pose a threat to the health, safety, or welfare of the occupants.

2. The supporting structural members of a structure shall be maintained in a condition that is structurally sound, free of deterioration, and capable of safely carrying the imposed loads.

3. Floors, walls (including windows and doors), ceilings, and other interior surfaces shall be maintained in good repair and in a clean, safe and sanitary condition. The floor surface of each bathroom and kitchen shall be substantially impervious to water and maintained in a condition that permits the floor to be kept in a clean and sanitary condition without undue hardship.

4. The interior of a structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish and garbage shall be properly kept inside temporary storage facilities. Garbage and rubbish may not be allowed to accumulate or be stored in public halls or stairways.

5. A structure shall be kept free from infestation of vermin, insects, rodent, or other pests, and where infestation is found, the area shall be promptly subjected to extermination processes that are not injurious to human health. Continuing or repeated incidents of infestation, as determined by the building official, shall require the installation of rodent- and vermin-proof walls, which shall be installed in accordance with the Town building code.

6. Each door available as an exit shall be capable of being opened easily from the inside. All interior stairs and railings and other exit facilities of a structure shall be maintained in sound condition and good repair. Each interior stair used for exit shall be maintained so as to be safe to use and capable of supporting the anticipated loads.

§ 44-15. Density.

A. The maximum density of occupancy of a dwelling unit by individuals may not exceed either:

1. One individual for each 100 square feet of total habitable room area, except that there shall be at least 150 square feet of total habitable room area for single-individual occupancy; or

2. A total number of individuals equal to twice the number of its habitable rooms, not including the kitchen and any bathrooms.

B. In a habitable room located under a sloping ceiling, the floor area of that part of the room where the ceiling height is less than five feet may not be considered as part of the floor area in

computing the total floor area of the room for the purpose of determining the maximum permissible occupancy.

§ 44-16. Light and Ventilation Requirements.

A. General.

In place of providing a means for natural light and ventilation, an alternative arrangement of windows, louvers, or other devices or methods that will provide the equivalent minimum performance requirements shall be permitted in compliance with the Town building code.

B. Light.

All areas in a structure shall be provided sufficient light so as not to endanger health and safety. All areas in a structure shall be provided with natural light or equipment to accommodate artificial light of sufficient intensity and distributed so as to permit the maintenance of sanitary conditions and the safe use of the area and the appliances, equipment and fixtures.

C. Ventilation.

When mechanical ventilation is provided instead of natural ventilation, the mechanical ventilating system shall be maintained in operation at all times during the occupancy of the structure or any portion of it.

§ 44-17. Plumbing Facilities and Fixture Requirements.

A. Required plumbing facilities.

Each housing unit shall include its own plumbing facilities, which shall be maintained in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste. All plumbing facilities shall be constructed of nonabsorbent material, shall have received all necessary and legally-required approvals, and shall be maintained in a sanitary and safe working condition:

B. Minimum plumbing facilities

1. Each housing unit shall contain within its walls a room separate from other habitable areas that provides a water closet and that affords privacy.

2. A lavatory shall be placed in the same room as the water closet or located on another room, in close proximity to the door leading directly into the room in which the water closet is located. The lavatory shall be supplied with hot and cold running water.

3. Each housing unit shall contain a room that is equipped with a bathtub or shower supplied with hot and cold running water and which affords privacy.

4. Each housing unit shall contain a kitchen sink apart from the lavatory required under subsection c.(2) hereof. The sink shall be supplied with hot and cold running water.

C. Connections.

1. Water supply lines, plumbing fixtures, vents, and drains shall be properly installed,

connected and maintained in working order and shall be kept free from obstructions, leaks, and defects and shall be capable of performing the function for which they are designed.

2. All repairs and installations shall be made in accordance with the provisions of the Town building code or the Town plumbing code.

3. All plumbing fixtures shall be maintained in a clean and sanitary condition that is not conducive to the breeding of insects and rodents, or that does not produce dangerous or offensive gases or odors.

4. Plumbing fixtures shall be installed to permit easy access for cleaning both the fixture and the area around it.

D. Water system.

1. Each sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing facility shall be properly connected to either a public water system or to a private water system that has received all necessary and legally required approvals.

2. The water supply shall be maintained free from contamination. All water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.

3. The water supply system shall be installed and maintained to provide at all times a supply of water to plumbing facilities, fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactory.

4.(a) The installation of water heating facilities shall be subject to all necessary and legally required approvals and permits, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with the hot water.

(b) Water heating facilities shall be capable of heating water to such a temperature so as to permit adequate amount of water to be drawn at every kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar facilities, at a temperature of not less than 110 degrees f.

E. Sewage system.

1. Each sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to either a public sewer system or private sewage disposal system that has received all necessary and legally required approvals.

2. Each plumbing stack and waste and sewer line shall be installed and maintained so as to function properly and shall be kept free from obstructions, leaks, and defects to prevent structural deterioration, obstruction of outflow, or other health hazards.

3. All repairs and installations to the facilities set forth in Subsection E.1. hereof shall be made in accordance with the provisions of the Town building code or Town plumbing code.

§ 44-18. Mechanical and Electrical Requirements.

A. Heating and cooking facilities and equipment.

1. Each housing unit shall be supplied with sufficient heat or heating equipment capable of supplying sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than 65°F in all habitable areas during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than 60°F during other hours, except

that, when the exterior temperature falls below 0°F and the heating system is operating at its full capacity, the equipment shall be capable of supplying sufficient heat to maintain a minimum room temperature of 60°F.

2. The interior temperature shall be measured at a point 3 feet above the floor and 3 feet from exterior walls.

B. Heating, climate control, and cooking facilities and equipment.

1. All cooking and heating equipment, and all components of and accessories to heating, cooking, and water heating devices shall be maintained free from leaks and water flow obstructions, and kept functioning properly so as to be free from fire, health, and safety hazards.

2. All installations and repairs shall be made in accordance with the provisions of the Town building code, or other applicable laws or ordinances thereto.

3. Portable cooking equipment employing flame is prohibited, except for residential type food trays or salvers which are heated by a candle or alcohol lamp and which have received all necessary and legally required approvals.

4. All mechanical equipment used for heating and cooking shall be properly installed and safely maintained in good working condition.

5. All fuel-burning equipment shall be connected to a chimney, flue, or vent in accordance with applicable Town or state codes or according to manufacturer's instructions in cases where no Town or state codes apply.

6. All necessary and legally required clearances to combustible materials shall be maintained.

7. All safety controls for fuel-burning equipment shall be maintained in effective operation in accordance with applicable Town or state codes or according to manufacturer's instructions in cases where no Town or state codes apply.

8. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment.

9. Devices purporting to reduce gas consumption by attachment to a gas appliance, the gas supply line, or the vent outlet or vent piping may not be used unless labeled for that use and unless the installation has received all necessary and legally required approvals.

10. Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe and connected to chimneys which have received all necessary and legally required approvals.

11. When facilities for interior climate control (heating, cooling, and humidity) are integral functions of housing units, these facilities shall be maintained and operated in accordance with the designed capacity.

C. Electrical facilities.

1. Provided that there is usable electric service available from a power line not more than 300 feet away, a structure shall be adequately and safely provided with an electrical system in compliance with the requirements of this section.

2. Each habitable area in a housing unit shall contain at least one receptacle outlet. Each laundry area and bathroom shall contain at least one grounded receptacle. Each kitchen shall contain at least two grounded receptacles.

3. Each public hall, interior stairway, water closet compartment, bathroom, laundry room, and furnace room shall contain at least one electric lighting fixture.
  4. Each habitable room shall be equipped with a properly working smoke detector.
- D. When the electrical system requires modification to correct a violation of this section, the service shall be corrected to a minimum of 60 ampere, three-wire service.

§ 44-19. Fire Safety Requirements.

A. In general.

A structure shall be constructed and maintained to prevent and avoid fire hazards and in a manner conducive to fire safety.

B. Means of egress.

1. A safe, continuous, and unobstructed means of egress shall be provided from the interior of a structure to the exterior at grade with ready access to a street, yard, court, or passageway leading to a public open area.
2. Each housing unit shall have access directly to the outside or to a common area that leads directly to the outside.
3. Each door providing the required means of egress shall be easily opened from the inside.
4. Each fire escape shall be maintained in safe and working condition and shall be structurally sound.
5. Each exit sign shall be illuminated and visible.
6. Each sleeping room, including basement sleeping rooms, shall have at least one operable window or exterior door for emergency egress or rescue that has received all necessary and legally required approvals.

C. Accumulations and storage.

1. Garbage or rubbish may not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.
2. Highly flammable or explosive matter, such as paints, volatile oils, and cleaning fluids, or combustible rubbish, such as wastepaper, boxes, and rags, may not be accumulated or stored on premises except in reasonable quantities consistent with normal usage.
3. A housing unit may not be located within a structure containing an establishment handling, dispensing, or storing flammable liquids with a flash point of 100 degrees Fahrenheit or lower.

D. Fire resistance ratings.

Floors, walls, ceilings, and other elements and components that are required by the fire code to comply with a fire resistance rating shall be maintained so that the respective fire resistance rating of the enclosure, separation, or construction is preserved.

E. Fire protection systems.

1. Fire protection systems and equipment shall be maintained in proper operating condition at all times.
2. Each sleeping area shall be equipped with at least one approved smoke detector that:
  - (a) Senses visible or invisible particles of combustion; and
  - (b) Is installed in a manner and location approved by the state fire prevention commission; and
  - (c) When activated, provides an alarm suitable to warn the occupants.
3. Fire suppression systems in housing units so equipped shall be maintained in good condition and free from mechanical defect. Sprinkler heads shall be kept clean and free of corrosion and paint and may not be bent or damaged.
4. Each portable fire extinguisher in a housing unit so equipped shall be visible and accessible and maintained in an efficient and safe operating condition.

F. Fire doors.

1. Each necessary and legally required fire-resistance-rated door or smoke barrier shall be maintained in good working order, including all hardware necessary for its proper operation.
2. Use of door stops, wedges, and other hold-open devices that have not received all necessary and legal approvals or that have been denied approval is prohibited.

§ 44-20. Responsibility of Tenants for Compliance.

A. General.

Except as provided in this section, and except with respect to a failure to vacate a structure or premises as required by a condemnation order issued pursuant to Part 2 of this Chapter, only the property owner shall be responsible for compliance with the provisions of this Chapter and may be cited for violations.

B. Prohibited leases.

A person may not rent or lease to another person for occupancy or use any housing unit unless the structure and premises comply with the provisions of this Chapter.

C. Tenant responsibilities.

1. A tenant shall keep that part of the structure or premises that the tenant occupies, controls, or uses in a clean and sanitary condition.
2. A tenant shall store and dispose of rubbish and garbage in a clean and sanitary manner, and shall not cause or contribute to the presence of rubbish or garbage in the common area of any structure containing more than dwelling unit, except within a suitable container provided by the property owner for rubbish or garbage disposal.
3. A tenant shall keep owner-supplied equipment and fixtures clean and sanitary and shall exercise reasonable care in their proper use and operation.
4. A tenant shall not, by the placement or accumulation of personal possessions within a structure or on leased premises, create or maintain a fire hazard.
5. Neither a tenant nor any other person shall disable, dismantle, alter or modify any fire suppression or fire safety equipment installed in or located on any residential premises.

6. A tenant shall maintain equipment and fixtures furnished by the tenant. The equipment and fixtures shall be:

- (a) Properly installed;
- (b) Maintained in good working condition; and
- (c) Kept clean, sanitary, and free of defects, leaks, or obstructions.

§§ 44-21 through 44-23.[reserved.]

#### Article IV. Violations.

##### § 44-24. Violations and Penalties; Compliance with Laws and Regulations Required.

###### A. Municipal infraction.

1. Any violation of any provision of this Chapter or the Maryland Building Performance Standards Incorporated herein by any property owner or his agent shall be a municipal infraction subject to a fine of One Hundred Dollars (\$100). Each day's failure to comply with any such provision shall constitute a separate violation.

2. Any violation of Section 44-20.C. by any person shall be a municipal infraction subject to a fine of One Hundred Dollars (\$100). Each day's failure to comply with any such provision shall constitute a separate violation.

###### B. Compliance with other laws required.

Nothing contained in this Chapter shall excuse any person, firm, partnership or corporation within the Town from complying with all laws and paying all fees which may be required under the laws and regulations of the Town, or of the County, where applicable, or the State of Maryland.

*Adopted May 17, 2010 as Ordinance No. 131-10. The date of any amendment will appear below the amended paragraph in brackets ( [ ] ).*