

TOWN OF NORTH BEACH  
MAYOR AND TOWN COUNCIL

ORDINANCE NO.13-03

**AN ORDINANCE TO ADOPT A LIVABILITY CODE FOR THE TOWN OF NORTH BEACH, MARYLAND.**

**WHEREAS**, the Town of North Beach currently has in effect a Property Maintenance Code which concentrates mainly on the structural soundness of structures and residences within the Town of North Beach; and

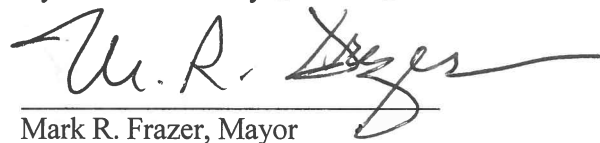
**WHEREAS**, the Town has now determined it is necessary to pass a Livability Code to complement the Property Maintenance Code. The Livability Code focuses more on the interior of properties and the improvement of the environmental aspects of living in the properties.

**NOW THEREFORE, IT IS HEREBY ORDAINED** by the Mayor and Council of the Town of North Beach, Maryland:


1. That there will be a new Chapter 50 in the Town of North Beach Code which will be titled Livability Code.
2. That a copy of the full Livability Code is attached to this Ordinance as Exhibit 1 and is incorporated herein.
3. It is ordained that the attached Livability Code is hereby adopted as the Town of North Beach Livability Code

**AND, BE IT FURTHER ORDAINED** that this Ordinance shall become effective on the 29th day of May, 2013 after having been read at two successive Town Council meetings Pursuant to 19-311 of the Town Charter.

By order of the Mayor and Council

  
Mark R. Frazer, Mayor

ATTEST:

  
Stacy Wilkerson, Town Clerk  
Town of North Beach

## Chapter 75. MINIMUM LIVABILITY CODE

**[HISTORY: Adopted by the Board of County Commissioners of Calvert County 11-29-1988 by Res. No. 50-88. Amendments noted where applicable.]**

### GENERAL REFERENCES

Building construction — See Ch. 18.

Property maintenance — See Ch. 92.

Abandoned vehicles — See Ch. 142.

### § 75-1. Title; scope; intent.

- A. Title. These regulations shall be known as the Calvert County Minimum Livability Code and are herein referred to as "this code."
- B. Scope. This code is created to protect the public health, safety and welfare in residential structures and premises by:
  - (1) Providing for administration, enforcement and penalties;
  - (2) 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;
  - (3) 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; and
  - (4) Fixing the responsibilities of property owners, operators and tenants of residential structures and premises.
- C. Intent. This Code shall be construed to effectively and justly protect public health, safety and welfare insofar as they are affected by the continued use and maintenance of residential structures and premises.

### § 75-2. Definitions.

#### A. Rules of interpretation.

- (1) Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

(2) Where terms are not defined, through the methods authorized by this section, they shall have their ordinarily accepted meanings such as the context may imply.

B. Terms defined. Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this section:

**ACT**

Article 83B, § 6-103 et seq. of the Annotated Code of Maryland.

**BASEMENT**

The portion of a building that is partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

**BUILDING CODE**

The Building Code now or hereafter adopted by the Board of County Commissioners, or such other code as may be designated by the Board of County Commissioners for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of premises and structures. *Editor's Note: See Ch. 18, Building Construction.*

**BUILDING OFFICIAL**

The official designated by the municipality to enforce building, or similar laws and this code, or his duly authorized representative.

**CELLAR**

The portion of a building that is partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

**CODE**

The Calvert County Minimum Livability Code.

**CODE OFFICIAL**

The chief of the Division of Inspections and Permits, his agents and designees.

**CONDEMN**

To declare a structure or part thereof, premises or equipment, as unsafe or unfit for use or occupation.

**EXTERMINATION**

The control and elimination of insects, rodents, vermin or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other approved pest elimination methods.

**GARBAGE**

The animal and vegetable waste resulting from the handling, preparation, cooking, serving and consumption of food.

**HABITABLE AREA**

The space in a structure used for living, sleeping, eating or cooking, including bathrooms and toilet compartments. Closets, halls, storage or utility space and similar areas are not considered habitable areas.

**HEATING**

The heating system installed and adjusted so as to provide the distribution of heat to all habitable areas.

**HOUSING UNIT**

A single unit of a structure providing or intended to provide complete living and sleeping facilities for one or more persons.

**INFESTATION**

The presence within or around a structure or premises of insects, rodents, vermin or other pests.

**MAINTENANCE**

The repair and other acts intended to prevent a decline in the condition of a structure, premises or equipment below the standards established by this code and other applicable statutes, codes and ordinances.

**OCCUPANT**

An individual having possession of a space within a housing unit.

**OPERATOR**

Any person who has charge, care or control of a structure or premises which is offered for residential occupancy.

**PERSON**

Includes an individual, partnership, limited partnership, trust, estate, association or corporation.

**PLUMBING**

The practice, materials, facilities and fixtures used in the installation, maintenance, extension or alteration of all piping, fixtures, appliances and appurtenances within the scope of the applicable Plumbing Code.

**PLUMBING FIXTURES**

A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, liquid-borne waste materials or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

**PREMISES**

A lot, plot or parcel of land, including the structures thereon.

**PROPERTY OWNER**

Any person having a legal or equitable interest in the premises, including the guardian of the estate of any such person, or the executor or administrator of the estate of such person if ordered to take possession of the premises by a court.

**RUBBISH**

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

**STRUCTURE**

A residential structure used or intended for human habitation.

**TENANT**

An occupant of a residential structure other than a property owner.

**VENTILATION**

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

(1) Mechanical: ventilation by power-driven devices.

(2) Natural: ventilation by opening to outer air through windows, skylights, doors, louvers or stacks without power-driven devices.

## § 75-3. Application.

A. The Minimum Livability Code shall apply to residential structures and premises used for human habitation except:

(1) Owner-occupied single-family housing units.

(2) Any housing exempted under the authority of § 75-4B of this code.

- B. Any repairs or alterations to a structure, or changes of use therein which may be caused directly or indirectly by the enforcement of this code, shall be done in accordance with the procedures and provisions of any applicable local building code, plumbing code, mechanical code and electrical code, or any other state or local code or standard applicable to housing.
- C. The provisions in this code shall not abolish or impair any remedies available to the Board of County Commissioners or its offices, departments or agencies relating to the removal or demolition of any structures which are deemed to be dangerous, unsafe, and unsanitary.
- D. All repairs, maintenance, alterations or installations which are required for compliance with this code shall be executed and installed in accordance with the Code Official's determination so as to secure the results intended by this code.

## § 75-4. Code enforcement.

- A. Local enforcement: It shall be the duty and responsibility of the Code Official to enforce the provisions of this code as herein provided. Only written complaints made to the Code Official or his designees and naming the complainant, or those complaints resulting from a personal interview of the complainant shall be investigated. Written complaints must detail specific violations of this code to be considered for enforcement.
- B. Local waiver:
  - (1) The Code Official may waive applicability of this code, in whole or in part, to a housing unit or units on application of the property owner or operator if:
    - (a) Adequate prior written notice is afforded to at least one adult tenant of the unit;
    - (b) The tenant is afforded an opportunity to comment on the application either in writing or in person; and
    - (c) The waiver would not threaten the property, health or safety of any tenant.
  - (2) The Code Official may also waive applicability of this code on the basis of the religious practices of the occupant of the housing unit.
- C. Displacement: Enforcement of the Minimum Livability Code shall not cause the displacement of a person unless the Code Official determines that alternate housing of comparable affordability is available within a reasonable distance of the vacated premises or necessary employment. Where displacement is ordered by the Code Official pursuant to § 75-6 of this code, no housing unit shall be rented and/or subsequently occupied by a tenant without determination by the Code Official that the dwelling unit complies with this code.
- D. Enforcement and waiver application are not intended to supersede the Standard Building Code, the National Electrical Code or any state laws pursuant to the Annotated Code of Maryland as follows:
  - (1) State fire laws: Article 38A;
  - (2) State elevator laws: Article 89, § 49B;
  - (3) State boiler laws: Article 48, § 167 et seq.; and

(4) State Plumbing Code: Business Occupations and Professions, § 12-205 et seq.

## § 75-5. Duties and powers of Code Official.

- A. General: The Code Official shall enforce the provisions of this code except as may otherwise be specifically provided by these regulations.
- B. Notices and orders: The Code Official shall issue all notices and orders necessary to insure compliance with this code pursuant to § **75-7A** and **B** of this code.
- C. Inspections: The Code Official is authorized to enter a structure or premises at any reasonable time upon providing reasonable notice and proper identification to the property owner or operator and tenant for the purpose of making inspections and performing duties under this code.
- D. Alterations and repairs:
  - (1) The Code Official shall have the authority to require and approve any alterations or repairs necessary to bring a structure or premises into compliance with this code. The determination of what may be necessary to bring the premises into compliance shall take into consideration state and local standards and practices, together with the use of other practical alternatives and equivalent approaches.
  - (2) As provided for in this code the Code Official shall have the authority to approve changes in alterations or repairs in the field when conditions are encountered which make the originally approved work impractical, provided that such changes in approved work can be readily determined to be in compliance with this code and are requested by the property owner or operator prior to such changes. Such changes shall be specifically documented by the property owner or operator describing the change in work and the reasons and justification for the change, and shall be filed with the permit for the project.
- E. Right of entry: If any 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 code is sought, the Code Official may seek, in a court of competent jurisdiction, an order that the property owner, tenant or operator cease and desist from the interference.
- F. Access by property owner or operator: A tenant of a structure or premises shall give the property owner or operator thereof 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 code.
- G. Coordination of enforcement: The inspection of structures and premises, the issuance of notices and orders, and enforcement thereof, shall be the responsibility of the Code Official. Whenever the Code Official initiating an inspection of a premises under this code becomes aware that an inspection of the same premises is to be made by any other governmental official or agency, the Code Official shall make a reasonable effort to arrange for the coordination of the inspections so as to minimize the number of visits by inspectors. The Code Official shall confer with the other governmental official or agency for the purpose of eliminating conflicting orders before they are issued. The Code Official shall not, however,

cause the delay of the issuance of any emergency orders by any governmental official or agency which the governmental official or agency determines must be issued.

## § 75-6. Condemnation.

- A. General: When a structure or part thereof is found by the Code Official to be unsafe or unfit for human occupancy or use, and all other remedies provided for in § 75-5D of this code prove to be impractical, the Code Official may condemn the structure or part thereof and may order the structure or part thereof to be placarded and vacated pursuant to the provisions of this code. The structure or part thereof shall not be reoccupied without approval of the Code Official. Unsafe equipment may be condemned, placarded and placed out of service pursuant to the provisions of this code.
- B. When a situation warrants a response from any other appropriate government agency, and it is practical to do so, the Code Official may concur with said agency officials in his decision to condemn a structure or part thereof.
- C. Unsafe buildings: All buildings or structures which are unsafe, unsanitary or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are severally in contemplation of this section, unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Standard Building Code for the Elimination or Repair of Unsafe Buildings and § 75-5D of this code.
- D. Unsafe equipment: Unsafe equipment includes any boiler, heating equipment, cooking equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found by the Code Official to be a hazard to life, health, property or safety of the tenants of the premises or structure. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.
- E. Structure unfit for human occupancy: A structure is unfit for human occupancy or use whenever the Code Official finds that it is unsanitary, vermin or rodent infested, contains filth or contamination or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code.
- F. Closing of vacant structures: Upon failure of a property owner to close or vacate a premises within the time specified in an order, the Code Official may cause the premises to be closed through any available public agency or by contract or arrangement with private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

## § 75-7. Notices and orders.

- A. General:

- (1) Any owner, operator or tenant who violates any of the provisions of this code shall be given a fixed amount of time to correct the violation. The amount of time shall be set by the Code Official based on the nature of the violation.
  - (2) The notice to correct may be served in person by the Calvert County Sheriff's Office or by certified mail, return receipt requested. If the notice is returned with receipt showing that it has not been delivered, a copy thereof may be posted in a conspicuous place in or about the structure affected by such notice.
- B. Whenever the Code Official has determined to condemn any structure or part thereof or equipment under the provisions of § 75-6 of this code, prior notice shall be given to the property owner or operator and to the tenant of the intent to:
- (1) Order the structure or part thereof placarded and vacated; or
  - (2) Order the equipment placed out of service.
- C. When a condemnation order is served on a tenant, the tenant shall be given a reasonable time to vacate the structure in accordance with state or local law.
- D. Transfer of ownership: A property owner who has received a compliance order or upon whom a notice of violation has been served shall not sell, transfer, mortgage, lease or otherwise dispose of the premises until the provisions of the compliance order or notice of violation have been complied with, or until the property owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of the compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, in which he acknowledges the receipt of the compliance order or notice of violation and states that he fully accepts and assumes the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.
- E. A property owner may elect to remove said property from the rental market and said property shall not be leased again and/or subsequently occupied by a tenant without determination by the Code Official that the dwelling unit complies with the provisions of this code.
- F. All code violation and citation notices shall be filed with the Division of Inspections and Permits.
- G. Removal of placard: A property owner or operator shall not cause a condemnation placard to be defaced or removed without the approval of the Code Official.

## § 75-8. Violations and penalties.

### A. Penalty:

#### (1) Civil:

- (a) If a person fails to correct a violation of this code, the Code Official may prepare a citation to be delivered to said person. The citation may be served in person by the Calvert County Sheriff's Office or by certified mail, return receipt requested. The citation shall contain:

[1] The name and address of the party charged;



[2] The nature of the violation;

[3] The place where and the date that the violation occurred;

[4] The amount of the fine assessed;

[5] The manner, location and date in which the fine may be paid; and

[6] The party's right to elect to stand trial for the violation.

(b) A preset fine of \$500 may be imposed for each violation. The Code Official shall be responsible for collection of any fines, and money collected shall be deposited with the Calvert County Treasurer.

(2) A party who receives a citation may elect to stand trial for the offense by filing with the Code Official a notice of intention to stand trial. The notice shall be given at least five days before the due date of payment as set forth in the citation. On receipt of the notice of intention to stand trial, the Code Official shall forward to the District Court a copy of the citation and the notice of intention to stand trial. The District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties or forfeitures collected by the District Court for housing violations shall be remitted to the Calvert County Treasurer.

(3) Referral to District Court:

(a) If a party who received a citation for a violation fails to pay the fine by the due date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the violation shall be sent to the owner's last known address. If the citation is not satisfied within 15 days from the date of the receipt of notice, the party is liable for an additional fine not to exceed twice the original fine. If, after 35 days from the date the citation was issued, the citation is not satisfied, the Code Official may request adjudication of the case through the District Court. The District Court shall schedule the case for trial and summon the defendant to appear.

(b) Adjudication of a violation under this subsection is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(c) A party found by the District Court to have committed a civil housing violation shall be liable for the costs of the proceedings in the District Court. Each day that the violation continues shall constitute a separate violation and be subject to a separate \$500 fine and citation.

B. Other penalties: Any penalty ordered under this code is in addition to and is not a substitute for any other penalty authorized under a federal, state or local law.

## § 75-9. Right to appeal.

A person aggrieved by a notice of the Code Official issued in connection with an alleged violation of this code or of rules and regulations passed under this code or by an order requiring repair or demolition may appeal such notice or order to a court of competent jurisdiction.

## § 75-10. Environmental requirements.

A. Scope: The provisions of this regulation shall establish the minimum standards for maintenance of premises and structures.

B. Premises conditions:

- (1) Sanitation: All premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.
- (2) Insect and rodent control: All premises shall be free from infestation of insects, rodents, vermin or other pests.

C. Exterior structure:

- (1) General: The exterior of a structure shall be maintained in good repair, and shall be structurally sound and maintained in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants.
- (2) Structural members: All supporting structural members of a structure shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.
- (3) Exterior surfaces: Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in good repair and shall be kept in such condition as to exclude rodents and other pests.
- (4) Exterior walls: Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied areas of the structure. All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. Exterior metal surfaces subject to rust or corrosion shall likewise be protected.
- (5) Roofs and drainage: The roof shall be structurally sound and shall not have defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration in the walls or interior portion of the structure.
- (6) Decorative features: All cornices, entablatures, belt courses, corbels, terra-cotta trim, wall facings and similar decorative features shall be maintained in a safe condition.
- (7) Signs, marquees and awnings: All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair, be properly anchored and kept in a safe and sound condition. They 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.
- (8) Chimneys: All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally sound, safe and in good repair. 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 similar surface treatment.

- (9) Stairs and porches: Every exterior stair, porch, fire escape, balcony and all appurtenances attached to them shall be safe to use and capable of supporting the anticipated loads and shall be maintained in a safe and sound condition and good repair.
- (10) Windows, doors and frames: Every window, door and frame shall be maintained so as to exclude rain and rodents as completely as possible and to substantially exclude wind from entering the structure.
- (11) Weathertight: Every window and exterior door shall fit reasonably well within its frame and be weathertight. Every window shall be free of open cracks and holes.
- (12) Openable windows: Every window used for ventilation pursuant to § 75-11C of this code or emergency escape pursuant to § 75-14B(6) of this code shall be capable of being easily opened from the inside and shall be held in position by window hardware.
- (13) Insect screens: 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. Exception: Upon the prior approval of the Code Official, screens shall not be required for exterior doors or other types of openings which make screening impractical, such as openings equipped with air-conditioning units or openings above the fourth floor. The Code Official may require alternatives to screens.
- (14) Door hardware: Every exterior door and its hardware shall be maintained in good condition. Where present, door locks on all interior and exterior doors entering housing units shall be in good repair and capable of tightly securing the door.

D. Interior structure:

- (1) General: The interior of a structure and its equipment and facilities shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants.
- (2) Structural members: The supporting structural members of a structure shall be maintained structurally sound, free of deterioration and maintained capable of safely carrying the imposed loads.
- (3) Interior surfaces: 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.
- (4) Bathroom and kitchen floors: Every toilet, bathroom and kitchen floor surface shall be maintained so as to be substantially impervious to water to permit such floor to be easily kept in a clean and sanitary condition.
- (5) Sanitation: The interior of a structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish or garbage shall be properly kept inside temporary storage facilities. Garbage or rubbish shall not be allowed to accumulate or be stored in public halls or stairways.
- (6) Insect and rodent harborage: Buildings used for human habitation shall be kept free from insect and rodent infestation, and where insects or rodents are found they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

- (7) Exit doors: Every door available as an exit shall be capable of being opened easily from the inside.
- (8) Exit facilities: All interior stairs and railings and other exit facilities of a structure shall be maintained in sound condition and good repair. Every interior stair used for exit shall be maintained so as to be safe to use and capable of supporting the anticipated loads.

## § 75-11. Light and ventilation requirements.

### A. General:

- (1) Scope: The provisions of this regulation shall govern the minimum standards for basic equipment and facilities used for light and ventilation of a structure.
- (2) Alternative methods and devices: In place of the means for natural light and ventilation herein prescribed, alternative arrangements of windows, louvers or other devices or methods that will provide the equivalent minimum performance requirements shall be permitted in order to comply with the applicable local building code.

### B. Light:

- (1) General: 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.
- (2) Common halls and stairways: Every common hall and stairway in a structure, other than one- and two-family structures, shall be adequately lighted at all times with an illumination equivalent to the footcandles provided by at least a sixty-watt standard incandescent light bulb for each 200 square feet of floor area, provided that the spacing between lights shall not be greater than 30 feet. Every exterior stairway shall be illuminated.

### C. Ventilation:

- (1) General: All areas in a structure shall be provided sufficient ventilation so as not to endanger health and safety.
- (2) Mechanical ventilation: Where mechanical ventilation is provided in lieu of natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of the structure or portion thereof. When part of the air provided by a mechanical ventilation system is recirculated, the portion or volume of air recirculated shall not be recirculated to a different habitable area.

## § 75-12. Plumbing facilities and fixture requirements.

### A. Scope: The provisions of this regulation shall govern the minimum standards for plumbing facilities and fixtures.

### B. Required plumbing facilities: Every 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. The following minimum plumbing facilities shall be supplied and maintained in a sanitary and safe working condition:

- (1) Water closet and lavatory: Every housing unit shall contain within its walls, a room separate from other habitable areas, which provides a water closet supplied with cold running water and which affords privacy. A lavatory shall be placed in the same room as the water closet or located in another room, in close proximity to the door leading directly into the room in which said water closet is located. The lavatory shall be supplied with hot and cold running water.
- (2) Bathtub or shower: Every housing unit shall contain a room which is equipped with a bathtub or shower supplied with hot and cold running water and which affords privacy.
- (3) Kitchen sink: Every housing unit shall contain a kitchen sink apart from the lavatory required under Subsection **B(1)** of this section, and such sink shall be supplied with hot and cold running water.

C. Alternative plumbing: Alternative plumbing facilities and fixtures for use in housing units may be allowed as approved on a case-by-case basis by the Code Official in accordance with standards set forth by the local Health Department and the Maryland Department of the Environment.

D. Plumbing fixtures.

- (1) General: All plumbing fixtures shall be maintained in a safe and usable condition. All plumbing fixtures shall be of nonabsorbent material and shall have received all necessary and legally required approvals.
- (2) Connections: Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstruction, leaks and defects and shall be capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the applicable local Building Code or applicable local Plumbing Code.
- (3) Maintenance: All plumbing fixtures shall be maintained in a clean and sanitary condition so as not to breed insects and rodents, or produce dangerous or offensive gases or odors.
- (4) Access for cleaning: Plumbing fixtures shall be installed to permit easy access for cleaning both the fixture and the area around it.

E. Water system.

- (1) General: Every 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 which has received all necessary and legally required approvals.
- (2) Contamination: The water supply system shall be maintained free from contamination. All water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.
- (3) Water supply: 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 satisfactorily.

- (4) Water heating facilities: Water heating facilities shall be installed in a manner which has received all necessary and legally required approvals, properly maintained and properly connected with hot water lines to the fixtures required to be supplied with the hot water. Water heating facilities shall be capable of heating water to such a temperature so as to permit an 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° F.
- (5) Alternative water systems: Alternative water systems may be allowed as approved on a case-by-case basis by the Code Official in accordance with local Health Department standards.

F. Sewage system.

- (1) General: Every 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 which has received all necessary and legally required approvals.
- (2) Maintenance: Every plumbing stack, 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 or health hazards. All repairs and installations shall be made in accordance with the provisions of the applicable local Building Code or applicable local Plumbing Code.

## § 75-13. Mechanical and electrical requirements.

A. General.

- (1) Scope: The provisions of this regulation shall govern the minimum standards for mechanical and electrical facilities and equipment.

B. Heating facilities.

- (1) Residential structures: Every housing unit shall be supplied with sufficient heat or heating equipment capable of supplying enough 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. The temperature shall be measured at a point three feet above the floor and three feet from exterior walls. Exception: When the exterior temperature falls below 0° F. and the heating system is operating at its full capacity, a minimum room temperature of 60° F. shall be maintained at all times.
- (2) Cooking and heating equipment: All cooking and heating equipment, components and accessories in every heating, cooking and water heating device 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. All installations and repairs shall be made in accordance with the provisions of the applicable local Building Code, or other applicable laws or ordinances thereto. 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.

- (3) Installation: All mechanical equipment used for heating and cooking shall be properly installed and safely maintained in good working condition, and shall be capable of performing the function for which it was designed and intended.
- (4) Fuel-burning equipment: All fuel-burning equipment shall be connected to a chimney, flue or vent in accordance with applicable local or state codes or according to the manufacturer's instructions in cases where no local or state codes apply.
- (5) Clearances: All necessary and legally required clearances to combustible materials shall be maintained.
- (6) Safety controls: All safety controls for fuel-burning equipment shall be maintained in effective operation in accordance with applicable local or state codes, or according to the manufacturer's instructions in cases where no local or state codes apply.
- (7) Combustion air: A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel-burning equipment.
- (8) Unauthorized devices: 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 the installation has specifically received all necessary and legally required approvals.
- (9) Fireplaces: 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.
- (10) Climate control: When facilities for interior climate control (heating, cooling and humidity) are integral functions of housing units, such facilities shall be maintained and operated in accordance with the designed capacity.

#### C. Electrical facilities.

- (1) Facilities required: 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) Receptacles: Every habitable area in a housing unit shall contain at least one receptacle outlet. Every laundry area and bathroom shall contain at least one grounded-type receptacle. Every kitchen shall contain at least two receptacles.
- (3) Lighting fixtures: Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.
- (4) Service: When the electrical system requires modification to correct a violation of this section, the service shall be corrected to a minimum of one-hundred-ampere, three-wire service.
- (5) Installation: All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of a type which has received all necessary and legally required approvals.

## § 75-14. Fire safety requirements.

A. Scope: The provisions of this regulation shall govern the minimum standards for fire safety facilities and equipment. All structures shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety.

B. Means of egress:

- (1) General: A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, yard, court or passageway leading to a public open area at grade.
- (2) Direct exit: Every housing unit shall have access directly to the outside or to a common area that leads directly to the outside.
- (3) Doors: All doors in the required means of egress shall be easily opened from the inner side.
- (4) Fire escapes: All fire escapes shall be maintained in working condition and structurally sound.
- (5) Exit signs: All exit signs shall be illuminated and visible.
- (6) Emergency escape: Every sleeping room located in a basement shall have at least one openable window or exterior door for emergency egress or rescue which has received all necessary and legally required approvals or shall have access to two separate exits which have received all necessary and legally required approvals.

C. Accumulations and storage.

- (1) General: Garbage or rubbish may not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.
- (2) Flammable matter: Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as waste paper, boxes and rags, shall not be accumulated or stored on premises except in reasonable quantities consistent with normal usage.
- (3) Residential unit: A housing unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of 100° F. or lower, except as provided for in the applicable local Building Code.

D. Fire resistance ratings. Floors, walls, ceilings and other elements and components which are required by the applicable 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) General: All fire protection systems and equipment shall be maintained in proper operating condition at all times.
- (2) Smoke detectors: All housing units shall be provided with a minimum of one single station smoke detector in the vicinity of each sleeping area. The smoke detectors shall be installed



and maintained in accordance with the State fire laws, Annotated Code of Maryland, Article 38A, § 12A, Smoke Detection Systems. When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the unit.

(3) Fire suppression system: Fire suppression systems in housing units so equipped shall be maintained in good condition, free from mechanical defect. Sprinkler heads shall be kept clean and free of corrosion and paint, and shall not be bent or damaged.

(4) Fire extinguishers: All portable fire extinguishers in housing units so equipped shall be visible and accessible, and maintained in an efficient and safe operating condition.

F. Fire doors. All necessary and legally required fire resistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. The use of door stops, wedges and other hold-open devices which have not received all necessary and legal approvals or which have been denied approval is prohibited.

## § 75-15. Responsibilities of persons.

A. Scope: Only the property owner shall be responsible for compliance with the provisions of this code, and may be cited for violations of it, except as provided in this regulation. 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 code.

B. General: A property owner or operator may not be cited for a violation of this code that is caused by the negligent, wrongful or malicious acts or omissions of a tenant, provided that the property owner's or operator's acts or omissions have not materially contributed in any way to cause such violation.

C. Sanitary condition:

(1) Cleanliness: The tenant shall be responsible for keeping that part of the structure or premises which the tenant occupies, controls or uses in a clean and sanitary condition. Every property owner of a structure containing two or more housing units shall maintain, in a clean and sanitary condition, the common areas of the structure and premises.

(2) Disposal and storage of rubbish and garbage: The tenant shall be responsible for the storage and disposal of rubbish and garbage in a clean and sanitary manner as may be required by applicable laws or ordinances.

(3) Supplied fixtures and equipment: The tenant shall be responsible for keeping owner-supplied equipment and fixtures clean and sanitary, and for the exercise of reasonable care in their proper use and operation. The property owner shall be responsible for maintaining such equipment and fixtures in good and proper operating condition.

(4) Furnished by tenant: The tenant shall be responsible for the maintenance of equipment and fixtures furnished by the tenant. Such equipment and fixtures shall be properly installed, and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

D. Extermination:

- (1) All structures: If necessary, the property owner shall be responsible for extermination within the structure and on the premises prior to renting or leasing the structure.
  - (2) Single occupancy: The tenant of a structure containing a single housing unit shall be responsible for the extermination of any insects, rodents or other pests in the structure or the premises.
  - (3) Multiple occupancy: Every property owner or operator of a structure containing two or more housing units shall be responsible for the extermination of any insects, rodents or other pests in the structure or on the premises except where infestation within a housing unit is caused by a failure of the tenant to take reasonable action to prevent such infestation within the housing unit.
- E. Fire safety: Responsibility for installing and maintaining in good working order any smoke detector installed pursuant to this code shall be in accordance with the State fire laws, Annotated Code of Maryland, Article 38A, § 12A, Smoke Detection Systems.