

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

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the request of the County Executive

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**AN ACT** to:

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

By amending

Montgomery County Code  
Chapter 26, Housing Standards

Chapter 2, Administration  
Section 2-112

By repealing

Chapter 55, Unsafe Buildings

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

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

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

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

3   **[26-1.        Definitions.**

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

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

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

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

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

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

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

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

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

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

32 Enforcing agency:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

160 **[26-2. Reserved.]**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

244            (c)    Every dwelling unit, personal living quarters, hostel, boardinghouse,  
245            tourist home and rooming house must be supplied with adequate  
246            rubbish storage facilities and with adequate garbage disposal facilities or  
247            garbage storage containers as required by chapter 48.

248            (d)    Water-heating facilities necessary to provide the hot water required by  
249            this section must be properly installed and connected to the hot water  
250            lines required under this section, must be maintained in safe and good  
251            working condition and must be capable of heating water to such a  
252            temperature as to permit an adequate amount of water to be drawn at  
253            every required kitchen sink, lavatory basin, bathtub or shower at a  
254            temperature of not less than 120 degrees or more than 140 degrees  
255            Fahrenheit. Such supplied water-heating facilities must be capable of  
256            meeting the requirements of this subsection when the heating facilities  
257            required under this chapter are not in operation.

258            (e)    Every dwelling unit, individual living unit, and rooming unit must have  
259            safe, unobstructed means of escape leading to safe and open space at  
260            ground level as required by chapters 8 and 22.

261            (f)    Every mobile home must have at least two (2) exit doors which must  
262            provide a means of unobstructed escape and must be located at a  
263            sufficient distance from each other to assure safe escape from any part  
264            of the mobile home in a fire or emergency. Exterior mobile home doors  
265            must:

266            (1)    Be constructed for exterior use;

267            (2)    Open outward;

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

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

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

- 283 (1) Every mobile home must be placed on a permanent foundation
- 284 which meets the requirements of Chapter 8.
- 285 (2) Every mobile home must be securely tied down with ties and
- 286 ground anchors which meet the requirements of Chapter 8.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

353 (A) Have every heat duct, steam pipe or hot water pipe free of  
354 leaks and functioning properly to provide an adequate  
355 amount of heat and hot water to the intended place of  
356 delivery;

357 (B) Be provided with seals between sections of hot air furnaces  
358 to prevent the escape of toxic gases into heat ducts;

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

361 (D) Be provided with automatic safety devices and be installed  
362 and operated in the manner required by applicable County  
363 regulations.

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

365 (A) Not use gasoline as a fuel;

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

368 (C) If the unit uses a flame, be connected to a flue or vent in  
369 the manner required by applicable County regulations;

370 (D) If the unit uses solid or liquid fuels, have a fire resistant  
371 panel beneath it;

372 (E) Be located at least 2 feet away from any wall, or be  
373 equipped with insulation sufficient to prevent the  
374 overheating of any wall in a manner prescribed by the

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

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

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

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

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

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

401 **[26-7. Temperature control.**

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

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

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

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

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

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

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

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

464 (A) If after the third year of tenancy:

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

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

468 (B) At least every 5 years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

599 (1) Key control.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

711 (1) One which is, entirely or in part, so damaged, decayed,  
712 dilapidated, unsanitary, unsafe or vermin-infested that it creates a  
713 serious hazard to the health or safety of the occupants or of the  
714 public.

715 (2) One which lacks, entirely or in part, illumination, ventilation,  
716 heating, water supply, or sanitation facilities adequate to protect  
717 the health or safety of the occupants or of the public, as required  
718 in this Chapter.

719 (3) One which because of its general condition is, entirely or in part,  
720 unsanitary or otherwise dangerous to the health or safety of the  
721 occupants or the public.

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

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

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

755 **[26-13. Reserved.]**

756 **[26-14. Notice of violation and order to comply with chapter; appeal.**

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

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

773 (C) a copy is posted in a conspicuous place on or near the  
 774 dwelling affected by the notice; or

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

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

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

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

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

790 **[26-15. Reserved.]**

791 **[26-16. Waivers.**

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

793 (1) No violation presents an immediate danger to the health, safety,  
 794 or welfare of the occupants of a dwelling or the public; and

795 (2) a. The property owner is experiencing extreme financial  
 796 hardship, has insufficient resources and cannot obtain financing  
 797 to rehabilitate the dwelling to comply with this chapter; or

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

- 809           (b)    The enforcing agency may revoke a waiver if:
- 810                (1)    A danger to health, safety or welfare is presented or would be
- 811                presented if the waiver continued; or
- 812                (2)    The circumstances that justified the waiver change.
- 813           (c)    Nothing in this section prevents the reasonable enforcement of this
- 814                chapter or alleviates the requirement to keep dwellings, dwelling units,
- 815                nonresidential structures, and their premises in as sanitary and healthful
- 816                condition as circumstances permit.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

902 (b) Location:

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

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

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

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

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

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

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

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

938 (e) Installation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1033 **26-2. Definitions.**

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

1036 Basement: That portion of a building located below the first floor joists, at  
 1037 least half of whose clear ceiling height is above the mean level of the adjacent

1038 ground.

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

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

1043 Deadbolt lock: A single cylinder bolt lock which:

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

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

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

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

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

1057 Enforcing agency:

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

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

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

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

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

1064 (a) eliminating harborage points;

- 1065 (b) removing or making inaccessible materials that may serve as food;
- 1066 (c) lawful poisoning, spraying, fumigating, or trapping; or
- 1067 (d) any other method approved by an **enforcing agency**.

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

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

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

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

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

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

- 1088 (a) is at least 8 body feet wide and 32 body feet long;
- 1089 (b) is built on a permanent chassis;
- 1090 (c) is designed to be used as a **dwelling**, with or without a permanent  
 1091 foundation, when connected to the required utilities;

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

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

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

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

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

1102 (a) has legal title to any **dwelling** or **dwelling unit**, with or without having  
 1103 actual possession of the unit; or

1104 (b) has charge, care, or control of any **dwelling** or **dwelling unit**, as **owner**  
 1105 or agent of the **owner**, or as executor, administrator, trustee, or guardian  
 1106 of the estate of the **owner**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1179 (a) **rubbish**, lumber, packing materials, or building materials;

1180 (b) abandoned, discarded or unused object or equipment, including any  
 1181 furniture, appliance, can or container, automobile part or equipment;

1182 [[and]]

1183 (c) abandoned, disabled, dismantled, or **unused vehicle** or part of a vehicle;  
 1184 or

1185 (d) pile of dirt, mulch, sand, gravel, concrete, or other similar construction  
 1186 materials.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1249 (c) Floor area, **individual living unit**. Each **individual living unit** must  
 1250 contain at least 150 square feet of floor area for each **occupant**. The  
 1251 floor area of that part of any room where the ceiling height is less than 5  
 1252 feet or where the room width is less than 7 feet must not be considered  
 1253 in computing the **habitable space** of the room to decide its maximum  
 1254 permissible occupancy.

1255 (d) Ceiling height. At least one-half of the floor area of every **habitable**  
 1256 **room** must have a ceiling height of at least 7 feet.

1257 (e) Cellar space. **Cellar** space must not be used as **habitable space**  
 1258 without written permission from an **enforcing agency**.

1259 (f) Basement space. **Basement** space must not be used as **habitable space**  
 1260 unless, in addition to all other requirements of this Chapter:

1261 (1) the floor and walls and are impervious to leakage of underground  
 1262 and surface runoff water and insulated against dampness; and

1263 (2) the minimum aggregate glass area of windows required by this  
 1264 Chapter is located entirely above the grade of the ground  
 1265 adjoining the window area.

1266 (g) Access to sleeping room. The access to any sleeping room must not  
 1267 pass through another sleeping room.

1268 (h) Privacy. Each **dwelling unit** and **individual living unit** must be  
 1269 arranged to provide privacy, with doors and floor to ceiling walls.

1270 **26-6. Basic equipment and facilities.**

1271 All equipment and facilities must be properly installed, maintained, and kept in  
 1272 good repair. The **owner** of any **dwelling** or **dwelling unit** must assure compliance  
 1273 with the following standards during human habitation:

1274 (a) Electric service. Where electric service is available from power lines  
 1275 which are not more than 300 feet away, each **dwelling, dwelling unit,**

1276 personal living quarters, transient lodging facility, and all public and  
 1277 common areas must be **supplied** with electric service, outlets and  
 1278 fixtures which are properly installed, maintained in good and safe  
 1279 working condition, and connected to the source of electric power in a  
 1280 manner consistent with applicable County regulations. The capacity of  
 1281 the services and the number of outlets and fixtures must meet the  
 1282 following requirements:

- 1283 (1) Every **habitable room** must have an electric service and outlets  
 1284 or fixtures, or both, capable of providing at least 3 watts per  
 1285 square foot of floor area.
- 1286 (2) Every **habitable room** must have at least one floor or wall  
 1287 electric convenience outlet for each 60 square feet of floor area,  
 1288 and in no case less than 2 outlets.
- 1289 (3) Every water closet compartment, bathroom, laundry room,  
 1290 furnace room and public hall must contain at least one **supplied**  
 1291 ceiling or wall electric light fixture.
- 1292 (4) Every cooking area must be **supplied** with at least one circuit  
 1293 rated for at least 20 ampere service capacity.
- 1294 (5) Circuit breakers, fuses and other circuit protection devices must:  
 1295 (A) not exceed the rated capacity of the circuit; and  
 1296 (B) be sufficient for normal household use.
- 1297 (6) Each individual room air conditioning unit, regardless of its  
 1298 current rating, must be served by not less than an individual 20-  
 1299 amp circuit using No. 12 copper wire which terminates in a single  
 1300 receptacle.
- 1301 (b) Water and sewer service.

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

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

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

1312 (c) *Kitchen.*

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

1316 (A) cooking and baking facilities;

1317 (B) storage cabinets;

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

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

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

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

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

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

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

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

1350 (3) Every **personal living quarters** building and every **transient**  
 1351 **lodging facility** that does not contain a flush water closet,  
 1352 lavatory basin, and bathtub or shower in each **individual living**  
 1353 **unit** must contain shared facilities, located in the building and  
 1354 accessible to all **occupants** from common halls or passageways.  
 1355 At least one flush water closet, lavatory basin, and bathtub or

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

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

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

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

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

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

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

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

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

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

1383 and extend above the ceiling of the room, the window must not  
 1384 be included in the required minimum total window area.

1385 (3) If the only window in a room is a skylight in the ceiling, the  
 1386 minimum aggregate glass area of the skylight must be at least 15  
 1387 percent of the floor area of the room.

1388 (4) Alternate arrangements of windows, doors or other methods that  
 1389 will provide the equivalent minimum light performance as  
 1390 prescribed in Chapter 8 may be used, but every **individual living**  
 1391 **unit** must have at least one window with aggregate glass area  
 1392 greater than 4 percent of the floor area of all rooms in the  
 1393 **individual living unit.**

1394 (b) Artificial light. Each common hallway and stairway in a multiple  
 1395 **dwelling** and **personal living quarters** building must be adequately  
 1396 lighted with lighting facilities sufficient to provide at least 3 foot-  
 1397 candles of light at the floor or stair tread level at all times. Each  
 1398 common hallway and stairway in a **structure** devoted solely to  
 1399 **dwelling** occupancy and containing not more than 4 **dwelling units**  
 1400 may be **supplied** with conveniently located light switches controlling an  
 1401 adequate lighting system which may be turned on when needed, instead  
 1402 of full-time lighting.

1403 (c) Ventilation. Each **habitable room** must provide adequate **ventilation**  
 1404 that meets the minimum standards prescribed in Chapter 8.

1405 (1) When **ventilation** is provided by windows and exterior doors, the  
 1406 total of the openable window or door area in each **habitable**  
 1407 **room** must be at least 45 percent of the minimum aggregate glass  
 1408 area of the window or skylight as required in subsection (a) or 4  
 1409 percent of the floor area of every habitable room.

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

1437 (D) be provided with automatic safety devices which are  
 1438 installed and operated as required by applicable County  
 1439 regulations.

1440 (2) Space heating; hot water. Each space heating or hot water unit  
 1441 must:

1442 (A) not use gasoline as a fuel;

1443 (B) not be manufactured or designed to be portable if the unit  
 1444 uses solid, liquid, or gaseous fuel;

1445 (C) if the unit uses a flame, be connected to a flue or vent as  
 1446 required by applicable County regulations;

1447 (D) if the unit uses gaseous fuel, be connected with a non-  
 1448 flexible metal tubing;

1449 (E) if the unit uses solid or liquid fuels, have a fire resistant  
 1450 panel beneath it;

1451 (F) be located at least 2 feet away from any wall, or be  
 1452 equipped with insulation sufficient to prevent the  
 1453 overheating of any wall as prescribed by applicable  
 1454 standards of the American National Standards Association  
 1455 or the National Fire Protection Association;

1456 (G) if the unit uses electricity, be connected to an electric  
 1457 circuit of sufficient capacity in an approved manner; and

1458 (H) be installed and operated as required by applicable County  
 1459 regulations.

1460 (3) Temperature control - space heating.

1461 (A) **Each owner of a dwelling unit or individual living unit**  
 1462 where the heat is not under the control of the tenant must  
 1463 maintain a temperature of at least 68 degrees Fahrenheit in

1464 each **habitable room**, bathroom, and water closet  
 1465 compartment at a distance of 3 feet above floor level.

1466 (B) Each **owner** of a **dwelling unit** or **individual living unit**  
 1467 where the heat is under the control of the tenant must  
 1468 provide in working condition heating equipment capable of  
 1469 maintaining a temperature of at least 68 degrees Fahrenheit  
 1470 in each **habitable room**, bathroom, and water closet  
 1471 compartment at a distance of 3 feet above floor level.

1472 (C) If the thermostat or other mechanism governing the heat in  
 1473 more than one **dwelling unit** in a multiple **dwelling** or  
 1474 **individual living unit** in a **personal living quarters**  
 1475 building is located in a **dwelling unit** or **individual living**  
 1476 **unit** where the **occupant** of that unit controls the heat  
 1477 delivery to other **dwelling units** or **individual living units**,  
 1478 the **owner** must provide each tenant with an emergency  
 1479 phone number to directly contact a person who has 24-  
 1480 hour access to adjust the heat and who will adjust the heat  
 1481 within 2 hours.

1482 (4) *Temperature control - hot water. Water-heating facilities*  
 1483 necessary to provide hot water required by this Chapter must be  
 1484 capable of heating water to a temperature that permits a sufficient  
 1485 amount of water to be drawn at every required kitchen sink,  
 1486 lavatory basin, bathtub or shower at a temperature of not less than  
 1487 120 degrees or more than 140 degrees Fahrenheit. The **supplied**  
 1488 water-heating facilities must be capable of meeting applicable  
 1489 water heat requirements when heating facilities required under  
 1490 this Chapter are not operating.

- 1491 **26-8. Fire safety and security.**
- 1492 (a) *Fire safety - means of escape.*
- 1493 (1) Each **dwelling unit, individual living unit, and rooming unit**
- 1494 must have a safe, unobstructed means of escape leading to safe
- 1495 and open space at ground level, as required by Chapters 8 and 22.
- 1496 (2) Each **mobile home** must have at least 2 exit doors which provide
- 1497 a means of unobstructed escape and are located at a sufficient
- 1498 distance from each other to assure safe escape from any part of
- 1499 the **mobile home** in a fire or emergency. Each exterior **mobile**
- 1500 **home** door must:
- 1501 (A) be constructed for exterior use;
- 1502 (B) open outward;
- 1503 (C) be capable of being opened from the inside by the use of a
- 1504 lever, knob, button, handle, or other device which does not
- 1505 require a key for operation from the inside; and
- 1506 (D) provide a 26-inch-wide clear opening, unless otherwise
- 1507 permitted as an emergency exit only.
- 1508 (3) Each room in a **mobile home** designed expressly for sleeping
- 1509 purposes, unless it has an exit door, must have at least one outside
- 1510 window which:
- 1511 (A) can be opened from the inside without using tools;
- 1512 (B) has a clear opening of not less than 22 inches in the least
- 1513 dimension and 5 square feet in area, with the bottom of the
- 1514 opening not more than 4 feet above the floor; and
- 1515 (C) if **supplied** with a screen or storm window, must have the
- 1516 screen or storm window readily removable without using a
- 1517 tool.

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

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

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

1555 (4) *Door locks.*

1556 (A) Each swinging entrance and exit door to a **personal living**  
 1557 **quarters** building, **individual living unit**, or rental  
 1558 **dwelling unit** must have a **deadbolt lock** with a minimum  
 1559 one-inch throw, or another acceptable security device.

1560 **Security measures** other than the manufacturer's latch are  
 1561 not required for a door which only allows access to a  
 1562 balcony located at least 3 stories above the ground.

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

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

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

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

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

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

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

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

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

1598 (a) Basic requirements.

- 1599           (1) Each **structure** must be maintained in good repair.
- 1600           (2) Each window, door, and hatchway must be maintained in sound  
 1601 working condition.
- 1602           (3) In any renovation, addition or new construction of a **dwelling** or  
 1603 other **structure** on the premises, the **owner** must complete each  
 1604 exterior surface, including windows, wall siding, and roof within  
 1605 one year after the building permit was first issued, or within one  
 1606 year after construction started if no building permit was required.  
 1607 This subsection does not apply to any **dwelling** containing more  
 1608 than 4 **dwelling units**.
- 1609           (4) Each **supplied** facility, piece of equipment, or utility which is  
 1610 required under this Chapter must be constructed or installed so  
 1611 that it will function safely and effectively, and must be  
 1612 maintained in satisfactory working condition.
- 1613           (5) Each **owner** of a multiple **dwelling** or **personal living quarters**  
 1614 building must maintain:
- 1615               (A) the shared or common area of the land and buildings in  
 1616 clean and sanitary condition; and
- 1617               (B) all equipment and facilities in laundry rooms and other  
 1618 shared spaces in clean condition and good working order.
- 1619           (6) Each **occupant** of a **dwelling, dwelling unit, or individual**  
 1620 **living unit** must maintain in safe and sanitary condition that part  
 1621 of the **dwelling, dwelling unit, individual living unit, and**  
 1622 premises which the **occupant** occupies and controls.
- 1623           (7) An **owner** or **occupant** must not cause any service, facility,  
 1624 equipment, or utility which is required by this Chapter to be  
 1625 removed or discontinued for any occupied **dwelling**, except for a

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

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

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

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

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

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

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

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

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

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

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

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

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

1719 (B) at least every 5 years.

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

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

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

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

1728 (a) *Grounds maintenance.* Each lawn or other land not covered by a

1729 **structure** must be properly maintained reasonably free of erosion,

1730 gullyng, and missing ground cover. All weeds and grass must be cut

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

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

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

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

1756 (e) Paved surfaces. The paved and gravel surfaces of each entry apron,  
 1757 driveway, sidewalk, and parking lot must be maintained in good,  
 1758 serviceable, and safe condition.

1759 (f) **Public nuisance.** Each owner, after notice, must eliminate any  
 1760 condition which creates a **public nuisance** in a manner that will prevent  
 1761 its reoccurrence.

1762 **26-11. Inspections; warrants; right of entry of inspectors and owners.**

1763 (a) Inspection by agency. An **enforcing agency** may inspect the condition  
 1764 of any **dwelling, nonresidential structure,** and other premises to  
 1765 safeguard the health and safety of **occupants** and the public.

1766 (b) Administrative search warrant. The **enforcing agency** may apply to a  
 1767 judge of the District Court or Circuit Court for an administrative  
 1768 search warrant to enter any premises regulated under this Chapter to  
 1769 conduct a code enforcement inspection.

1770 (c) Application for warrant. The applicant for the warrant must, in  
 1771 writing and under oath, particularly describe the premises to be  
 1772 searched and the nature, scope, and purpose of the proposed search.

1773 (d) Grounds for issuance. A judge may issue the warrant if the judge  
 1774 finds that:

1775 (1) the applicant is authorized or required by law to make the  
 1776 inspection;

1777 (2) the applicant has demonstrated that the inspection of the  
 1778 premises is sought:

1779 (A) as a result of evidence of an existing violation of this  
 1780 Chapter or other law; or

1781 (B) as a result of a general and neutral administrative plan to  
 1782 conduct fire inspections or a condition of a rental

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

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

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

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

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

- 1821 (a) be in writing;
- 1822 (b) describe in general terms a remedial action which, if taken, will achieve  
 1823 compliance with this Chapter;
- 1824 (c) specify a reasonable time to perform any required action;
- 1825 (d) be served on the owner or occupant as the order requires. A notice and  
 1826 order is properly served if:
  - 1827 (1) a copy is served personally;
  - 1828 (2) a copy is sent by certified mail to the last known address of the  
 1829 **owner or occupant;**
  - 1830 (3) a copy is posted in a conspicuous place on or near the dwelling  
 1831 affected by the notice; or
  - 1832 (4) the owner or occupant is served by any other method authorized  
 1833 by state law.
- 1834 (e) also be sent to the Historic Preservation Commission if any affected  
 1835 building or structure:

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

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

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

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

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

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

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

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

1898 (2) keep them secured against unauthorized entry.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1949 **26-17. Waivers.**

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

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

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

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

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

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

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

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

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

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

1972 **26-18. Regulations.**

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

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

1976 **2-112. Jurisdiction.**

1977 \* \* \*

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

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

1980 \* \* \*

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

1982 \* \* \*

1983 [[Section 55-2 Dangerous buildings]]

1984 \* \* \*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2051	<i>Approved:</i>	
2052		
2053	/S/	June 5, 2002
	Steven A. Silverman, President, County Council	Date
2054	<i>Approved:</i>	
2055	/S/	June 17, 2002
	Douglas M. Duncan, County Executive	Date
2056	<i>This is a correct copy of Council action.</i>	
2057	/S/	June 18, 2002
	Mary A. Edgar, CMC, Clerk of the Council	Date