

St. Mary's County Minimum Livability Code

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§236-1. Title.

These regulations shall be known as the “Minimum Livability Code” or “this code.”

§236-2. Scope.

This code is created to protect the public health, safety and welfare in residential structures and premises by:

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

§236-3. Construal of provisions.

This code shall be construed to effectively and justly protect public health, safety and welfare insofar as they are affected by the continued use and maintenance of residential structures and premises.

§236-4. Word usage and definitions.

- A. Rules of interpretation.
 - 1. Unless otherwise expressly stated, the terms defined in Subsection B shall have the meanings indicated for purposes of this code.
 - 2. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular.
 - 3. Where terms are not defined, through the methods authorized by this section, they shall have their ordinarily accepted meanings such as the context may imply.

B. Terms defined.

ACT - Section 6-103 of Article 83B of the Annotated Code of Maryland.

BASEMENT - That portion of a structure which is partly or completely below grade, meaning it is at least fifty percent (50%) below grade.

BUILDING CODE - The building code now or hereafter adopted by the Board of County Commissioners of St. Mary's County, or such other code as may be designated by the Board of County Commissioners for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy or maintenance of residential premises and structures.

CODE - The St. Mary's County Minimum Livability Code.

CODE OFFICIAL - The Director of Permits and Inspections, his agents and designees.

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

DEPARTMENT - Locally, the St. Mary's County Department of Permits and Inspections. At the state level, it pertains to the Department of Housing and Community Development.

EXTERMINATION - The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping or by any other pest elimination methods which have received all necessary and legally required approvals.

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

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

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

HOUSING UNIT - A single unit of a structure providing or intended to provide complete living and sleeping facilities for one (1) or more persons.

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

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

OCCUPANT - Any individual having possession of a space within a housing unit.

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

OWNER - The person or persons who own a structure or premises which is offered for residential occupancy.

PERSON - Includes an individual, partnership, limited partnership, trust, estate, association or corporation. For the purposes of determining common ownership for the applicability of registration requirements, any non-natural person consisting of natural person or persons that have either: (i) a controlling interest in more than one non-natural person that also owns or operates own a structure or premises which is offered for residential occupancy; or (ii) own or operate a structure or premises which is offered for residential occupancy, all rental dwelling units shall be treated as owned or operated by one person.

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

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

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

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

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

SECRETARY - The Secretary of the Department of Housing and Community Development.

STRUCTURE - A residential structure used or intended for human habitation.

TENANT - An occupant other than a property owner.

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

1. **MECHANICAL** - Ventilation by power-driven devices.
2. **NATURAL** - Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks without power-driven devices.

§236-5. Applicability and interpretation.

- A. The Minimum Livability Code shall apply to residential structures and premises used for human habitation except:
 1. Owner-occupied single-family housing units.
 2. Any housing exempted by the Department of Housing and Community Development.
 3. Any housing exempted under the authority of §236-6B of this code.
- B. Any repairs or alterations to a structure, or changes of use therein, which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with the procedures and provisions of any applicable local building code, plumbing code, mechanical code and electrical code, or any other code or standard applicable to housing.
- C. The provisions in this code shall not abolish or impair any remedies available to the Board of County Commissioners or its officers, departments or agencies relating to the removal or demolition of any structures which are deemed to be dangerous, unsafe and unsanitary.
- D. All repairs, maintenance, alterations or installations which are required for compliance with this code shall be executed and installed in accordance with Code Official's determination so as to secure the results intended by this code.
- E. Local Waiver.

1. The Code Official may waive applicability of this code, in whole or part, to a housing unit or units on application of the property owner and operator if:
 - (a) Adequate prior written notice is afforded to at least one (1) adult tenant of the unit;
 - (b) The tenant is afforded an opportunity to comment on the application either in writing or in person; and
 - (c) The waiver would not threaten the property, health and/or safety of any tenant.
2. The Code Official may also waive applicability of this code on the basis of the religious practices of the occupant of the housing unit or where residency is a condition based on an employment relationship with the property owner and operator.

§236-6. Enforcement.

Local enforcement shall be the duty and responsibility of the Director of Permits and Inspections, his agents and designees to enforce the provisions of this code as herein provided. In addition to those violations that may be noted by staff of the Department of Permits and Inspections, the Code Official shall investigate those complaints made to him and his designees that are received in writing, phone, fax or e-mail or by any other acceptable source and contain the identity of the complainant. If a violation is noted, the Code Official shall re-inspect the dwelling unit found in violation annually for the following three (3) years.

A. Local enforcement. The Director of Permits and Inspections shall use his discretion in assigning penalties hereunder, considering the seriousness of the violation, the threat to life and property due to the nature of the violation(s) and the quantity of violations. Criminal penalties may be assessed, at the sole and absolute discretion of the Director of Permits and Inspections, only upon the finding of either: (1) an egregious violation threatening the life or safety of an occupant or the general public; or (2) a pattern of disregard for the requirements of this Livability Code, (i.e., twenty (20) or more violations within a 12 month period), is established. Any of the following penalties ordered under this Code shall be in addition to and not a substitute for any other penalty authorized under a federal, state or local law:

1. If the owner does not comply with an order of the Code Official to correct a violation under the provisions of this code within the time specified, and the violation threatens life or safety of the occupant(s) or the public, the Code Official may have the violation corrected. Upon completion of the corrective work, the Director of Finance shall bill the owner for the costs of the work. The owner shall pay the bill for the work within 30 days of billing. If not paid within the 30 days, the cost of the work shall be a lien against the property and shall be enforced and in every respect be treated as County real estate taxes.
2. In addition to any remedies and penalties otherwise prescribed by law, the Department of Permits and Inspections may enforce this subtitle by

an application to the Circuit Court of St. Mary's County for an injunction.

3. Criminal Penalties. (Authorized by *Article 83B*, §6-103(e)).
 - (a) A person who violates any provision of this code is guilty of a misdemeanor and, upon conviction, is subject to a fine of not more than \$500 for each day that the violation continues, imprisonment for up to 3 months, or both.
 - (b) The imposition of civil and/or criminal penalties shall not substitute for other remedial procedures or methods of legal redress. Criminal conviction shall in no manner relieve a person of other penalties or the necessity of compliance with other applicable rules, and laws.
4. Civil Penalties. (Authorized by *Article 23A*, §3).
 - (a) The Code Official may serve a citation noting a Municipal Civil Infraction to a person believed to be committing or permitting a violation of this Code or the Owner(s) of record of the property where the violation occurs. A copy of the citation shall be retained by the Code Official and shall bear a certification attesting to the truth of the matters set forth therein. The citation shall contain:
 - (1) The name and address of the person charged;
 - (2) The nature of the violation;
 - (3) The place and time of the violation;
 - (4) The amount of the fine assessed;
 - (5) The manner, location, and time in which the fine may be paid; and
 - (6) The person's right to elect to stand trial in the District Court of St. Mary's County for the violation.
 - (b) A person who receives a citation may elect to stand trial in the District Court of St. Mary's County, for the offense, by filing with the P&I Director, a Notice of Intent to Stand Trial. The Notice shall be given at least 5 days before the date of payment as set forth in the citation. On receipt of the Notice of Intention to Stand Trial, the P&I Director shall forward to the District Court a copy of the citation and the Notice of Intention to Stand Trial. On receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the District Court for violations shall be remitted to St. Mary's County.
 - (c) If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the violation shall be sent to the person's last known address. If the citation is not satisfied within 15 days from the date of the notice, the person is liable for an additional fine not to exceed twice the original fine. If, after 35 days from the date of the citation, the citation is not satisfied, the Code Official may request adjudication of the case

through the District Court. The District Court shall schedule the case for trial and summon the cited person to appear.

- (d) In a proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in *Article 23A*, §3(b)(8) through (15) of the Annotated Code of Maryland.
 - (e) If a person is found by the District Court to have committed a violation, that person shall be liable for the costs of the proceedings in the District Court in addition to the fine(s) levied.
 - (f) Adjudication of a violation under this subpart 4 is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.
5. Retaliatory Eviction. No property owner or operator shall evict an occupant of any rental housing unit solely because the occupant or another has filed a written complaint or complaints with the Department. Nothing contained herein is intended to supersede the application or provisions of §8-208.1 of the *Real Property Article* of the Maryland Annotated Code.
6. Amount of Fines. The following schedule shall be used as a guide in assessing fines, however the Director of Permits and Inspections may use discretion in establishing the amount of a fine in a particular case, depending on the circumstances. Each day a violation continues shall constitute a new violation and shall be assessed without further citation.
- (a) Violations of §236-12, Environmental Requirements: up to \$100 per day that the violation exists.
 - (b) Violations of §236-13, Light and Ventilation Requirements: up to \$50 per day that the violation exists.
 - (c) Violations of §236-14, Plumbing and Fixture Requirements: up to \$50 per day that the violation exists.
 - (d) Violations of §235-15, Mechanical and Electrical Requirements: up to \$100 per day that the violation exists.
 - (e) Violations of §236-16, Fire Safety Requirements: up to \$250 per day that the violation exists.

In instances where a single violation could be cited under different sections of this Code, the fine shall be imposed and the citation shall only reference the section resulting in the larger fine.

- B. Displacement. Enforcement of the Minimum Livability Code shall not displace a person unless the Code Official determines that alternate housing of comparable affordability is available within the neighborhood of the vacated premises or necessary employment. Where displacement is ordered by the Code Official, no housing unit shall be rented and/or subsequently occupied by a tenant without determination by the Code Official that the dwelling unit complies with this code. However, if the cause of the displacement is deemed by the Code Official to be the responsibility of the tenant, this section shall not be applicable for such displacement.

§236-7. Powers and duties of Code Official; access to premises by owner and operator; credentials of Code Official.

- A. General. The Code Official shall enforce the provisions of this Code except as may otherwise be specifically provided by these regulations.
- B. Notices and orders. The Code Official shall issue all notices and orders necessary to insure compliance with this code.
- C. Inspections. The Code Official is authorized to enter any structure or premises at any reasonable time; upon providing reasonable notice to the property owner and operator and tenant, for the purpose of making inspections and performing duties under this Code.
- D. Alterations and repairs.
 - 1. The Code Official has the authority to require and approve any alterations or repairs necessary to bring a structure or premises into compliance with this code. The determination of what may be necessary to bring such premises into compliance shall take into consideration state and local standards and practices together with use of other practical alternatives and equivalent approaches.
 - 2. As provided for in this code, the Code Official shall have the authority to approve changes in any alterations or repairs in the field when conditions are encountered which make the originally approved work impractical, provided that such changes in approved work can be readily determined to be in compliance with this code and are requested by the property owner and operator prior to such changes. Such changes shall be specifically documented by the property owner and operator or by his agent, describing the change in work and the reasons and justification for the change, and shall be filed with the permit for the project
- E. Right of entry. If any property owner, operator or tenant of a structure refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the Code Official may seek, in a court of competent jurisdiction, an order that such property owner, operator or tenant cease and desist from such interference.
- F. Access by property owner and operator. A tenant of a structure or premises shall give the property owner and operator thereof access to any part of such structure or its premises at reasonable times upon being given reasonable notice for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code. This reasonable notice shall depend on exigencies of life, health and safety together with the preservation of property.
- G. Credentials. The Code Official shall disclose his credentials for the purpose of inspecting any structure or premises.
- H. Coordination of enforcement. The inspection of structures and premises, the issuance of notices and orders and enforcement of them shall be the responsibility of the Code Official. Whenever the Code Official initiating an inspection of a premises under this code becomes aware that an inspection of

the same premises is to be made by any other governmental official or agency, the Code Official shall make a reasonable effort to arrange for the coordination of the inspections so as to minimize the number of visits by inspectors. The Code Official shall confer with the other governmental official or agency for the purpose of eliminating conflicting orders before any are issued. The Code Official shall not, however, cause the delay of the issuance of any emergency orders by any governmental official or agency which the governmental official or agency determines must be issued.

§236-8. Condemnation.

- A. General. When a structure or part thereof is found by the Code Official to be unsafe or unfit for human occupancy or use, the Code Official may condemn the structure or part thereof and may order the structure or part thereof to be placarded and vacated pursuant to the provisions of this code. The structure or part thereof shall not be reoccupied without approval of the Code Official. Unsafe equipment may be condemned, placarded and placed out of service pursuant the provisions of this code.
- B. Unsafe structure. An unsafe structure is one which all or part thereof is found by the Code Official to be dangerous to life, health, property or the safety of its tenants by not providing minimum protection from fire or because it is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.
- C. Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, cooking equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found by the Code Official to be a hazard to life, health, property or safety of the tenants of the premises or structure. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.
- D. Structure unfit for human occupancy. A structure is unfit for human occupancy or use whenever the Code Official finds that it is unsanitary, vermin- or rodent-infested, contains filth or contamination or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code.
- E. Closing of vacant structures. Upon failure of a property owner and operator to close or vacate a premises within the time specified in an order, the Code Official may cause the premises to be closed through any available public agency or by contract or arrangement with private persons, and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate which may, in addition to other remedies, be charged and collected in the same manner as real property taxes.

§236-9. Notices and orders.

- A. General. Whenever the Code Official determines that there has been a violation of this code or has reasonable grounds to believe that a violation has occurred, or whenever the Code Official has determined to condemn any structure or part thereof or equipment under the provisions of §236-8, notice shall be given to the property owner and operator and to the tenant in the manner prescribed in this code. If the Code Official has condemned the structure or part thereof or equipment, the Code Official shall serve prior notice to the property owner and operator and to the tenants of the intent to:
 - 1. Order the structure or part thereof placarded or vacated; or
 - 2. Order the equipment placed out of service.
- B. Service of notice. Notice shall be deemed to be properly served upon a property owner and operator or tenant by one (1) of the following methods:
 - 1. By delivering to the person to be served or his agent a copy of the notice and all other necessary papers; or
 - 2. Either:
 - (a) By mailing to the person to be served at his last known address or to his agent by certified or registered mail, with return receipt requested, a copy of the notice and all other necessary papers; or
 - (b) If the certified or registered letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice.
- C. Notice to vacate. When a condemnation order is served on a tenant, the tenant shall be given a reasonable time to vacate the structure in accordance with state or local law.
- D. Transfer of ownership. A property owner and operator who has received a compliance order or upon whom a notice of violation has been served shall not sell, transfer, mortgage, lease or otherwise dispose of the premises until the provisions of the compliance order or notice of violation have been complied with, or until the property owner and operator shall first furnish the grantee, transferee, mortgagee or lessee a true copy of the compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, in which he acknowledges the receipt of the compliance order or notice of violation and states that he fully accepts and assumes the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. All code violation citation notices will immediately be placed in the county land records.
- E. Removal of placard. A property owner and operator shall not cause a condemnation placard to be defaced or removed without the approval of the Code Official.

§236-10. Appeals.

Any person aggrieved by a decision of the Code Official which has been made in connection with the enforcement of any provision of this code or of a regulation adopted pursuant to this code may request, in writing, and may be granted a hearing before the

Board of Appeals in the manner prescribed in §236-12 below. Any such appeal shall be taken no later than thirty (30) calendar days following the final decision of the Code Official.

§236-11. Board of Appeals.

- A. The St. Mary's County Building Code Board of Appeals shall serve as the St. Mary's County Livability Code Board of Appeals.
- B. The Board shall be responsible for hearing and deciding any appeal taken from any decision of the Code Official concerning the enforcement of any provision of this code or of a regulation adopted pursuant to this code.
- C. In any appeal filed with the Board of Appeals, it shall hold a public hearing. In the conduct of such hearing:
 - 1. All testimony at appeal hearings shall be given under oath. The Chairperson of the Board of Appeals or, if absent, the Acting or Vice Chairperson, is authorized to administer oaths. The parties or their counsel shall present to the Board all evidence collected with reference to the appeal. Parties may present testimony and cross-examine witnesses. The parties may be represented by counsel, and the proceeding shall be conducted in accordance with regulations governing such hearings as adopted by the Board.
 - 2. A final order resulting from the hearing shall include findings of fact and conclusions of law.
 - 3. If aggrieved by a final order of the Board of Appeals, a party to the appeal may request judicial review in accordance with the provisions of Rule 7-201, *et seq.* of the Maryland Rules of Procedure. If a timely appeal for judicial review is filed, the final order shall not be stayed pending final disposition by the reviewing court.
 - 4. In carrying out the provisions of this code, the Board may issue subpoenas in aid of investigations, to compel attendance and testimony of witnesses at hearings and for the production of books, papers, records, documents or other tangible objects. Such subpoenas may be judicially enforced.
- D. The Board of Appeals may adopt rules and regulations in order to carry out the provisions of this section.

§236-12. Environmental requirement.

- A. Scope. The provisions of this regulation shall establish the minimum standards for maintenance of premises and structures.
- B. Premises conditions.
 - 1. Sanitation. All premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.
 - 2. Insect and rodent control. The premises shall be free from infestation of insects, rodents, vermin or other pests.
- C. Exterior structure.
 - 1. General. The exterior of a structure shall be maintained in good repair and shall be structurally sound and maintained in a sanitary condition

so as not to pose a threat to the health, safety or welfare of the occupants.

2. Structural members. All supporting structural members of a structure shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.
3. Exterior surfaces. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in good repair and shall be kept in such condition as to exclude rodent and other pests.
4. Foundation walls. All foundation walls shall be structurally sound and shall be maintained free from open cracks and breaks.
5. Exterior walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied areas of the structure. All exterior surface materials, including wood, composition or metal siding, shall be maintained weatherproof and shall be properly surface-coated when required to prevent deterioration.
6. Roofs and drainage. The roof shall be structurally sound and shall not have defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the structure.
7. Decorative features. All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in a safe condition.
8. Signs, marquees and awnings. All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair, be properly anchored and kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.
9. Chimneys. All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally sound, safe and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather, coating materials, such a paint or similar surface treatment.
10. Stairs and porches. Every exterior stair, porch, fire escape, balcony and all appurtenances attached thereto shall be safe in use and capable of supporting the anticipated loads and shall be maintained in a safe and sound condition and good repair.
11. Windows, doors and frames. Every window, door and frame shall be maintained so as to exclude rain and rodents as completely as possible and to substantially exclude wind from entering the structure.
12. Weathertight. Every window and exterior door shall be fitted reasonably in its frame and be weathertight Every window shall be free of cracks and holes.

13. Openable windows. Every window used for ventilation or emergency escape shall be capable of being easily opened from the inside and shall be held in position by window hardware.
14. Insect screens.
 - (a) During the period from April 1 to December 1, every door and window or other outside opening used for ventilation purposes shall be supplied with tight-fitting insect screens.
 - (b) Exception. Upon the prior approval of the Code Official, screens shall not be required for exterior doors or other types of openings which make screening impractical, such as openings equipped with air-conditioning units or openings above the fourth floor. The Code Official may require alternatives to screens.
15. Door hardware. Every exterior door and its hardware shall be maintained in good condition. Door locks on all interior and exterior doors entering housing units shall be in good repair and capable of tightly securing the door.

D. Interior structure.

1. General. The interior of a structure and its equipment and facilities shall be maintained in good repair, structurally sound and in a sanitary edition so as not to pose a threat to the health, safety or welfare of the occupants.
2. Structural members. The supporting structural members of a structure shall be maintained structurally sound, free of deterioration and maintained capable of safely carrying the imposed loads.
3. Interior surfaces. Floors, walls (including windows and doors), ceilings and other interior surfaces shall be maintained in good repair and in a clean, safe and sanitary condition.
4. Bathroom and kitchen floors. Every toilet, bathroom and kitchen floor surface shall be maintained so as to be substantially impervious to water to permit such floor to be easily kept in a clean and sanitary condition.
5. Sanitation.
 - (a) The interior of a structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish or garbage shall be properly kept inside temporary storage facilities. Rubbish or garbage shall not be allowed to accumulate or be stored in public halls or stairways.
 - (b) A structure shall be kept free from infestation, and where infestation is found, the area shall be promptly exterminated by processes which will not be injurious to human health. Continuing or repeated incidents of infestation, as determined by the Code Official, shall require the installation of rodent- and vermin proof walls. The rodent- and vermin proof walls shall be installed in accordance with the, applicable local Building Code.
6. Exit doors. Every door available as an exit shall be capable of being opened easily from the inside.

7. Exit facilities. An interior stairs and railings and other exit facilities of a structure shall be maintained in sound condition and good repair. Every interior stair used for exit shall be maintained so as to be safe to use and capable of supporting the anticipated loads.

§236-13. Light and ventilation requirements

A. General.

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

B. Light.

1. General. All areas in a structure shall be provided sufficient light as not to endanger health and safety. All areas in a structure shall be provided with natural light or equipment to accommodate artificial light of sufficient intensity and distributed so as to permit the maintenance of sanitary conditions and the safe use of the area and the appliances, equipment and fixtures.
2. Common halls and stairways. Every common hall and stairway in a structure, other than one and two-family structures, shall be adequately lighted at all times with an illumination equivalent to the foot candles provided by at least a sixty-watt standard incandescent light bulb for each two hundred (200) square feet of floor area, provided that the spacing between lights shall not be greater than thirty (30) feet. Every exterior stairway shall be illuminated.

C. Ventilation.

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

§236-14. Plumbing facility and fixture requirements.

- A. Scope. The provisions of this regulation shall govern the minimum standards for plumbing facilities and fixtures.
- B. Required plumbing facilities. Every housing unit shall include, its own plumbing facilities which shall be maintained in proper operating condition, can be used in privacy and are adequate for personal cleanliness and the

disposal of human waste. The following minimum plumbing facilities shall be supplied and maintained in a sanitary and safe working condition.

1. Water closet and lavatory. Every housing unit shall contain within its walls, a room separate from other habitable areas, which provides a water closet supplied with cold running water and which affords privacy. A lavatory shall be placed in the same room as the water closet or located in another room, in close proximity to the door leading directly into the room in which said water closet is located. The lavatory shall be supplied with hot and cold running water.
 2. Bathtub or shower. Every housing unit shall contain a room which is equipped with a bathtub or shower supplied with hot and cold running water and which affords privacy.
 3. Kitchen sink. Every housing unit shall contain a kitchen sink apart from the lavatory required under Subsection B(1), and such sink shall be supplied with hot and cold running water.
- C. Alternative plumbing. Alternative plumbing facilities and fixtures for use in housing units may be allowed as approved on a case-by-case basis by those local applicable authorities/ boards.
- D. Plumbing fixtures.
1. General. All plumbing fixtures shall be maintained in a safe and usable condition. All plumbing fixtures shall be of nonabsorbent material and shall have received all necessary and legally required approvals.
 2. Connections. Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and shall be capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the applicable local Building Code or applicable local Plumbing Code.
 3. Maintenance. All plumbing fixtures shall be maintained in a clean and sanitary condition so as not to breed insects and rodent, or produce dangerous or offensive gases or odors.
 4. Access for cleaning. Plumbing fixtures shall be installed to permit easy access for cleaning both the fixture and the area around it.
- E. Water system.
1. General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to either a public water system or to a private water system which has received all necessary and legally required approvals.
 2. Contamination. The water supply system shall be maintained free from contamination. All water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.
 3. Water supply. The water supply system shall be installed and maintained to provide at all times a supply of water to plumbing facilities, fixtures, devices and appurtenances in sufficient volume and at pressures adequate enable them to function satisfactorily.

4. Water-heating facilities. Water-heating facilities shall be installed in a manner which has received all necessary and legally required approvals, properly maintained and properly connected with hot-water line to the fixtures required to be supplied with the hot water. Water-heating facilities shall be capable of heating water to such a temperature so as to permit an adequate amount of water to be drawn at every kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar facilities, at a temperature of not less than one hundred ten degrees Fahrenheit (110° F).
5. Alternative water systems. Alternative water systems may be allowed as approved on a case-by-case basis by the local Health Department.

F. Sewage System.

1. General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to either a public sewer system or private sewage disposal system which has received all necessary and legally required approvals.
2. Maintenance. Every plumbing stack, waste and sewer line shall be installed and maintained so as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. A repairs and installations shall be made in accordance with the provisions of the applicable local building code or applicable local plumbing code.

§236-15. Mechanical and electrical requirements.

- A. Scope. The provisions of this regulation shall govern the minimum standards for mechanical and electrical facilities and equipment.
- B. Heating facilities.
 1. Residential structures.
 - (a) Every housing unit shall be supplied with sufficient heat or heating equipment capable of supplying sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than sixty-five degrees Fahrenheit (65° F.) in all habitable areas during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than sixty degrees Fahrenheit (60° F.) during other hours. The temperature shall be measured at a point three (3) feet above the floor and three (3) feet from exterior walls.
 - (b) Exception. When the exterior temperature falls below zero degrees Fahrenheit (0° F) and the heating system is operating at its full capacity, a minimum room temperature of sixty degrees Fahrenheit (60° F) shall be maintained at all times.
 2. Cooking and heating equipment. All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and water flow obstructions and kept functioning properly so as to be free from fire, health and safety hazards. All installations and repairs shall be made in

accordance with the provisions of the applicable local building code or other applicable laws or ordinances thereto. Portable cooking equipment employing flame is prohibited, except for residential-type food trays or salvers which are heated by a candle or alcohol lamp and which have received all necessary and legally required approvals.

3. Installation. All mechanical equipment used for heating and cooking shall be properly installed and safely maintained in good working condition and shall be capable of performing the function for which it was designed and intended.
4. Fuel-burning equipment. All fuel-burning equipment, shall be connected to a chimney, flue or vent in accordance with applicable local or state codes or per manufacturer's instructions in cases where no local or state codes apply.
5. Clearances. All necessary and legally required clearances to combustible materials shall be maintained.
6. Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation in accordance with applicable local or state codes as per manufacturer's instructions in cases where no local or state codes apply.
7. Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel-burning equipment.
8. Unauthorized devices. Devices purporting to reduce gas consumption by attachment to a gas appliance, the gas supply line thereto or the vent outlet or vent piping therefrom shall not be used unless labeled for such use and the installation has specifically received all necessary and legally required approvals.
9. Fireplaces. Fireplaces and other construction and devices intended for use similar to a fireplace shall be stable and, structurally safe and connected to chimneys which have, received all necessary and legally required approvals.
10. Climate control. When facilities for interior climate control (heating, cooling and humidity) are integral functions of housing units, such facilities shall be maintained and operated in accordance with the designed capacity.

C. Electrical facilities.

1. Facilities required. Provided that there is usable electric service available from a power line not more than three hundred (300) feet away, a structure shall be adequately and safely provided with an electrical system in compliance with the requirements of this section.
2. Receptacles. Every habitable area in a housing unit shall contain at least one (1) receptacle outlet. Every laundry area and bathroom shall contain at least one (1) grounded type receptacle. Every kitchen shall contain at least two (2) receptacles.

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

§236-16. Fire safety requirements.

- A. Scope. The provisions of this regulation shall govern the minimum standards for fire safety facilities and equipment. All structures shall be constructed and maintained to prevent and avoid fire hazards and in a manner conducive to fire safety.
- B. Means of egress.
 1. General. A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, yard, court or passageway leading to a public open area at grade.
 2. Direct exit. Every housing unit shall have access directly to the or to a common area that leads directly to the outside.
 3. Doors. All doors in the required means of egress shall be, easily opened from the inner side.
 4. Fire escapes. All fire escapes shall be maintained in working condition and structurally sound.
 5. Exit signs. All exit signs shall be illuminated and visible.
 6. Emergency escape. Every sleeping room located in a basement shall have at least one (1) openable window or exterior door for emergency egress or rescue which has received all necessary and legally required approvals or shall have access to two (2) separate exits which have received all necessary and legally required approvals.
- C. Accumulations and storage.
 1. General. Garbage or rubbish shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.
 2. Flammable matter. Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids or combustible rubbish, such as waste paper, boxes and rags, shall not be accumulated or stored on premises except in reasonable quantities consistent with normal usage.
 3. Residential unit. A housing unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of one hundred degrees Fahrenheit (100° F.) or lower, except as provided for in the applicable local Building Code.
- D. Fire-resistance ratings. Floors, walls, ceilings and other elements and components which are required by the applicable fire code to comply with a

fire-resistance rating shall be maintained so that the respective fire-resistance rating of the enclosure, separation or construction is preserved.

- E. Fire protection systems.
 - 1. General. All fire protection systems and equipment shall be maintained in proper operating condition at all times.
 - 2. Smoke detectors. All housing units shall be provided with a minimum of one (1) single-station smoke detector in the vicinity of each sleeping area. The smoke detectors shall be installed and maintained in accordance with the state fire laws, Annotated Code of Maryland, Article 38A, §12A. Smoke detection systems. When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the unit, which shall include the appropriate warning for the visual, hearing or otherwise impaired tenant of the unit.
 - 3. Fire suppression system. Fire suppression systems in housing units so equipped shall be maintained in good condition, free from mechanical defect. Sprinkler heads shall be kept clean and free of corrosion and paint and shall not be bent or damaged.
 - 4. Fire extinguishers. All portable fire extinguishers in housing units so equipped shall be visible and accessible and maintained in an efficient and safe operating condition
- F. Fire doors. All necessary and legally required fire-resistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. The use of door stops, wedges and other hold open devices which have not received all necessary and legal approvals or which have been denied approval is prohibited.

§236-17. Responsibilities of owners and operators and tenant.

- A. Scope. Only the property owner or operator and the tenant shall be responsible for compliance with the provisions of this code and may be cited for violations thereof, except as provided in this Code. No property owner or operator shall permit a tenant to occupy a structure or premise which is not in compliance with provisions of this code unless waiver approval is obtained under §236-6B of this code. After the tenant takes possession of the housing unit, the tenant is responsible for promptly reporting discrepancies regarding the housing unit (in writing) to the property owner and operator that occur after occupancy. This written notice to the property owner and operator must occur first and record of such notice presented to the Code Official before enforcement of this code under §236-6 occurs, unless enforcement is deemed necessary for safety by the Code Official.
- B. General. A property owner and operator may not be cited for a violation of this code that is caused by the negligent, wrongful or malicious acts or omissions of a tenant, provided that the property owner's and operator's acts and omissions have not materially contributed in any way to cause such violation.
- C. Sanitary condition.

1. Cleanliness. The tenant shall be responsible for keeping that part of the structure or premises which the tenant occupies, controls or uses in a clean and sanitary condition. Every property owner and operator of a structure containing two (2) or more housing units shall maintain, in a clean and sanitary condition, the common areas of the structure and premises.
2. Disposal and storage of rubbish and garbage. The tenant shall be responsible for the storage and disposal of rubbish and garbage in a clean and sanitary manner as may be required by applicable laws or ordinances.
3. Supplied fixtures and equipment. The tenant shall be responsible for keeping owner-supplied equipment and fixtures clean and sanitary and for the exercise of reasonable care in their proper use and operation. The property owner and operator shall be responsible for maintaining such equipment and fixtures in good and proper operating condition.
4. Furnished by tenant. The tenant shall be responsible for the maintenance of equipment and fixtures furnished by the tenant. Such equipment and fixtures shall be properly: installed and shall be maintained in good working condition, kept clean and sanitary and free of defects, leaks or obstructions.

D. Extermination.

1. All structures. If necessary, the property owner and operator shall be responsible for extermination within the structure and on the premises prior to renting or leasing the structure.
2. Single occupancy. The tenant of a structure containing a single housing unit shall be responsible for the extermination of any insects rodents or other pests in the structure or the premises.
3. Multiple occupancy. Every property owner and operator of a structure containing two (2) or more housing units shall be responsible for the extermination of any insects, rodents or other pests in the structure or on the premises except where infestation within a housing unit is caused by a failure of the tenant to take reasonable action to prevent such infestation within the housing unit.

- E. Fire safety. Responsibility for installing and maintaining in, good working order any smoke detector installed pursuant to this code shall be in accordance with the state fire laws, Annotated Code of Maryland, Article 38A, §12A, Smoke detection systems.