

LIVABILITY CODE

FOR

WASHINGTON COUNTY, MARYLAND

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ARTICLE 1. IN GENERAL

§ 1-101. DEFINITIONS.

(a) In general. In this Code the following words have the meanings indicated.

(b) Basement. "Basement" means that portion of a structure which is partly or completely below grade.

(c) Building Code. "Building Code" means any of the Washington County building codes.

(d) Central heating. "Central heating" means a heating system that:

- (1) Is permanently installed;
- (2) Can be adjusted to provide distribution of heat to all habitable areas; and
- (3) Derives from a source outside of the habitable areas.

(e) Code. "Code" means the Livability Code.

(e-1) Code Official. "Code Official" means a county employee assigned to the Permits and Inspections Department with the duty of enforcement of this Code.

(f) Condemn. "Condemn" means to declare all or a part of a structure, a premises, or equipment unsafe or unfit for use or occupancy.

(f-1) Department. "Department" means the Washington County Department of Permits and Inspections.

(g) Extermination. "Extermination" means the control and elimination of insects, rodents, or other pests by:

- (1) Eliminating their harborage places;
- (2) Removing or making inaccessible materials that may serve as their food; or
- (3) Poison spraying, fumigating, trapping, or any other approved pest elimination method.

(h) Garbage. "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

(i) Habitable area.

(1) (i) "Habitable area" means the space in a structure used for living, sleeping, eating, or cooking.

(ii) "Habitable area" includes bathrooms and toilet compartments.

(2) "Habitable area" does not include closets, halls, storage or utility space, and similar areas.

(j) Housing unit. "Housing unit" means a single unit of a structure that:

(1) Provides or is intended to provide complete living and sleeping facilities for one or more occupants; and

(2) Is intended to have the same meaning as the term "dwelling unit" as defined in the County Building Code.

(k) Infestation. "Infestation" means the presence of insects, rodents, vermin, or other pests, within or contiguous to a structure or on a premises.

(l) Maintenance. "Maintenance" means repair and other acts intended to prevent the condition of a structure, premises, or equipment from declining below the standards established by this Code or other applicable law.

(m) Occupant. "Occupant" means an individual who inhabits a space within a housing unit.

(n) Operator. "Operator" means a person who has charge, care, or control of a structure or premises that is offered for occupancy.

(o) Owner-occupied housing.

(1) "Owner-occupied housing" means a dwelling, as defined under the county zoning regulations, that is designed for and occupied by not more than one family, including the owner.

(2) "Owner-occupied housing" includes a vacant structure intended for use by not more than one family.

(p) Person. "Person" means any individual, corporation, business trust, general or limited partnership, limited liability company, limited liability partnership, firm, joint stock company, unincorporated association, trust, estate, or other legal entity.

(q) Plumbing.

(1) "Plumbing" means the installation, maintenance, extension, or alteration of piping, fixtures, appliances, and appurtenances within the scope of the applicable plumbing code.

(2) "Plumbing" includes the materials, facilities, and fixtures used to practice plumbing.

(r) Plumbing fixture. "Plumbing fixture" means a receptacle or device that:

(1) Is permanently or temporarily connected to and uses the water distribution system of the premises

(2) Discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or

(3) Requires both a water supply connection and a discharge to the drainage system of the premises.

(s) Premises.

(1) "Premises" means a lot, plot, or parcel of land.

(2) "Premises" includes the structures on the land.

(t) Property owner.

(1) "Property owner" means a person or entity having a legal or equitable interest in the premises.

(2) "Property owner" includes:

(i) The guardian of the estate of the person; or

(ii) The personal representative or administrator of the estate of the person, if ordered to take possession of the premises by a court.

(u) Rubbish. "Rubbish" means:

(1) Paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and similar materials; and

(2) The residue from the burning of wood, coal, coke, and other combustible materials.

(v) Structure. "Structure" means a residential structure used for human habitation.

(w) Tenant. "Tenant" means an occupant other than a property owner.

(x) Ventilation. "Ventilation" means the process of supplying air to or removing air from any space by natural or mechanical means.

(1) Mechanical ventilation. "Mechanical ventilation" means ventilation by power-driven devices.

(2) Natural ventilation.

(i) "Natural ventilation" means ventilation achieved without power-driven devices.

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

§ 1-102. PURPOSE AND INTENT.

(a) Purpose. This Code is adopted to protect the public health, safety, and welfare in residential structures and premises by:

(1) Establishing minimum maintenance standards for:

(i) Basic equipment and facilities used for lighting, ventilation, heating, and sanitation of residential structures and premises; and

(ii) Safe and sanitary maintenance of residential structures and premises;

(2) Establishing minimum fire safety requirements for residential structures and premises including:

(i) Means of egress;

(ii) Fire protection systems; and

(iii) Other fire safety equipment and devices;

(3) Establishing the responsibilities of property owners, operators, and tenants of residential structures and premises;

(4) Providing for administration, enforcement, and penalties.

(b) Intent. This Code shall be construed liberally to protect the public health, safety, and welfare as affected by the continued use and maintenance of residential structures and premises.

§ 1-103. DUTIES AND POWERS OF CODE OFFICIAL.

(a) In general. Except as otherwise provided in this Code, the Code Official shall enforce the provisions of this Code.

(b) Notices and orders. The Code Official shall issue notices and orders necessary to ensure compliance with this Code.

(c) Inspections.

(1) The Code Official may enter a structure or premises with the permission of the tenant or upon reasonable notice to the tenant, property owner, or operator for the purpose of making an inspection or performing a duty under this Code.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Code Official may enter the property in order to conduct an inspection if the Code Official believes that a violation of this Code has occurred.

(ii) The Code Official may not enter a structure on the premises to make an inspection without a court order unless the Code Official has the consent of the owner or tenant thereof.

(d) Alterations and repairs.

(1) (i) Subject to the provisions of § 1-104 of this Code, the Code Official may require and approve alterations or repairs that are necessary to bring a structure or premises into compliance with the Code.

(ii) The Code Official shall consider the use of alternative and equivalent approaches that are provided for in the Code when determining the alterations and repairs that are necessary to bring the premises into compliance.

(2) The Code Official may approve changes in alterations or repairs in the field when conditions are encountered that make the originally approved work impractical, provided the change in the approved work:

(i) Can be readily determined to be in compliance with the Code; and

(ii) Is requested by the property owner or the property owner's agent before the changes are undertaken.

(3) The property owner or the agent of the property owner shall:

(i) Document the change in the work, including a description of and reasons and justification for the change; and

(ii) File the documentation with the permit for the project.

(4) (i) The property owner shall make an alteration or repair to correct a violation of the Code:

1. Within 48 hours after receiving notice of a violation that the Code Official has determined is an emergency; or

2. Within 30 days after receiving notice of a violation that the Code Official has determined is not an emergency.

(ii) The Code Official may extend the time allotted for emergency repairs if the property owner or operator shows:

1. That an effort to make the repairs and alterations has begun; and

2. A commitment that the repairs and alterations will be completed at the earliest possible time.

(e) Right of entry.

(1) If a property owner, tenant, or operator of a structure refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of

the structure or premises where inspection authorized by the Code is sought, the county may seek an order for right of entry in a court of competent jurisdiction.

(2) In a proceeding for an order for right of entry, the county shall present evidence that there is probable cause to believe that a violation of the Code exists in or on the premises.

(f) Access by property owner or operator. Upon being given notice, a tenant of a structure or premises shall give the property owner or operator or the agent or employee of the property owner access at reasonable times to any part of the structure or premises for the purpose of making the inspection, maintenance, repairs, or alterations necessary to comply with the provisions of the Code.

(g) Coordination of enforcement.

(1) After initiating an inspection of a premises under the Code, if the Code Official 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 in order to minimize the number of visits by inspectors.

(2) The Code Official shall confer with the other governmental officials or agencies for the purpose of eliminating conflicting orders.

(h) Regulations. The Code Official may adopt regulations in order to carry out the provisions of the Code.

(i) Remedies not impaired. The provisions of this Code do not abolish or impair any remedies available to the county relating to the removal or demolition of a structure that is determined to be dangerous, unsafe, and unsanitary.

(j) Compliance with housing industry standards. In order to secure the results intended by the Code, a property owner shall make repairs, maintenance, alterations, or installations that are required for compliance with the Code in accordance with housing industry standards.

(k) Credentials. The Code Official shall disclose his credentials for the purpose of inspecting a structure or premises.

§ 1-104. ENFORCEMENT.

(a) In general.

(1) The Code Official shall enforce compliance with the requirements of this Code in accordance with the procedure set forth in this Code.

(b) Extension of time. The Code Official may extend the time for correcting a violation if:

(1) The property owner applies for an extension and shows good cause for granting the extension; and

(2) The extension will not threaten the health or safety of any occupant of the premises.

ARTICLE 2. PROPERTY STANDARDS

§ 2-201. IN GENERAL.

(a) Applicability.

(1) This Code applies to residential structures used for human habitation, including vacant structures.

(2) This Code does not apply to:

(i) Owner-occupied housing; or

(ii) Housing exempted by the Department as authorized by state regulation.

(b) Repairs or alterations. A property owner who is required to make a repair, alteration, or change of use to a structure as a direct or indirect result of the enforcement of this Code, shall make the repair, alteration, or change of use in accordance with the procedures and provisions of:

(1) The Building Code, Plumbing Code, Mechanical Code, and Electrical Code; or

(2) Any other code or standard applicable to housing.

§ 2-202. NOTICES AND ORDERS.

(a) Notice. The Code Official shall give notice as provided under subsection (b) of this section to the property owner and to the tenant whenever the Code Official:

- (1) Determines or has reasonable grounds to believe that there has been a violation of this Code; or
- (2) Makes a determination to condemn or has condemned all or part of a structure or equipment under the provisions of this Code or other applicable codes.

(b) Service of Notice.

(1) Notice shall be deemed properly served upon a property owner or tenant by one of the following methods:

(a) By delivering to the person or entity to be served or the person's or entity's agent a copy of the notice and all other necessary papers; or

(b) By mailing to the person or entity to be served or the person's or entity's last known address by certified or registered mail, return receipt requested, a copy of the notice and all other necessary papers.

(2) If the certified or registered mailing is returned with a receipt indicating non-delivery, then notice shall be served by posting a copy of the notice and all other necessary papers in a conspicuous place in or about the structure affected by the notice.

(c) Notice to vacate.

(1) Except as provided under paragraph (2) of this subsection, when a condemnation order is served on a tenant, the Code Official shall give the tenant reasonable time to vacate the structure.

(2) If the Code Official determines that there is an immediate and serious danger to the health, safety, or welfare of the tenants of the condemned structure, the Code Official may order the tenants to vacate immediately.

(d) Transfer of ownership. A property owner who has received a compliance order or a notice of violation may not sell, transfer, mortgage, lease, or otherwise dispose of the premises until:

(1) The provisions of the compliance order or notice of violation have been complied with; or

(2) The property owner:

(i) Provides to the grantee, transferee, mortgagee, or lessee a true copy of the compliance order or notice of violation issued by the Code Official; and

(ii) Provides to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging receipt of the compliance order or notice of violation and stating that the grantee, transferee, mortgagee, or lessee unconditionally accepts and assumes the responsibility for making the corrections or repairs required by the compliance order or notice of violation.

(d) Removal of placard. A property owner, tenant, or other person may not deface or remove a posted placard without the approval of the Code Official.

§ 2-203. CONDEMNATION.

(a) "Structure" defined. In this section, "structure" includes part of a structure as defined in this Code.

(b) Condemnation of a structure.

(1) If the Code Official determines that a structure is unsafe or unfit for human occupancy or use as provided under subsection (d) of this section, the Code Official may:

(i) Condemn the structure;

(ii) Order the structure to be vacated;

(iii) Placard the structure; and

(iv) Take other security measures to prevent entry onto the property, including erecting a fence on the property on which the structure is located.

(2) If a structure has been condemned, the structure may not be re-occupied without the approval of the Code Official.

(3) If security measures are taken as provided for in paragraph (1)(iv) of this subsection, the Code Official shall provide the property owner access to the property.

(c) Condemnation of equipment. If equipment is found by the Code Official to be unsafe as provided under subsection (d) of this section, the Code Official may, in accordance with the provisions of the Code:

- (1) Condemn the equipment;
- (2) Placard the equipment; and
- (3) Place the equipment out of service.

(d) Unsafe and unfit structures and equipment.

(1) A structure is unsafe if the Code Official determines that the structure is dangerous to the life, health, property, or the safety of the tenants:

(i) By not providing minimum protection from fire; or

(ii) Because the structure is so damaged, decayed, dilapidated, structurally unsound, dangerous, or of such faulty construction or unstable foundation that the structure is likely to partially or completely collapse.

(2) A structure is unfit for human occupancy or use if the Code Official determines that the structure is unsafe, unsanitary, has an infestation, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities, or other essential equipment required by this Code.

(i) 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 that the Code Official determines is in such disrepair or a condition that is a hazard to life, health, property, or safety of the tenants of the premises or structure.

(ii) Unsafe equipment may contribute to the finding that a structure is unsafe or unfit for human occupancy or use.

(e) Closing a vacant structure.

(1) If a property owner fails to close or vacate a premises within the time specified by an order of the Code Official, the Code Official may close the premises by:

(i) Action of a public agency; or

(ii) Contract or arrangement with a private person.

(2) The Code Official shall establish a lien against the property on which the structure is located in order to recover the cost of closing the structure.

§ 2-204. DISPLACEMENT.

(a) Scope.

(1) A person is considered to be displaced under this section if the person is:

(i) Required to leave a structure as a result of:

1. A condemnation; or

2. An order for alteration or repair of a structure issued under § 1-103 of this title; and

(ii) A tenant of the structure to which the condemnation or order applies at the time the order is issued.

(2) A person is not considered to be displaced under this section if the person's displacement is:

(i) The result of an act of God or other conditions beyond the control of the property owner; or

(ii) Caused by the tenant's negligent, wrongful, or malicious act or omission.

(b) Duty of property owner to find housing; exception. When a tenant is displaced under this section, the property owner shall promptly make a reasonable and good-faith effort to locate similar alternative housing that is:

(1) Of comparable affordability;

(2) Within a reasonable distance of the original structure; and

(3) Of comparable size and type.

(c) Ability of county to find housing.

(1) If the property owner is unable to locate alternative housing or fails or refuses to make efforts to locate alternative housing, the county may provide alternative housing to the displaced tenant until the earlier of:

(i) Authorization by the Code Official to reoccupy the structure;

(ii) Approval by the Code Official of repairs or alterations to the structure;

(iii) The expiration of the tenant's lease; or

(iv) 6 months after the date the notice or order displacing the tenant was issued.

(2) The county shall establish a lien against the property on which the structure is located in order to recover the cost incurred in locating alternate housing and in relocating a displaced tenant.

(d) Duty to pay rent.

(1) A displaced tenant shall pay the same amount of rent to the person who provides alternative housing or the county as paid to the property owner immediately before the displacement.

(2) The property owner is responsible for the difference between the rent paid before displacement and the rent required for the alternative housing until the end of the term of the lease agreement or 6 months, whichever occurs first.

(e) Tenant. A property owner may not evict a tenant solely due to the tenant's complaint to the Code Official of an alleged violation of this Code.

(f) Additional remedy. In addition to any other remedies provided under law or the Code, the county may recover any costs incurred by it in the relocation of a displaced person in a court of competent jurisdiction.

§ 2-205. WAIVER OF REQUIREMENTS.

(a) Authority of Code Official to grant a waiver. The Code Official may waive the requirements of any part of this Code for a unit of rental housing on application of the property owner if:

- (1) Adequate notice, in a form and manner specified by the Department, is afforded the tenant of the unit;
- (2) The tenant is afforded an opportunity to comment on the application either in writing or in person; and
- (3) The waiver will not threaten the health or safety of a tenant.

(b) Length of waiver.

- (1) A waiver granted by the Code Official shall continue in full force and effect beyond the term of the lease of the current tenant.
- (2) The property owner shall notify a prospective tenant applying for a lease of the unit of rental housing, that the unit has been granted a waiver from a provision of the Code, and that the tenant's occupancy will be subject to the waiver.

(c) Applicability of state law. Enforcement or waiver of this Code does not supersede state fire, elevator, or boiler laws.

§ 2-206. RESPONSIBILITIES FOR COMPLIANCE.

(a) Scope.

- (1) Except as provided under this Code, only the property owner is responsible for compliance with the provisions of this Code and may be cited for violations of the Code.
- (2) The Code Official may not cite a property owner for a violation of this Code that is caused by the negligent, wrongful, or malicious acts or omissions of a tenant, provided the property owner's own acts or omissions have not contributed in any way to cause the violation.

(b) In general. A property owner may not rent or lease a housing unit to another person for occupancy or use unless the structure and premises comply with the provisions of this Code.

(c) Duty of tenant to maintain sanitary condition. The tenant shall:

(1) Keep the part of the structure or premises that the tenant occupies, controls, or uses in a clean and sanitary condition;

(2) Store and dispose of rubbish and garbage in a clean and sanitary manner as required by law;

(3) Keep owner-supplied equipment and fixtures clean and sanitary and exercise reasonable care in using and operating the equipment; and

(4) Properly install and maintain equipment and fixtures that are furnished by the tenant and keep the equipment and fixtures in good working condition, clean and sanitary, and free of defects, leaks, or obstructions.

(d) Equipment and fixtures in common areas.

(1) A property owner of a structure containing two or more housing units shall maintain the common areas of the structures and premises in a clean and sanitary condition.

(2) A property owner shall maintain the equipment and fixtures supplied by the property owner in good and proper operating condition.

(e) Extermination.

(1) If necessary, the property owner shall undertake any extermination within the structure and on the premises before renting or leasing the structure.

(2) The tenant of a structure containing a single housing unit is responsible for the extermination of any insects, rodents, or other pests in the structure or on the premises.

(3) A property owner or operator of a structure containing two or more housing units shall exterminate 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 the infestation within the housing unit.

§ 2-207. PREMISES.

(a) Scope. This section establishes the minimum standards for maintenance of premises.

(b) Condition of premises. The premises shall be:

(1) In a clean, safe, and sanitary condition; and

(2) Free from infestation.

§ 2-208. EXTERIOR STRUCTURE.

(a) In general. The property owner shall maintain the exterior of a structure in good repair and in a sanitary condition so that the structure does not pose a threat to the health, safety, or welfare of the occupants.

(b) Structural members. Supporting structural members of a structure shall be:

(1) Kept structurally sound;

(2) Free of deterioration; and

(3) Maintained capable of safely bearing the loads imposed upon them.

(c) Exterior surfaces - In general. Each foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in good repair and shall be kept in a condition to exclude rodents and other pests.

(d) Same - Foundation walls. Foundation walls shall be structurally sound and shall be maintained free from open cracks and breaks that would be hazardous or unsafe.

(e) Same - Exterior walls.

(1) Each exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions that might admit rain or dampness to the interior portions of the walls or to the occupied areas of the structure.

(2) All exterior surface materials, including wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface-coated to prevent deterioration.

(f) Same - Roofs and drainage.

(1) The roof shall be structurally sound and may not have defects that may admit rain.

(2) Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the structure.

(g) Same - Decorative features. All cornices, entablatures, belt courses, corbels, terracotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(h) Same - Signs, marquees and awnings. All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar overhang extensions shall be:

(1) Maintained in good repair, properly anchored, and kept in a safe and sound condition; and

(2) Protected from the elements and against decay and rust by the periodic application of a water-coating material such as paint or other protective treatment.

(i) Same - Chimneys. All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally sound, safe, and in good repair.

(j) Same - Exposed surfaces. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.

(k) Same - Stairs and porches. Each exterior stair, porch, fire escape, balcony, and all appurtenances attached to them shall be:

(1) Safe to use and capable of supporting the anticipated loads; and

(2) Maintained in a safe and sound condition and good repair.

(l) Same - Windows, doors, and frames. Each window, door, and frame shall be maintained in order to:

(1) Exclude rain and rodents as completely as possible; and

(2) Substantially exclude wind from entering the structure.

(m) Same - Weathertight.

(1) Each window and exterior door shall be fitted reasonably in its frame and be weathertight.

(2) Each window shall be free of cracks and holes.

(n) Same - Openable window. Each 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.

(o) Same - Insect screens.

(1) Except as provided in paragraph (2) of this subsection, 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.

(2) (i) Upon the prior approval of the Code Official, screens may not be required for exterior doors or other types of operations which make screening impractical, such as openings equipped with air conditioning or openings above the fourth floor.

(ii) The Code Official may require alternatives to screens.

(p) Same - Door hardware.

(1) Each exterior door and its hardware shall be maintained in good condition.

(2) Door locks on exterior doors entering individual housing units shall be in good repair and capable of tightly securing the door.

(3) Exterior doors shall be equipped with a single-cylinder deadbolt door lock for keyed access to the exterior and a thumb latch on the inside.

§ 2-209. INTERIOR STRUCTURE.

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

(b) Structural members. The supporting structural members of a structure shall be maintained sound, free of deterioration, and capable of safely carrying the imposed loads.

(c) Interior surfaces.

(1) Floors, walls, windows, doors, ceilings, and other interior surfaces shall be maintained in good repair and in a clean, safe, and sanitary condition.

(2) Each toilet, bathroom, and kitchen floor surface shall be maintained to be substantially impervious to water and to allow the floor to be easily kept in a clean and sanitary condition.

(d) Sanitation.

(1) The interior of a structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.

(2) Rubbish or garbage shall be properly kept inside temporary storage facilities.

(3) Rubbish or garbage may not be allowed to accumulate or be stored in public halls or stairways.

(e) Infestation.

(1) A structure shall be kept free from infestation.

(2) Where infestation is found, the area shall be promptly exterminated by applying processes that are not injurious to human health.

(3) Continuing or repeated incidents of infestation, as determined by the Code Office, shall require the installation of rodent and vermin-proof walls installed in accordance with the Building Code.

(f) Exit doors. Each door available as an exit shall be capable of being opened easily from the inside.

(g) Exit facilities.

(1) All interior stairs and railings and other exit facilities of a structure shall be maintained in sound condition and good repair so that it is not dangerous.

(2) Each interior stair used for exit shall be maintained in order that it is safe to use and capable of supporting the anticipated loads.

(h) Lead paint abatement.

(1) In this subsection, "surface" includes walls, ceilings, doors, trim molding, window frames, radiators, and stair banisters.

(2) All surfaces that present a potential health hazard due to lead paint shall have the painted surfaces abated by procedures established by the Department of Environmental Protection and Resource Management of the Environment or the Washington County Health Department.

(3) Intact surfaces in good condition need not be abated unless they present a potential biting surface for children.

(4) All surfaces that present a potential biting surface shall have the painted surfaces abated by procedures established by the Department of Environmental Protection and Resource Management of the Environment or the Washington County Health Department.

§ 2-210. LIGHT AND VENTILATION REQUIREMENTS.

(a) In general. This section establishes the minimum standards for basic equipment and facilities used for light and ventilation of a structure.

(b) Alternative methods and devices. In place of the means for natural light and ventilation required under this section, the Code Official shall authorize an alternative arrangement of windows, louvers, or other devices or methods that will provide the equipment minimum performance requirements necessary to comply with the Building Code.

(c) Light.

(1) The property owner shall provide sufficient light to all areas in a structure so as not to endanger health and safety; the property owner shall provide all areas in a structure with natural light or equipment to accommodate artificial light of sufficient intensity and distribution to allow the maintenance of sanitary conditions and the safe use of the area and the appliances, equipment, and fixtures.

(2) This paragraph does not apply to one- and two-family structures.

(i) The property owner shall adequately light each common hall and stairway in a structure at all times with an illumination equivalent to at least a 60 watt standard incandescent light or fluorescent bulbs for each 200 square feet of floor area, provided that the spacing between lights may not be greater than 30 feet.

(ii) The property owner shall illuminate every exterior stairway and exit.

(d) Ventilation.

(1) The property owner shall provide all areas in a structure with sufficient ventilation so as not to endanger health and safety.

(2) When the property owner provides mechanical ventilation instead of natural ventilation, the property owner shall maintain the mechanical ventilating system in operation while all or a part of the structure is occupied.

(3) If part of the air provided by a mechanical ventilation system is recirculated, the portion or volume of air recirculated may not be recirculated to a different habitable area.

§ 2-211. PLUMBING FACILITY AND FIXTURE REQUIREMENTS.

(a) Scope. This section establishes the minimum standards for plumbing facilities and fixtures.

(b) Required.

(1) Each housing unit shall include its own plumbing facilities that:

(i) Are maintained in proper operating condition;

(ii) Can be used in privacy; and

(iii) Are adequate for personal cleanliness and the disposal of human waste.

(2) Except as provided in paragraph (3) of this subsection, the property owner shall supply and maintain within each housing unit the following minimum plumbing facilities in a sanitary and safe working condition:

(i) A room separate from other habitable areas that provides a toilet supplied with cold running water and that affords privacy;

(ii) A sink placed in close proximity to the toilet that is supplied with hot and cold running water;

(iii) A room that is equipped with a bathtub or shower supplied with hot and cold running water and that affords privacy; and

(iv) A kitchen sink, apart from the sink required under subparagraph (ii) of this paragraph, which is supplied with hot and cold running water.

(3) The Code Official may approve, on a case by case basis, the use of alternative plumbing facilities and fixtures in housing units.

(c) Condition of plumbing fixtures.

(1) The property owner shall:

(i) Maintain all plumbing fixtures in a safe and usable condition; and

(ii) Use plumbing fixtures that:

1. Are made of nonabsorbent material; and

2. Have received all required approvals;

(iii) Properly install and connect water supply lines, plumbing fixtures, vents, and drains and maintain them in working order and free from obstructions, leaks, and defects so that they are capable of performing the function for which they are designed;

(iv) Make repairs and installations to water supply lines, plumbing lines, plumbing fixtures, vents, and drains in accordance with the provisions of the building and plumbing codes; and

(v) Install plumbing fixtures to allow easy access for cleaning both the fixture and the area around it.

(2) All plumbing fixtures shall be maintained in a clean and sanitary condition so as not to breed insects and rodents or produce dangerous or offensive gases or odors.

(d) Water system.

(1) The property owner shall:

- (i) Properly connect each sink, bathtub or shower, drinking fountain, toilet, or other plumbing facility to either a public water system or to a private water system that has received all required approvals;
- (ii) Maintain the water supply free from contamination;
- (iii) Locate all water inlets for plumbing fixtures above the overflow rim of the fixture; and
- (iv) Install and maintain the water supply system to provide a supply of water at all times to plumbing facilities, fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.

(2) The Code Official may approve, on a case by case basis, alternative water systems.

(e) Water heating facilities. The property owner shall:

- (1) Install water heating facilities in a manner that has received all required approvals;
- (2) Properly maintain water heating facilities;
- (3) Properly connect with hot water lines to the fixtures required to be supplied with hot water; and
- (4) Provide water heating facilities that are capable of heating an adequate amount of water to be drawn at every sink, bathtub, shower, and laundry facility or other similar facilities, at a temperature of not less than 110 degrees Fahrenheit.

(f) Sewage system; maintenance. The property owner shall:

- (1) Properly connect each sink, bathtub or shower, drinking fountain, toilet, or other plumbing facility to:
 - (i) A public sewer system; or

(ii) A private sewage disposal system that has received all required approvals;

(2) Install and maintain each plumbing stack and waste and sewer line so that it functions properly and is kept free from obstructions, leaks, and defects in order to prevent structural deterioration or health hazards; and

(3) Make all repairs and installations in accordance with the provisions of the building and plumbing codes.

§ 2-212. MECHANICAL AND ELECTRICAL REQUIREMENTS.

(a) In general. This section establishes the minimum standards for mechanical and electrical facilities and equipment.

(b) Heating facilities.

(1) Except as provided in paragraph (2) of this subsection, during the period from October 1 to May 15, the property owner shall supply each housing unit with heat or heating equipment that is capable of supplying sufficient heat to maintain a room temperature of not less than:

(i) 65 degrees Fahrenheit in all habitable areas during the hours between 6:30 a.m. and 10:30 p.m. of each day; and

(ii) 60 degrees Fahrenheit during other hours.

(2) When the exterior temperature falls below zero degrees Fahrenheit, a minimum room temperature of 60 degrees Fahrenheit shall be maintained or capable of being maintained at all times.

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

(c) Cooking and heating equipment.

(1) Except as provided in subparagraph (2) of this paragraph, the property owner shall equip each housing unit with installed cooking equipment.

(2) The tenant is responsible for supplying cooking equipment if so specified in the housing unit lease.

(3) The property owner shall:

(i) Maintain cooking and heating equipment, components, and accessories in heating, cooking, and water-heating devices free from leaks and water-flow obstructions and kept functioning properly so as to be free from fire, health, and safety hazards;

(ii) Make all installations and repairs of cooking and heating equipment in accordance with the provisions of the Building Code or other applicable codes;

(iii) Properly install and safely maintain in good working condition all mechanical equipment used for heating and cooking so that the equipment is capable of performing the function for which it was intended;

(iv) Connect all fuel-burning equipment to a chimney, flue, or vent in accordance with applicable codes and according to manufacturer's instructions;

(v) Maintain all required clearances to combustible materials;

(vi) Maintain all safety controls for fuel-burning equipment in effective operation in accordance with applicable codes and according to manufacturer's instructions;

(vii) Provide fuel burning equipment with a supply of air for complete combustion of the fuel and for ventilation of the space;

(viii) Maintain stable and structurally safe fireplaces and similar devices, including wood burning stoves, that are connected to chimneys that have received all required approvals; and

(ix) When equipment for interior climate control, heating, cooking, and humidity are integral functions of housing units, maintain and operate this equipment in accordance with the designed capacity.

(4) A property owner may not use or allow:

(i) Devices purporting to reduce gas consumption by attachment to a gas appliance, the gas supply line, or the vent outlet or vent piping unless labeled for that use and the installation has specifically received all required approvals;

(ii) Space heaters requiring kerosene; or

(iii) Portable cooking equipment that employs a flame.

(d) Electrical facilities.

(1) If there is usable electric service available from a power line not more than 300 feet away, the property owner shall adequately and safely provide a structure with an electrical system in compliance with the requirements of this subsection.

(2) Each habitable room in a housing unit shall contain at least one receptacle outlet.

(3) Each laundry area and bathroom shall contain at least one grounded type receptacle.

(4) Each kitchen shall contain at least two receptacle outlets on a single small appliance circuit rated at a minimum of 20 amperes.

(5) Each kitchen, interior stairway, water closet compartment, bathroom, laundry room, basement, and furnace room shall contain at least one electric light fixture; the stairway fixtures shall be switch operated.

(6) When the electrical system requires modification to correct a violation of this Code, the property owner shall upgrade the service to a minimum of 100 ampere, three-wire service.

(7) The property owner shall install and maintain all electrical equipment, wiring, and appliances in a safe manner in accordance with all applicable codes and shall use electrical equipment that has received all required approvals.

§ 2-213. FIRE SAFETY AND PROTECTION.

(a) Fire safety.

(1) This subsection establishes the minimum standards for fire safety facilities and equipment.

(2) All structures shall be constructed and maintained to prevent and avoid fire hazards and in a manner conducive to fire safety.

(3) A property owner shall, prior to commencing occupancy:

(i) Provide a safe, continuous, and unobstructed means of egress from the interior of a structure to the exterior at a street, yard, court, or passageway leading to a public open area at grade;

(ii) Provide from each housing unit access directly to the outside or to a common area that leads directly to the outside;

(iii) Provide doors in the required means of egress that are easily opened from the inside;

(iv) Maintain fire escapes in a structurally sound working condition;

(v) Make exit signs illuminated and visible; and

(vi) Provide for each sleeping room located in a basement:

1. At least one openable window that has received all required approvals or an exterior door for emergency egress or rescue that has received all required approvals; or

2. Access to two separate exits that have received all required approvals.

(b) Fire protection.

(1) The property owner shall maintain all fire protection systems and equipment in proper operating condition at all times.

(i) At least 1 smoke detector shall be installed in each sleeping area in a structure.

(ii) When activated, a smoke detection shall provide an alarm suitable to warn the occupants within the unit.

(2) The property owner shall:

(i) Provide all housing units with smoke detectors as required under applicable codes; and

(ii) Maintain the smoke detectors in working order.

(3) If a housing unit is equipped with a fire suppression system, the property owner shall:

(i) Maintain the system in good condition, free from mechanical defect; and

(ii) Keep sprinkler heads clean and free of corrosion and paint and not allow them to be bent or damaged.

(4) If a housing unit is equipped with portable fire extinguishers, the property owner shall keep the fire extinguishers visible and accessible and maintained in an efficient and safe operating condition.

(5) The property owner shall maintain all required fire-resistance rated doors or smoke barriers in good working order, including all hardware necessary for their proper operation.

(i) The use of door stops, wedges, and other hold open devices that have not received the approval of the Code Official is prohibited.

(6) The property owner shall maintain all required fire-resistance rated floors, walls, ceilings, and to other elements and components in a manner that preserves the fire resistance rating of the enclosure, separation, or construction.

(7) Residential unit in structure having flammable liquids.

(1) Except as provided for in the Building Code or other applicable codes, a housing unit may not be located within a structure that contains an establishment that handles, dispenses, or stores flammable liquids with a flash point of 100 degrees Fahrenheit or lower.

(2) The property owner shall maintain floors, walls, ceilings, and other elements and components that are required by the applicable fire code to comply with a fire-resistance rating so that the fire-resistance rating of the enclosure, separation, or construction is preserved.

§ 2-214. ACCUMULATIONS AND STORAGE.

(a) In general. Garbage or rubbish may not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

(b) Flammable matter. Highly flammable or explosive matter, such as paints, volatile oils, and cleaning fluids, or combustible rubbish, such as wastepaper, boxes, and rags,

may not be accumulated or stored on premises except in reasonable quantities consistent with normal residential use.

§ 2-215. VIOLATIONS AND PENALTIES.

(a) Penalties.

(1) A property owner who violates a provision of this Code is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 for each day that the violation exists or imprisonment not exceeding 90 days or both.

(2) A penalty ordered under this Code is in addition to and not a substitute for any other penalty authorized under a federal, state, or local law.

(b) Violation by tenant or landlord. A court may consider a violation of this Code by a tenant or landlord as evidence of a breach of the lease agreement between the tenant and landlord.

ARTICLE 3. APPEAL

§ 3-301 PETITION.

Any person affected by any decision of the Code Official, which has been made in connection with the enforcement of any provision of this Code, may request a hearing before the Washington County Building Board of Appeals. Any person affected desiring a hearing shall make written request for a hearing within 15 days of receipt of a certified letter of violation from the Code Official.