

COUNTY COUNCIL

LIBERO 007 FOLIO 258

OF

DORCHESTER COUNTY, MARYLAND

2018 Legislative Session,
Legislative Day No. 5

Introduced By: County Council

BILL NO. 2018-5

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND, ACTING PURSUANT TO SECTION 12-203 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND PURSUANT TO SECTION 10-202 OF THE LOCAL GOVERNMENT ARTICLE TO REPEAL AND REENACT, IN ITS ENTIRETY, CHAPTER 110 ENTITLED "MINIMUM LIVABILITY CODE" OF THE DORCHESTER COUNTY CODE, PROVIDING FOR REGULATIONS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE IN RESIDENTIAL STRUCTURES AND PREMISES BY ESTABLISHING MINIMUM PROPERTY MAINTENANCE STANDARDS FOR BASIC EQUIPMENT AND FACILITIES USED FOR LIGHT, VENTILATION, HEATING AND SANITATION FOR RESIDENTIAL STRUCTURE AND PREMISES, AND FOR SAFE AND SANITARY MAINTENANCE OF RESIDENTIAL STRUCTURE AND PREMISES; AND ESTABLISHING MINIMUM REQUIREMENTS FOR RESIDENTIAL STRUCTURE AND PREMISES FOR MEANS OF EGRESS, FIRE PROTECTION SYSTEMS AND OTHER EQUIPMENT AND DEVICES NECESSARY FOR SAFETY FROM FIRE; AND FIXING THE RESPONSIBILITIES OF PROPERTY OWNERS, OPERATORS AND TENANTS OF RESIDENTIAL STRUCTURE AND PREMISES; AND PROVIDING FOR ADMINISTRATION, ENFORCEMENT AND PENALTIES.

Introduced, read first time, ordered posted on the official bulletin board of County, County Office Building, 501 Court Lane, Cambridge, Maryland 21613.

Ordered publication for once a week for two (2) successive weeks, and public hearing scheduled on Tuesday, July 17, 2018, Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:05p.m.

By order:


Ricky C. Travers

President of the County Council

**COUNTY COUNCIL
OF
DORCHESTER COUNTY, MARYLAND**

BILL NO. 2018 -5

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND, ACTING PURSUANT TO SECTION 12-203 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND PURSUANT TO SECTION 10-202 OF THE LOCAL GOVERNMENT ARTICLE TO REPEAL AND REENACT, IN ITS ENTIRETY, CHAPTER 110 ENTITLED "MINIMUM LIVABILITY CODE" OF THE DORCHESTER COUNTY CODE, PROVIDING FOR REGULATIONS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE IN RESIDENTIAL STRUCTURES AND PREMISES BY ESTABLISHING MINIMUM PROPERTY MAINTENANCE STANDARDS FOR BASIC EQUIPMENT AND FACILITIES USED FOR LIGHT, VENTILATION, HEATING AND SANITATION FOR RESIDENTIAL STRUCTURE AND PREMISES, AND FOR SAFE AND SANITARY MAINTENANCE OF RESIDENTIAL STRUCTURE AND PREMISES; AND ESTABLISHING MINIMUM REQUIREMENTS FOR RESIDENTIAL STRUCTURE AND PREMISES FOR MEANS OF EGRESS, FIRE PROTECTION SYSTEMS AND OTHER EQUIPMENT AND DEVICES NECESSARY FOR SAFETY FROM FIRE; AND FIXING THE RESPONSIBILITIES OF PROPERTY OWNERS, OPERATORS AND TENANTS OF RESIDENTIAL STRUCTURE AND PREMISES; AND PROVIDING FOR ADMINISTRATION, ENFORCEMENT AND PENALTIES.

SECTION ONE: Acting under the authority of Section 12-203 of the Public Safety Article of the Annotated Code of Maryland and pursuant to Section 10-202 of the Local Government Article (the "Acts"), be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that Chapter 110 entitled "Minimum Livability Code" of the Dorchester County Code, be, and the same is hereby repealed and reenacted, in its entirety, to read as follows:

CHAPTER 110

MINIMUM LIVABILITY CODE

GENERAL REFERENCES

ARTICLE I

General Regulations

§110-1. Inapplicability of COMAR

A. The Code of Maryland Regulations, CPR .05.02.03.03(2) states that the provisions of the Minimum Livability Code found therein do not apply to housing located in a political subdivision that has adopted a local housing code containing provisions that substantially conform to the provisions of COMAR .05.02.03; and

B. The Minimum Livability Code set forth herein substantially conforms to those provisions, and it is therefore intended that the adoption of this code shall have the effect of making COMAR .05.02.03 inapplicable in Dorchester County, except to the extent the application of those regulations would be more restrictive than the provisions of this code.

§ 110-2. Title.

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

§ 110-3. 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.

§ 110-4. Intent.

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

ARTICLE II
Definitions

§ 110-5. Rules of Interpretation; Word Usage.

Unless otherwise expressly stated, the terms defined herein shall be interpreted as follows

- A. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; and the singular number includes the plural, and the plural, the singular.
- B. The word "shall" is mandatory; the word "may" is permissive.
- C. 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 or the definitions as provided in Chapter 155 of the Dorchester County, Maryland, Code.

§ 110-6. Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

BASEMENT — A story where the floor is more than twelve (12) inches but not more than half of its story height below the average level of the adjoining ground. A "basement" may be used as a separate dwelling and shall be counted as a story for the purpose of height regulations. See also "cellar."

BOARD — The Board of Building Appeals of Dorchester County, Maryland.

BOARDING — OR LODGING HOUSE - A dwelling or part thereof where meals and/or lodgings are provided, for compensation, for persons not transient.

BUILDING — Any structure which is designed, built or occupied as a shelter for persons, animals or property. The term "building" shall include tents, lunch wagons, roadside stands, mobile homes and recreational trailers and vehicles and shall also include any part thereof.

BUILDING CODE — The Building Code adopted by the county or such other code as may be designated by the county for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy or maintenance of premises and structures.

CELLAR — A story having more than one-half (%) of its height below the average level of the adjoining ground. A "cellar" shall not be used as a separate dwelling and need not be counted as a story for the purpose of height regulations. See also "basement."

CENTRAL HEATING — The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable areas from a source outside of these areas.

CODE — The Minimum Livability Code regulations.

CODE OFFICIAL — The Building Code official or his designee.

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

COUNTY — Dorchester County, Maryland.

COUNTY COUNCIL — The County Council of Dorchester County, Maryland.

DEPARTMENT — The Department of Planning and Zoning, Dorchester County, Maryland

DWELLING

A. **MULTIFAMILY** — A residential building designed for or occupied by three (3) or more families.

B. **SINGLE-FAMILY** — A detached residential building designed for and occupied by only one (1) family, including modular homes but excluding mobile homes.

C. **TWO-FAMILY** — A detached residential building, containing two (2) dwelling units, designed for and occupied by not more than two (2) families.

DWELLING SITE — A lot or parcel of land of such dimensions and zoning classification as to permit the lawful construction and occupancy of a dwelling unit thereon.

DWELLING UNIT — One (1) room or rooms connected together constituting a separate, independent housekeeping and living establishment for one (1) family and containing independent kitchen, bathroom and sleeping facilities. A "dwelling unit" shall be located in a structure containing a minimum gross floor area of six hundred (600) square feet. A mobile home shall be considered a "dwelling unit."

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 or 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."

HEALTH DEPARTMENT — The Health Department of Dorchester County, Maryland.

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 or contiguous to 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, management or control of a structure or premises which is offered for occupancy.

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

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

PLUMBING 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 and buildings 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 and other similar materials as well as the residue from the burning of wood, coal, coke and other combustible materials.

STRUCTURE — A residential structure used 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.

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

Article III
Administration and Enforcement

§ 110-7. Applicability.

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

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

(2) In any municipality within the County, unless said municipality and the County Council have mutually agreed to have the County enforce these provisions, and the municipality has adopted same.

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 county or its officers 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 industry standards so as to secure the results intended by this code.

E. Severability. The provisions of these regulations are severable. A judgment by any court of competent jurisdiction finding or declaring that any provisions of these regulations or the application of any provision to any person or circumstance is invalid does not affect the validity of the remaining provisions of the regulations or any other application of these regulations, and the remaining regulations shall have full force and effect as if no judgment had been entered.

§ 110-8. Enforcement.

A. Enforcement. It shall be the duty and responsibility of the Code Official to enforce the provisions of this code as herein provided.

B. Waiver.

(1) The Code Official may waive applicability of this code, in whole or part, to a unit of rental housing on application of the property owner if:

(a) Adequate notice in a form and manner specified by the Code Official is afforded any tenant of the unit.

(b) The tenant is afforded an opportunity to comment on the application either in writing or in person.

(c) The waiver would not threaten the health or safety of any tenant.

(2) The Code Official may waive applicability of this code if the waiver is granted on the basis of the religious practices of the occupant of the unit of rental housing.

C. Displacement. A person may not be displaced by enforcement of the Minimum Livability Code unless alternate housing of comparable affordability is available within a reasonable distance of the vacated premises.

D. Enforcement and waiver application are not intended to supersede any state laws pursuant to the Annotated Code of Maryland as follows:

- (1) State fire laws, Public Safety Article
- (2) State elevator laws, Public Safety Article.
- (3) State boiler laws, Public Safety Article.

§ 110-9. Powers and duties 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 ensure 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 tenant, for the purpose of making inspections and performing duties under this code.

D. Alterations and repairs. 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 the use of alternatives and equivalent approaches 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 or his agent prior to such changes. Such changes shall be specifically documented by the property owner 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, tenant or operator of a structure refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the Code Official may seek, in a court of competent jurisdiction, an order that such property owner, tenant or operator cease and desist from such interference.

F. Access by property owner or operator. A tenant of a structure or premises shall give the property owner or operator thereof, or agent or employee, 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.

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 a 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.

I. Rule-making authority. The Code Official shall have power, as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to further the intent thereof.

§ 110-10. 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 to 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 structure. Upon failure of a property owner to close or vacate a premises within the time specified in an order, the Code Official may cause the premises to be closed through any available public agency or by contract or arrangement with private persons, and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

§ 110-11. 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 in the Code Official has determined to condemn any structure or part thereof or equipment under the provisions of this code, notice shall be given to the property owner 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 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 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) Mailing or posting.

(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 who has received a compliance order or upon whom a notice of violation has been served shall not sell, transfer, mortgage, lease or otherwise dispose of the premises until the provisions of the compliance order or notice of violation have been complied with or until the property owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of the compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee in which he acknowledges the receipt of the compliance order or notice of violation and states that he fully accepts and assumes the responsibility without condition for making the corrections

or repairs required by such compliance order or notice of violation.

E. Removal of placard. A property owner shall not deface or remove a condemnation placard without the approval of the Code Official.

§ 110-12. Violations and penalties.

A. Penalty. A property owner who willfully violates any provision of this code is guilty of a misdemeanor and, on conviction for each violation, is subject to a fine not exceeding five hundred dollars (\$500.) for each day that the violation exists or imprisonment not exceeding three (3) months, or both.

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

§ 110-13. Right to appeal.

A. 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 or of any rule or regulation adopted pursuant to this code may request and may be granted a hearing with the Code Official.

B. Board of Building Appeals. Appeals to the Board may be filed by any person who allegedly is directly aggrieved by any order, requirement, decision or determination of any county department, agency or official in conjunction with the administration and enforcement of this chapter.

C. Appeals and applications shall be made on forms provided by the Code Official. Such appeals shall be acted on within a reasonable period of time, not to exceed sixty (60) days from the date of receipt of the application or such lesser period as may be provided by the rules of the Board Appeals and applications, accompanied by the required fees as established by County Council, shall be filed with the Code Official. In the case of appeals, the Code Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.

D. Any decision by the Board may be appealed to the Circuit Court in accordance with the Maryland Rules of Procedure.

**ARTICLE IV
Environmental Requirements**

§ 110-14. Scope of Article.

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

§ 110-15. Premises conditions.

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

§ 110-16. Exterior structure.

- A. General. The exterior of a structure shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants.
- B. 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.
- C. Exterior surfaces. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in good repair and shall be kept in such condition as to exclude rodents and other pests.
- D. Foundation walls. All foundation walls shall be structurally sound and shall be maintained free from open cracks and breaks.
- E. Exterior walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied areas of the structure. All exterior surface materials, including wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface-coated when required to prevent deterioration.
- F. 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.
- G. Decorative features. All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- H. 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 be 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.

I. Chimneys. All chimneys, cooling towers, smokestacks and similar appurtenances shall be maintained structurally sound, safe and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.

J. Stairs and porches. Every exterior stair, porch, fire escape, balcony and all appurtenances attached thereto shall be safe to use, capable of supporting the anticipated loads and maintained in a safe and sound condition and good repair.

K. 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.

L. Openable windows. Every window used for ventilation or emergency escape shall be capable of being easily opened from the inside and held in position by window hardware.

M. Insect screens.

(1) 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) 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.

N. 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.

§ 110-17. Interior structure.

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

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

- C. 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.
- D. 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.
- E. Sanitation. The interior of a structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish or garbage shall be properly kept inside temporary storage facilities. Garbage or rubbish shall not be allowed to accumulate or be stored in public halls or stairways.
- F. Insect and rodent harborage. 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 verminproof walls. The rodent and verminproof walls shall be installed in a manner prescribed by the Code Official.
- G. Exit doors. Every door available as an exit shall be capable of being opened easily from the inside and without the use of a key.
- H. Exit facilities. All interior stairs and railings and other exit facilities of a structure shall be maintained in sound condition and good repair. Every interior stair used for exit shall be maintained so as to be safe to use and capable of supporting the anticipated loads.

ARTICLE V
Light and Ventilation Requirements

§ 110-18. General Provisions.

- A. Scope. The provisions of this regulation shall govern 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 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 building code and/or in a manner prescribed by the Code Official.

§ 110-19. Light.

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

B. Common halls and stairways. Every common hall and stairway in a structure, other than one and two-family structures, shall be adequately lighted at all times with an illumination equivalent to the footcandles provided by at least a sixty-watt standard incandescent light bulb for each 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.

§ 110-20. Ventilation.

A. General. All areas in a structure shall be provided sufficient ventilation so as not to endanger health and safety.

B. 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.

**ARTICLE VI
Plumbing Fixtures and Fixture Requirements**

§ 110-21. Scope of Article.

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

§ 110-22. Required plumbing facilities.

A. Every dwelling 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 which 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 A (1), and the sink shall be supplied with hot and cold running water.

B. Alternative plumbing. Alternative plumbing facilities and fixtures for use in housing units may be allowed as approved on a case-by-case basis by the Code Official.

§ 110-23. Plumbing fixtures.

A. General. All plumbing fixtures shall be maintained in a safe condition and maintained in working condition. All plumbing fixtures shall be of nonabsorbent material and shall have received all necessary and legally required approvals.

B. Connections. Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order; free from obstructions, leaks and defects; and 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 building code or applicable plumbing code.

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

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

§ 110-24. Water system.

A. 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.

B. Contamination. The water supply shall be maintained free from contamination. All water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture.

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

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

E. Alternative water systems. Alternative water systems may be allowed as approved on a case-by-case basis by the Code Official.

§ 110-25. Sewage system.

A. General. From 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.

B. Maintenance. Every plumbing stack, waste, vent and sewer line shall be installed and maintained so as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the applicable state or local building code or applicable state or local plumbing code.

ARTICLE VII
Mechanical and Electrical Requirements

§ 110-26. Scope of Article.

The provisions of this regulation shall govern the minimum standards for mechanical and electrical facilities and equipment.

§ 110-27. Heating facilities.

A. Residential structures.

(1) 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 am. 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.

(2) 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.

B. 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 be 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.

C. 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.

D. Fuel-burning. 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.

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

- F. Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation in accordance with applicable local or state codes or per manufacturer's instructions in cases where no local or state codes apply.
- G. 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.
- H. 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 unless the installation has specifically received all necessary and legally required approvals.
- I. 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.
- J. 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.

§ 110-28. Electrical facilities.

- A. 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 electric system in compliance with the requirements of this section.
- B. Receptacles. Obstructions habitable area in a housing unit shall contain at least two (2) receptacle outlets. Every laundry area and bathroom shall contain at least one (1) grounded-type receptacle. Every kitchen shall contain at least two (2) receptacles.
- C. Lighting fixtures. Every public hall, interior stairway, water closet compartment bathroom, laundry room and furnace room shall contain at least one (1) electric lighting fixture.
- D. Service. When the electric system requires modification to correct a violation of this section, the service shall be corrected to a minimum of sixty-ampere, three-wire service.
- E. Installation. All electrical equipment wiring and appliances shall be installed and maintained in a safe manner in accordance with the National Electrical Code. All electrical equipment shall be of a type which has received all necessary and legally required approvals.

ARTICLE VIII
Fire Safety Requirements

§ 110-29. Scope of Article.

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.

§ 110-30. Means of egress.

- A. 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.
- B. Direct exit. Every housing unit shall have access directly to the outside or to a common area that leads directly to the outside.
- C. Doors. All doors in the required means of egress shall be easily opened from the inner side.
- D. Fire escapes. All fire escapes shall be maintained in working condition and structurally sound.
- E. Exit signs. All exit signs shall be illuminated and visible.
- F. Emergency escape. Every sleeping room located in a basement shall have at least one (1) operable 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 exists which have received all necessary and legally required approvals.

§ 110-31. Accumulations and storage.

- A. General. Garbage or rubbish shall 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, shall not be accumulated or stored on premises except in reasonable quantities consistent with normal usage.
- C. 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.

§ 110-32. 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.

§ 110-33. Fire protection systems.

A. General. All fire protection systems and equipment shall be maintained in proper operating condition at all times.

B. 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, Public Safety Article. When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the unit.

C. 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.

D. 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.

§ 110-34. Fire doors.

All necessary and legally required fire resistant 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.

**ARTICLE IX
Responsibilities of Owners and Occupant**

§ 110-35. General Provisions

A. Only the property owner shall be responsible for compliance with the provisions of this

code, and shall be cited for violations of it, except as provided for within these regulations. A person shall not rent or lease to another person for occupancy or use any housing unit unless the structure and premises comply with the provisions of this code.

B. A property owner 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 acts or omissions have not contributed in any way to cause the violation.

C. The tenant shall be responsible for keeping that part of the structure or premises which the tenant occupies and controls or uses in a clean and sanitary condition.

D. Each property owner of a structure containing two or more housing units shall maintain, in a clean and sanitary condition, the common areas of the structure and premises.

E. 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.

F. The tenant shall be responsible for keeping owner-supplied equipment and fixtures clean and sanitary and for the exercise of reasonable care in their use and operation.

G. The property owner shall be responsible for maintaining the equipment and fixtures in good and proper operating condition.

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

I. If necessary, the property owner shall be responsible for extermination within the structure and in the premises before the rental or lease of the structure.

J. The tenant of a structure containing a single-family unit shall be responsible for the extermination of any insects, rodents or other pests in the structure or premises, unless it can be proven that the infestation was preexisting.

K. Each property owner or operator of a structure containing two or more housing units shall be responsible for the extermination of any insects, rodents or other pests in the structure or on the premises except where infestation within the housing unit was caused by the failure of the tenant to take reasonable action to prevent the infestation of the housing unit.

L. The property owner is responsible for installing and maintaining in good working order a smoke detector(s) installed pursuant to this code which shall be in accordance with state fire laws, Public Safety Article, Title 9, Subtitle 1, Annotated Code of Maryland, Smoke Detection Systems, and any codes so adopted by the County which meet or exceed those standards.

M. The property owner is responsible for installing and maintaining in good working order a carbon monoxide detector(s) installed pursuant to this code which shall be in accordance with Public Safety Article, Title 12, Subtitle 11, Annotated Code of Maryland, and any codes so adopted by the County which meet or exceed those standards. The tenant shall be responsible for the maintenance of the carbon monoxide detector during his occupancy of said unit.

N. Discontinuance of service or utility. No property owner or tenant shall cause any service, facility, equipment or utility which is required to be supplied under this chapter to be removed

from or shut off from or discontinued for any occupied dwelling unit let by the owner, except for such temporary interruptions as may be necessary while actual repair or alterations are in process, or during temporary emergencies when discontinuance is approved by the Code Official.


SECTION TWO: Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that General Code Publishers is directed to codify amended Chapter 110, Sections 110-1 through 110-35 of the Dorchester County Minimum Livability Code accordingly.

SECTION THREE: And be it further ENACTED and ORDAINED, pursuant to Section 308 of the Charter of Dorchester County, Maryland that promptly after enactment of this Act, the County Manager shall cause a fair summary of this Act to be published at least once in a newspaper of general circulation in Dorchester County, Maryland.


SECTION FOUR: And be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that this Bill shall be known as Bill No. 2018-5 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

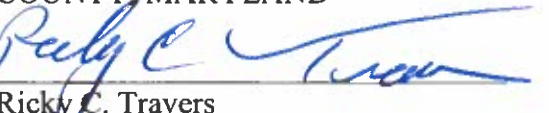
PASSED this 17th day of July, 2018.

ATTEST:
BY: 
Jeremy Goldman
County Manager

COUNTY COUNCIL OF DORCHESTER
COUNTY, MARYLAND
BY: 
Ricky C. Travers
President

APPROVED this 17th day of July, 2018.

ATTEST:
BY: 
Jeremy Goldman
County Manager

COUNTY COUNCIL OF DORCHESTER
COUNTY, MARYLAND
BY: 
Ricky C. Travers
President

- Nichols - *noy*
- Satterfield - *aye*
- Bradshaw - *aye*
- Price - *noy*
- Travers - *aye*

May.18
LivabilityCode.Bill/mlh