

Cecil County Board of County Commissioners

Ordinance 2010-08

Amendment to the Cecil County Code

Chapter 240 - Rental Housing Maintenance and Occupancy

WHEREAS, the Board of County Commissioners of Cecil County, "Board" is authorized to adopt, amend and enforce a Rental Housing Maintenance and Occupancy Code; and

WHEREAS, the Board desires to amend by revising and deleting certain sections of said Rental Housing and Maintenance Code,

NOW THEREFORE BE IT RESOLVED, that the following amendments to the Cecil County Code, Rental Housing, Chapter 240, Rental Housing Maintenance and Occupancy, are hereby enacted, effective _____ 2010, as follows:

DELETE Sections:

§240-1 through §240-29 in their entirety.

AMEND by Addition and Replacement Sections:

§240-1 through §240-21

Introduced at a public meeting of the Board of County Commissioners for Cecil County, this _____ day of _____, 2010.

Adopted at a public meeting of the Board of County Commissioners for Cecil County, this _____ day of _____, 2010.

THE BOARD OF COUNTY COMMISSIONERS OF CECIL COUNTY

Brian L. Lockhart, President

Rebecca J. Demmler, Vice-President

James T. Mullin, Commissioner

Wayne L. Tome, Sr., Commissioner

Robert J. Hodge, Commissioner

Attest:

Alfred C. Wein, Jr.
County Administrator

Code of Cecil County Maryland
Chapter 240
Rental Housing Maintenance and Occupancy

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240-1 General

- A. These regulations shall be known as the Minimum Livability Code or “this Code.”
- B. This code is created to protect the public health, safety and welfare in residential structures and premises by:
 - 1) Establishing minimum property maintenance standards for basic equipment and facilities used for light, ventilation, heating, and sanitation for residential structures and premises, and for the safe and sanitary maintenance of residential structures and premises;
 - 2) 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;
 - 3) Determining the responsibilities of property owners, operators, and tenants of residential structures and premises; and
 - 4) Providing for administration, enforcement and penalties.
- C. The intent of this Code shall be to protect public health, safety and welfare insofar as they are affected by the continued use and maintenance of residential structures and premises.
- D. Unless otherwise expressly stated, the terms defined in these regulations shall have the meanings indicated for purposes of this Code.
- E. Words used in the present tense include future. Words in the masculine gender include the feminine and neuter. The singular number includes the plural and the plural the singular.
- F. When terms are not defined, through the methods authorized by this section, they shall have their ordinarily accepted meanings such as the context may imply.
- G. The Board of County Commissioners of Cecil County shall have the 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 its intent.

240-2 Definitions

- 1) Accessory structure - a detached structure located on or partially on premises that are not to be used for living or sleeping by an occupant.
- 2) Basement - that portion of a structure which is partly or completely below grade.
- 3) Building Code - the building code adopted by the Board of County Commissioners of Cecil County or such code as may be designated by the Board of County Commissioners for the regulation of construction, alteration, addition, repair,

removal, demolition, use, location, occupancy, or maintenance of premises and structures.

- 4) Central Heating – the heating system permanently installed and adjusted so as to provide the distribution to all habitable areas from a source outside of these areas.
- 5) Code – the Minimum Livability Code regulations.
- 6) Code Official – the official or any duly authorized agent or designee of the County in which the housing/dwelling unit is located who is authorized to enforce this Code.
- 7) Condemn – to declare a structure or part of it, premises, or equipment unsafe or unfit for use or occupation.
- 8) Department – the Department of Permits and Inspections for Cecil County.
- 9) Dwelling – a building that is used or intended to be used for living or sleeping by human occupants, including manufactured homes permanently affixed for more than thirty (30) consecutive days.
 - a) Dwelling does not include a tent, automobiles, truck body, camper, boat or other structure used for human shelter that is designed to be transportable and that is not attached to the ground, to another structure, or to a utility system on the same premises for more than thirty (30) consecutive days.
- 10) Dwelling Unit – a room or group of rooms located within a dwelling that form a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking and eating.
- 11) Extermination – the control and elimination of insects, rodents, or other pests by :
 - a) eliminating their harborage places;
 - b) removing or making inaccessible materials that may serve as their food;
 - c) poison spraying, fumigating, trapping or by any other pest elimination methods which have received all necessary and legally required approvals.
- 12) Garbage – the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- 13) 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.
- 14) Housing unit – a single unit of a structure providing or intended to provide complete living and sleeping facilities for one or more persons.

- 15) Infestation – the presence of insects, rodents, vermin or other pests within or contiguous to a structure or premises.
- 16) Kitchen – a room containing any of the following equipment or area of a room within three feet of the following equipment:
- a) sink or other device for dishwashing;
 - b) stove or other device for cooking;
 - c) refrigerator or other device for cool storage of food;
 - d) cabinets or shelving for storage of equipment and utensils;
 - e) counter or table for food preparation.
- 17) 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.
- 18) Occupant – an individual having possession of a space within a housing unit.
- 19) Operator – a person who has charge, care or control of a structure or premises which is offered for occupancy.
- 20) Person – an individual, partnership, limited partnership, trust, estate, association or corporation. Any officer of any corporation, any partner of any partnership or any related corporation, partnership, limited liability company or limited liability partnership owned in whole or in part by any aforementioned party.
- 21) 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.
- 22) Plumbing fixture – a receptacle or device which:
- a) is either permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from it;
 - b) discharges used water, liquid borne waste materials or sewage either directly or indirectly to the drainage system of the premises; or
 - c) requires both a water supply connection and a discharge to the drainage system on the premises.
- 23) Property owner – a person having a legal or equitable interest in the premises, including the guardian of an estate of the person, or the executor or administrator of the estate of the person if ordered to take possession of the premises by a court, or any officer of any corporation, any partner of any partnership or any related corporation, partnership, limited liability company or partnership owned in whole or in part by any aforementioned party.

- 24) Rodent proofing – the permanent closing of openings in foundations, basements, cellars, exterior and interior walls to prevent rodents from gaining access to or from food, water, harborage or a given space or building.
- 25) Rubbish – paper, rags, cartons, boxes, wood, 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.
- 26) Structure – a residential structure used for human habitation.
- 27) Tenant – an occupant other than a property owner.
- 28) Vacated dwelling – a dwelling unit vacated or caused to be vacated by virtue of noncompliance with the provisions of this Code.
- 29) Ventilation – the process of supplying and removing air by natural or mechanical means to or from a space.
 - a) Mechanical ventilation – ventilation by power driven devices.
 - b) Natural ventilation – ventilation by opening to outer air through windows, skylights, doors, louvers or stacks without power driven devices.

240-3 Application

- A. The Minimum Livability Code shall apply to residential structures used for human habitation except:
 - 1) Owner occupied single family housing units.
 - 2) Any municipality within the County which has adopted a local housing or building code.
- B. Repairs or alterations to a structure, or changes of use to it, 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 building code, plumbing code, mechanical code and/or electrical code or any other code or standard applicable to housing which is in effect within the County.
- C. The provisions of this Code do 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 or unsanitary.
- D. 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. All repairs, maintenance, alterations or additions required for compliance with this Code whether normal or due to emergency situations shall require the owner to obtain any and all necessary permits from any County, State or Federal agency.

240-4 Basic Structural and Environmental Requirements

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

- B. Premises Condition.

- 1) The premises shall be maintained in a clean, safe, and sanitary condition free from any accumulation of rubbish or garbage.
- 2) The premises shall be free from infestation of insects, rodents, vermin or other pests.

- C. Exterior of Structure.

- 1) The exterior of a structure shall be maintained in good repair, and shall be structurally sound, and maintained in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants.
- 2) Supporting structural members of a structure shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.
- 3) Each foundation, exterior wall, roof and all exterior surfaces shall be maintained in good repair and shall be kept in such condition as to exclude rodents and other pests.
- 4) Foundation walls shall be structurally sound and shall be maintained free from open cracks and breaks.

- D. Exterior Walls.

- 1) Each 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.
- 2) 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.

- E. Roofs and drainage.

- 1) The roof shall be structurally sound and may not have defects which might admit rain or other moisture penetration. Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration in the walls or interior portions of the structure.

- F. Chimneys.

- 1) All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally sound, safe and in good repair.

- 2) 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.

G. Stairs and porches.

- 1) Each exterior stair, porch, fire escape, balcony and all appurtenances attached to them shall be safe to use and capable of supporting the anticipated loads and shall be maintained in a safe and sound condition and in good repair.

H. Windows, doors and frames.

- 1) Each window, door and frame shall be maintained so as to exclude rain and rodents as completely as possible, and to substantially exclude wind from entering the structure.

I. Weather tight.

- 1) Each window and exterior door shall be fitted reasonably in its frame and be weather tight. Each window shall be free from cracks and holes.

J. Operable windows.

- 1) 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.

K. Insect screens.

- 1) During the period from April 1 to December 1, every door and window or other outside opening required for ventilation purposes shall be supplied with tight fitting insect screens.
- 2) Exception. Upon prior approval of the Code Official, screens may not be required for exterior doors and 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.

L. Door hardware.

- 1) Each exterior door and its hardware shall be maintained in good working condition. Door locks on all interior and exterior doors entering housing units shall be in good repair and capable of tightly securing the door.

M. Interior structure.

- 1) The interior of a structure and its equipment and facilities shall be maintained in good repair, structurally sound and in sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants.
- 2) Structural Members. The supporting structural members of a structure shall be maintained structurally sound, free of deterioration and maintained capable of safely carrying out the imposed loads.

- 3) Floors, walls (including windows and doors), ceilings and other interior surfaces shall be maintained in good repair and in clean, safe and sanitary condition.
- 4) Bathroom and kitchen floors. Each toilet, bathroom and kitchen floor surface shall be maintained so as to be substantially impervious to water to permit the floor to be easily kept in a clean and sanitary condition.

N. Sanitation.

- 1) The interior of a structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish and garbage.
- 2) Rubbish and garbage shall be properly kept inside temporary storage facilities.
- 3) Garbage or rubbish may not be allowed to accumulate or be stored in public hallways or stairways.

O. Insect and rodent harborage.

- 1) A structure shall be kept free from infestation, and where infestation is found, the area shall be promptly exterminated by processes which are not injurious to human health.
- 2) Continuing or repeated incidents of infestation, as determined by the Code Official, shall require the extermination of the infestation by a licensed professional exterminator and proof shall be provided to the County. Any displacement of the occupants during this time will be the responsibility of the property owner.

P Exit doors.

- 1) Each door available as an exit shall be capable of being opened easily from the inside.

Q. Exit facilities.

- 1) All interior stairs and railings and other exit facilities of a structure shall be maintained in sound condition and in good repair.
- 2) Each interior stair used for exit shall be maintained so as to be safe to use and capable of supporting the anticipated loads.

240-5 Light and Ventilation Requirements

A. General.

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

B. Light.

- 1) All areas in a structure shall be provided sufficient light so as not to endanger health and safety. All areas in a structure shall be provided with natural light or equipment to accommodate artificial light of sufficient intensity and distributed so as to permit the maintenance of sanitary conditions and the safe use of the area and the appliances, equipment and fixtures.
- 2) Each common hall and stairway in a structure, other than one(1) and two(2) family structures, shall be adequately lighted at all times with an illumination equivalent to the foot candles provided by at least a 60 watt standard incandescent light bulb for each 200 square feet of floor area, provided that the spacing between lights may not be greater than 30 feet. Every exterior stairway shall be illuminated.

C. Ventilation.

- 1) All areas in a structure shall be provided sufficient ventilation so as not to endanger health and safety.
- 2) Mechanical ventilation.
 - a) When mechanical ventilation is provided instead of natural ventilation, the mechanical ventilating system shall be maintained in operation during the occupancy of the structure or portion of it.
 - b) When part of the air provided by a mechanical ventilation system is re-circulated, the portion or volume of air re-circulated may not be re-circulated to a different habitable area.

240-6 Plumbing Facilities and Fixture Requirements

- A. The provisions of this regulation shall govern the minimum standards for plumbing facilities and fixtures.
- B. Each 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.
 - a) Each 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.
 - b) A lavatory shall be placed in the same room as the water closet or located in another room in close proximity to the door leading directly into the room in which the water closet is located.
 - c) The lavatory shall be supplied with hot and cold running water.
 - 2) Bathtub and Shower.
 - a) Each 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.
 - a) Each housing unit shall contain a kitchen sink apart from the lavatory. The sink shall be supplied with hot and cold running water.

- C. Plumbing fixtures. All plumbing fixtures shall be maintained in a safe and usable condition. All plumbing fixtures shall be of nonabsorbent material and shall have received all necessary and legally required approvals.
- D. Connections.
- 1) Water supply lines, plumbing fixtures, vents, and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and shall be capable of performing the functions for which they are designed.
 - 2) All repairs and installations shall be made in accordance with the provisions of the applicable adopted plumbing and building codes for the County..
- E. All plumbing fixtures shall be maintained in a clean and sanitary condition so as not to breed insects, rodents or produce dangerous or offensive gases or odors.
- F. Plumbing fixtures shall be installed to permit easy access for cleaning both the fixture and the area around it.
- G. Water system.
- 1) Each sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to a private water system which has received all necessary and legally required approvals.
 - 2) The water supply shall be maintained from contamination. All water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.
 - 3) 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.
- H. Water Heating Facilities.
- 1) Water heating facilities shall be installed in a manner which has received all necessary and legally required approvals, properly maintained and properly connected with hot water lines to the fixtures required to be supplied with the hot water.
 - 2) 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 similar facilities at a temperature of not less than 110 degrees Fahrenheit.
- I. Sewage System.
- 1) Each sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing fixture shall be properly connected to either a public sewer system or private sewage disposal system which has received all necessary and legally required approvals.

- 2) Each plumbing stack, waste and sewer line shall be installed and maintained so as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards.
- 3) All repairs and installations shall be made in accordance with the provisions of the applicable adopted building or plumbing Codes for the County.

240-7 Mechanical Requirements

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

B. Heating Facilities.

1) Residential Structures.

- a) Each housing unit shall be supplied with sufficient heat or heating equipment capable of supplying sufficient heat during the period from October 1 to May 30 to maintain room temperature of not less than 65 degrees Fahrenheit in all habitable areas during the hours between 6:30 am and 10:30 pm of each day and maintain a temperature of not less than 60 degrees Fahrenheit during other hours.
- b) The temperature shall be measured at a point three(3) feet above the floor and three(3) feet from exterior walls.
- c) Exception. When the exterior temperature falls below 0 degrees Fahrenheit and the heating system is operating at its full capacity, a minimum room temperature of 60 degrees Fahrenheit shall be maintained at all times.

2) Cooking and Heating Equipment.

- a) All cooking and heating equipment, components and accessories in every heating, cooking and water heating device shall be maintained free from leaks and water flow obstructions and kept functioning properly so as to be free from fire, health and safety hazards.
- b) All installations and repairs shall be made in accordance with the provisions of the applicable adopted building, mechanical and/or other applicable codes or ordinances of the County.
- c) Portable cooking equipment employing a flame is prohibited.

3) Installation.

- a) 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 intended and designed.

4) Fuel Burning Equipment.

- a) All fuel burning equipment shall be connected to a chimney, flue or vent in accordance with applicable local and State codes according to manufacturer's instructions in cases where no local or State codes apply.

- 5) Clearances.
 - a) All necessary and legally required clearances to combustible materials shall be maintained.
- 6) Safety Control.
 - a) All safety controls for fuel burning equipment shall be maintained in effective operation in accordance with applicable local or State codes, or according to manufacturer's instructions in cases where no local or State codes apply.
- 7) Combustion Air.
 - a) A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel burning equipment.
- 8) Unauthorized Devices.
 - a) Devices purporting to reduce gas consumption by attachment to a gas appliance, the gas supply line or the vent outlet or vent piping may not be used unless labeled for that use and the installation has specifically received all necessary and legally required approvals.
 - b) An owner or occupant may not install, operate or use an un-vented or unsafe self contained heating appliance of either the circulating or radiant type intended to heat one (1) room.
- 9) Fireplaces.
 - a) Fireplaces and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe and connected to chimneys which have received all necessary and legally required approvals.
- 10) Climate Control.
 - a) When facilities for interior climate control (heating, cooling and humidity) are integral functions of housing units, these facilities shall be maintained and operated in accordance with the designed capacity.

240-8 Electrical Requirements

- A. The provisions of this regulation shall govern the minimum standards for electrical installation and equipment. Each housing unit shall be adequately and safely provided with an electrical system in compliance with all applicable adopted codes of the County or their agents.
- B. Each habitable area in a housing unit shall contain at least two (2) receptacles, one each on opposite or intersecting walls. Each room or portion of a room used for food preparation shall have two (2) twenty (20) ampere circuits installed near counter spaces. Any receptacle located within six (6) feet of any sink must be GFCI protected. Each bathroom shall have at least one (1) GFCI protected receptacle.

- C. The service shall be a minimum 60 ampere three (3) wire service.
- D. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of a type which has received all necessary and legally required approvals.

240-9 Fire Safety Requirements

- A. The provisions of this regulation shall govern the minimum standards for fire safety facilities and equipment. All structures shall be constructed and maintained to prevent and avoid fire hazards and in a manner conducive to fire safety.
- B. Means of Egress.
 - 1) A safe continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, yard, court or passageway leading to a public open area at grade.
 - 2) Each housing unit shall have access directly to the outside or to a common area that leads directly to the outside.
 - 3) All doors in the required means of egress shall be easily opened from the inner side.
 - 4) All fire escapes shall be maintained in working condition and structurally sound.
 - 5) All exit signs shall be illuminated and visible.
 - 6) Each sleeping room including those 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 exits which have received all necessary and legally required approvals.
- C. Accumulation and Storage.
 - 1) Garbage or rubbish may not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.
 - 2) Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids or combustible rubbish such as waste paper, boxes and rags, may not accumulate or be stored on premises except reasonable quantities consistent with normal usage.
 - 3) A housing unit may not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of 100 degrees Fahrenheit or lower, except as provided for in the applicable building code.
- D. Fire Resistance Ratings. Floors, walls, ceilings and other elements and components which are required by 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 and the integrity of the components is maintained.

E. Fire Protection Systems.

- 1) All fire protection systems and equipment shall be maintained in proper condition at all times.
- 2) Smoke alarms/detectors shall be installed outside each separate sleeping area in the immediate vicinity of the bedrooms..
- 3) The smoke detectors shall be installed and maintained in accordance with the State fire laws and the adopted applicable building and electrical codes for the County.
- 4) When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the unit.
- 5) 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 may not be bent or damaged.
- 6) All necessary and legally required fire resistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for their proper operation.
- 7) The use of door stops, wedges and hold open devices which have not received all necessary and legal approvals or which have been denied approval is prohibited.

240-10 Occupancy Limitations

- A. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.
- B. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter-fronts and appliances or counter-fronts and walls.
- C. Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

- 1) In one and two family dwellings, beams and girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
- 2) Basement rooms in one and two family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
- 3) Rooms occupied exclusively for sleeping, study or similar purposes and having sloped ceiling over all or part of the room, with a clear height of at least 7 feet (2134 mm) over not less than one third of the required minimum

floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

- 4) Pre-existing conditions under this paragraph will be considered non-conforming as long as they are utilized and structurally sound. Discontinuance of the use for a period of 180 consecutive days will require the structure to be brought into compliance with the applicable adopted building codes.

D. Bedroom requirements. Every bedroom shall comply with the requirements of the following;

- 1) Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

- 2) Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- 3) Prohibited occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.
- 4) Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this section. The plumbing facilities and water-heating facilities requirements of Section 240-6, the heating facilities requirements of Section 240-7, the electrical facilities requirements of Section 240-8 and the fire safety requirements of Section 240-9.

240-11 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

240-12 Code Enforcement

- A. It shall be the duty and responsibility of the Department of Permits and Inspections for Cecil County to enforce the provisions of this Code.
- B. The Department shall decide questions of interpretation of this Code, including questions relating to uniform enforcement.
- C. 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. Any displacement of a tenant not ordered by a Court of Law within the jurisdiction shall be the responsibility of the land owner of the unit vacated.

- 1) The property owner is not required to locate alternative housing if the tenant's displacement was the result of a natural disaster or act or other conditions beyond the control of the property owner, or was caused by the tenant's negligent, wrongful or malicious acts or omissions.
- D. At the beginning of tenancy an owner or other person may not occupy or let to another person a dwelling or dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy and in compliance with applicable State and County law.
 - E. Whenever a provision of this article conflicts with another provision of County law, the provision that establishes the higher standard for the promotion and protection of the health and safety of the occupants and public shall prevail.

240-12 Duties and Powers of Code Official

- A. The Code Official or his designee shall enforce the provisions of this Code except as may otherwise be specifically provided by these regulations. In areas of the County within municipal corporations (towns), an agreement of enforcement shall be submitted to the County from the municipality to allow enforcement within the incorporated limits.
- B. The Code Official or his designee shall disclose his credentials for the purpose of inspecting a structure or premises.
- C. The Code Official or his designee shall issue all notices and orders necessary to insure compliance with this Code.
- D. The Code Official or his designee is authorized to enter a structure or premises at any reasonable time upon providing reasonable notice to the property owner or tenant, for the purpose of making inspections and performing duties under this Code.
- E. 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(s) authorized by this Code is sought, the Code Official or his designee may seek, in a court of competent jurisdiction, an order that the property owner, tenant or operator cease and desist from such interference.
- F. A tenant of a structure or premises shall give the property owner or operator, or agent or employee, access to any part of the structure or its premises at reasonable times upon being given reasonable notice for the purpose of making the inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of the Code or an order of the Code Official.
- G. The Code Official or his designee 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 the premises into compliance shall take

into consideration the use of alternatives and equivalent approaches as provided for in this Code and the applicable building codes.

- H. The Code official or his designee shall have the authority to approve changes in alterations or repairs in the field when conditions are encountered which make the originally approved work impractical, if the changes in approved work can be readily determined to be in compliance with this Code or any other applicable code and are requested by the property owner or his agent before the changes commence.
- I. The 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.
- J. Whenever a code official initiating an inspection of a premise under this Code becomes aware that an inspection of the premises is to be made by another 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.
- K. The code official shall confer with other governmental officials or agencies for the purpose of eliminating conflicting orders before they are issued.
- L. 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 shall be charged against the real estate upon which the structure is located and a lien shall be placed upon said real estate.

240-13 Condemnation

- A. When a structure or part of it 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 of it and may order the structure or part of it to be placarded and vacated pursuant to the provisions of this Code.
- B. The structure or part of it may not be reoccupied without the approval of the code official. Unsafe equipment may be condemned, placarded and placed out of service pursuant to the provisions of this Code.
- C. An unsafe structure is one which all or part of it 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, basic sanitary facilities 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.

- D. 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.
- E. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.
- F. 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.

240-14 Notices and Orders

- A. Whenever the Code Official or his designee determines that there has been a violation of this Code or has reasonable grounds to believe that a violation has occurred, or whenever the code official has determined to condemn any structure, or part of it, or equipment under the provisions of this Code, notice shall be given to the property owner and to the tenant in the manner prescribed by this Code.
- B. If the code official has condemned the structure or part of it, or equipment, the code official shall serve notice to the property owner and to the tenants of the intent to:
 - (1) Order the structure or part of it placarded and vacated; or
 - (2) Order the equipment placed out of service.
- C. Notice shall be deemed to be properly served upon a property owner or tenant by one 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 paperwork.
 - 2) 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 paperwork.
- D. If the certified or registered letter is returned with receipt showing that it has not been delivered, and all other remedies have been exhausted for such delivery, the notice shall be served by posting a copy of it in a conspicuous place in or about the structure affected by the notice.
- E. 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.
- F. A property owner who has received a compliance order or upon whom a notice

of violation has been served shall not sell, transfer, 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 shall first furnish the grantee, transferee, 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 the compliance order or notice of violation.

240-15 Violations

- A. Any person or property owner who shall violate any provision of this Code or shall fail to comply with any requirements thereof or maintains, erects, constructs or alters or repairs a structure or premises in violation of an approved plan or directive of the code official shall be liable for a civil or criminal offense and upon judicial finding of said violation, shall be liable for a fine of not more than one thousand dollars (\$1000) and or imprisonment to not exceed ninety (90) days, or both. Each day that a violation exists and continues shall be deemed a separate offense.
- B. In addition to fines as described in A above, any person or property owner found in violation of any provisions of the Code shall pay all costs and expenses associated with the County's abatement of said violation as well as any and all fair and reasonable attorney's fees incurred as a result of said abatement effort and any other related Court costs.
- C. 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.
- D. Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

240-16 Responsibilities of Persons

- 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 pre-existing.
- 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 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. The tenant shall be responsible for the maintenance of the smoke detectors during his occupancy of said unit.
- M. The property owner is responsible for installing and maintaining in good working order 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. This section pertains to new construction for which a building permit is issued on or after January 1, 2008.

- 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 interruption as may be necessary while actual repair or alterations are in process, or during temporary emergencies when discontinuance is approved by the Code Official.

240-17 Right to Appeal

- A. A person affected by a decision of the code official which has been made in connection with the enforcement of any provision of this Code, or of a regulation adopted pursuant to this Code, may request and may be granted a hearing in a manner as prescribed by the Code.
- B. A person aggrieved by a decision of the code official issued in connection with an alleged violation of this Code or demolition order issued under the Code, may apply to the Director of Permits and Inspections for a reconsideration of the notice or order, within ten (10) days of receipt of such notice.
- C. The Director of Permits and Inspections shall specify a time and date for an informal hearing on the matter within ten (10) days of receipt of the request for reconsideration and shall advise those parties of interest the time and date of such reconsideration in writing.
- D. At the informal hearing, the applicant shall be permitted to present grounds for revocation and/or modification of the original order or notice to the Director of Permits and Inspections or his designee.
- E. Within ten (10) days of the informal hearing, the Director of Permits and Inspections shall advise in writing to the parties of interest his decision to uphold or modify the original order.
- F. Any person or party aggrieved by the decision may appeal to the Livability Code Board of Appeals of the County.
- G. Any decision of the Livability Code Board of Appeals may be appealed to the Circuit Court of Maryland in accordance with the Maryland Rules of Procedure.

240-18 Livability Code Board of Appeals.

- A. Board of Appeals.

- 1) A Livability Code Board of Appeals is hereby established, which shall consist of five (5) members to be appointed by the Board of County Commissioners. One (1) member shall be a licensed builder; One (1) member shall be a representative of the Cecil County Housing Office; and three (3) members shall be residents of the County from the general public.
- 2) The terms of all members shall be three (3) years. Vacancies shall be filled by appointment of the County Commissioners for the unexpired term of the individual replaced. A member of the Livability Code Appeals Board may be replaced by the County Commissioners if such member fails to attend three (3) consecutive meetings of the Board.
- 3) The Livability Code Board shall elect one (1) of its five members to serve as Chairman.

B. Powers and Duties.

- 1) The Livability Code Board shall have the following powers and duties:
 - a) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Code Inspector or any other administrative official in the enforcement of this ordinance.
- 2) The Livability Code Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination which has been appealed from, to the extent that such action is not consistent with the provisions of this Code.
 - a. The appellant in an appeal shall have the burden of proof (including the burden of going forward with the evidence and the burden of persuasion) of all questions of fact.

C. Proceedings of the Livability Code Board of Appeals.

- 1) Meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as the Board may determine necessary. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel attendance of witnesses.
- 2) A staff member of the Department of Permits and Inspections shall be present during all deliberations by the Board of Appeals and shall answer such questions and render such advice and assistance as may be appropriate to the action being taken, but shall not participate in the decision of the Board.
- 3) The Board shall adopt other rules of procedure as it deems appropriate provided such rules are consistent with the provisions of this ordinance and applicable State enabling legislation and regulations.
- 4) The Board shall keep minutes of its proceedings, showing the vote of each member upon question, or if absent or failing to vote indicating such fact, and shall keep records of its official actions, including a verbatim record of its examination of witnesses.
- 5) The deliberations of the Board shall be open to the public, but public participation shall be limited to periods during which testimony is permitted.

D. Quorum and Voting.

- 1) Three (3) members of the Livability Code Board shall constitute a quorum for the conducting of business. A minimum vote of three (3) members of the Board shall be required to reverse any order, requirement, decision, or determination of the Code Inspector, or to effect any variation in the application of this Code.

240-19 Fees and Charges.

- A. The County Commissioners shall establish a schedule of fees, charges, and expenses and a collection procedure, for appeals, and other matters pertaining to this ordinance. The schedule of fees shall be available from the Department of Permits and Inspections and may be altered or amended only by the County Commissioners upon recommendation by the Department of Permits and Inspections.

240-20 Severability and Saving Clause

- A. 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 provisions 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.
- B. Nothing in this Code shall be construed to affect any suit or proceeding pending in any court or any rights acquitted or liability incurred or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

240-21 Relief from Personal Responsibility

The code official, officer, employee or board member charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and the code official, officer, employee or board member is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee or board member because of an act performed by that person in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinates or board member shall not be liable for any costs in any action, suit or proceedings that is instituted in pursuance of the provisions of this Code; and any officer of the Department of Permits and Inspections, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act in the performance of official duties in connection therewith.