

**FAIRMOUNT HEIGHTS, MARYLAND
MAYOR AND TOWN COUNCIL**

**Ordinance 16-02
PROPERTY MAINTENANCE CODE**

Introduced by: Mayor and all Council members

Enacted on: March 20, 2002

An ordinance to establish the minimum governing conditions and maintenance of all property, buildings and structures, by providing standards for supplied utilities and facilities and other physical things and conditions essential to insure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such structures, known as the Property Maintenance Code.

BE IT ORDAINED, by the Mayor and Council of the Town of Fairmount Heights, Maryland that Chapter VIII of the Code of Ordinances, entitled Health and Sanitation, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed and replaced with the following.

CHAPTER VIII

PROPERTY MAINTENANCE CODE

Section 8-1

The *International Property Maintenance Code*, First Edition, 2000, as published in cooperation by the Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International, Inc. (SBCCI) is hereby adopted as the Property Maintenance Code of the Town of Fairmount Heights, Maryland, as amended by the additions, insertions, deletions and other changes set out in Section 8-2 of this ordinance, for the control of buildings and structures as herein provided. Each and all of the regulations, provisions, penalties, conditions and terms of said *International Property Maintenance Code* are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance. Three copies of the complete ordinance, marked and designated as the Property Maintenance Code, are on file in the office of the Town Clerk of Town of Fairmount Heights, and available for public use, inspection and examination.

Section 8-2

The following sections and subsections of the *International Property Maintenance Code* are hereby revised to read as follows. All other sections of the *International Property Maintenance Code* are adopted without changes, and are identified in this section for informational purposes.

Chapter 1: ADMINISTRATION AND ENFORCEMENT

Section 101: General

101.1 Title. These regulations and their amendments shall be known as the *Property Maintenance Code* of the Town of Fairmount Heights, hereinafter referred to as "this code."

101.2 thru 101.4. Adopted without changes.

Section 102: Applicability

102.1 thru 102.8 Adopted without changes. 102.9 added.

102.9 "Smart Codes." The code official shall apply subsections 102.6 and 102.8 to accommodate the public interest in rehabilitation of older buildings which cannot feasibly be rehabilitated if required to comply consistently with current property maintenance codes, to include buildings affected by the State of Maryland Building Rehabilitation Code ("Smart Codes").

Section 103: Property Maintenance Personnel

103.1 Code official. The Town Manager is hereby designated as the code official, and shall be responsible for implementing the provisions of this ordinance.

The Town Manager may designate another Town administrative official as the code official, with notice to the Town Council; may appoint Town employees or contractors as deputy code officials; and may designate other related technical officers, inspectors and other employees to property maintenance duties. Hiring of a separate code enforcement officer shall require Council approval in accordance with the Charter. Duties assigned herein to the code official shall be interpreted as assignable to other employees or contractors unless otherwise specifically stated.

103.2 Duties of inspectors. It shall be the duty and responsibility of the inspectors and other code enforcement personnel to (1) inspect all structures and/or exterior properties when so directed by the code official or designee, for the purpose of determining the existence of unsafe, unhealthful, unsightly, or other conditions which violate this code; (2) to determine and report compliance or non-compliance with any orders issued; (3) to report to the code official, in writing, any conditions which cause a structure to be deemed detrimental to the health, safety or welfare of the residents; and (4) to appear and testify at hearings as needed regarding structures and properties which they have inspected.

103.3 Coordination with Prince George's County

103.3.1 Concurrent jurisdiction. Unless and until this provision is superseded by action of the Town Council, Prince George's County code officers shall continue to have concurrent jurisdiction in Fairmount Heights. Concurrent jurisdiction shall be defined to mean that County officials will enforce County property maintenance ordinances in the Town while Town officials will enforce this code and the decisions of the code official pursuant to their authority under Section 104.2.

103.3.2 Cooperation between jurisdictions. The code official, consistent with the provisions of this code, may develop specific cooperative arrangements with Prince George's County for code enforcement in Fairmount Heights. This shall include mutual determination of which jurisdiction will handle periodic inspections. The code official may also, at his/her option, defer action in a particular case to the County, or may request the County to remove itself from a particular case in order that the Town may proceed under provisions of this ordinance.

103.3.3 Record-keeping. For purposes of coordinated record-keeping, the code official is authorized to request and receive from Prince George's County such records of its Fairmount Heights inspections and violations as County officials are allowed to release under County law, and to release Town code enforcement information to the County.

103.4 Restriction of employees. Adopted without changes

103.5 Liability. Amended to delete the words "of the department of property maintenance inspection" from paragraph 2, so that the final clause reads: "and any officer or employee acting in good faith and without malice shall be free from liability for acts performed and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of officials duties in connection therewith."

103.6 Fees. The fees for inspection services performed by the Town in carrying out its responsibilities under this code shall be established by the Town Council, and are subject to revision from time to time. Unless and until otherwise determined, fees for residential inspections shall be the same as those set by Prince George's County from time to time for the same services. Inspections of commercial establishments (not performed by the County) shall be \$100.

Section 104: Duties and Powers of the Code Official

104.1, 104.2, 104.4, 104.6, 104.8. Adopted without changes

104.3: Inspections. Delete the last eight words, "subject to the approval of the appointing authority."

104.5: Identification. The code official, officers and employees shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.7: Code enforcement records. The code official shall cause to keep official records of all business and activities of property maintenance employees specified in the provisions of this code. Such information shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

104.9: Administrative search warrants. In the event that entry onto any premises is required in the implementation of this code, and such entry is refused or otherwise not possible despite repeated requests, or a housing inspection or other authorized function is limited or impaired by limiting such access, no forced entry shall be attempted or made. Instead, the code official shall make application to a judicial officer for a warrant authorizing entry and the performance of such inspection or other authorized function, as provided under Maryland law.

Exceptions: Notwithstanding the foregoing section:

- (1) Permission need not be obtained for entry to spaces and areas to which the public is ordinarily invited.
- (2) All licensing and permit inspections authorized and required by this code shall be processed without the necessity for obtaining permission or obtaining a judicial warrant authorizing entry. Failure to allow entry for such inspections shall constitute sufficient reason for the denial or revocation of the licensee or permit involved.
- (3) In the event of an emergency situation constituting an immediate threat to individual human life, property, or the public safety, and if the time necessarily consumed in applying for a judicial warrant authorizing entry could intensify such a threat, the code official shall have the right without judicial approval or warrant to make an emergency entrance for the purpose of abating or eliminating the dangerous condition.

Section 104.10 Owner access for required repairs. Each tenant or lessee of a dwelling or premises must give the owner thereof or his agent or employee access to any part of such dwelling or its premises at all reasonable times to make repairs or alterations or take such action as necessary to comply with this ordinance or any lawful order issued under this ordinance.

Section 104.11 Accommodation for financial hardship. The code official shall have authority to accommodate financial or other hardships of violators which make it difficult to abate violations, provided that (1) no violation presents an immediate danger to the health, safety or welfare of the occupants or the public; (2) the violator or legally designated agent has, in a notarized statement, acknowledged the violation(s), made a commitment to abate the violation(s), and documented the extent of the financial or other hardship; and (3) the violator or legally designated agent signs an agreement with the code official which specifies how and when the violation(s) will be abated. Such accommodation shall not be made unless and until all three of these criteria are met. This section may not be used to obstruct the implementation of any other provisions of this code. In the event that the violator(s) shall fail to comply with its signed

commitments under this section within the time agreed, the code official shall implement enforcement procedures as specified in this ordinance.

Section 105: Approval

Adopted without changes

Section 106: Violations

106.1 Unlawful acts. It shall be unlawful for any person, partnership, corporation, limited liability company, or other entity to erect, construct, alter, extend, repair, remove, demolish, maintain, provide, fail to provide, use or occupy, let to another for use or occupancy, or permit another person to use or occupy any structure, premises, or equipment regulated by this code, or cause the same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or otherwise to be in conflict with or in violation of any of the provisions of this code. It shall be unlawful to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

106.2 Enforcement against violations. Any person failing to comply with a violation notice or order served in accordance with Section 107 may be issued a citation for a municipal infraction. If the violation notice is not complied with, the code official shall implement the appropriate procedures under this code to correct or abate such violation(s), to include requiring the removal or termination of the unlawful occupancy of a structure in violation of this code or of the order or direction made pursuant thereto.

106.3 Violation penalties (general). Any person who shall violate a provision of this code, or fail to comply therewith or with any of the requirements thereof within the time period provided by the code official may be charged with a municipal infraction and be subject to a fine of not less than \$100 nor more than \$1,000, as specified in subsection 106.4 below. Adjudication of municipal infractions shall be in accordance with Article 23A, Section 3 of the Annotated Code of Maryland, as amended.

106.4 Violation penalties (specific)

106.4.1 Fine schedule. The Town Council may set specific penalties for violations of this code, and may revise those penalties from time to time. The fine for each violation shall be as follows.

First violation	\$100
Second violation in same one-year period for same offense	\$200
Third and subsequent violation in same one-year period	\$500

Each day that a violation continues after due notice of the violation has been served and the allowed period of time for abatement has ended shall be a separate offense. In addition, violators are subject to prison terms not to exceed 60 days, at the discretion of the court.

106.4.2 Payment of fines. Citations for municipal infractions shall be issued on the District Court of Maryland standard Uniform Municipal Infraction Civil Citation form. The fine for a municipal infraction may be paid to the Town within 20 calendar days after service of the citation; or, the person charged in the citation may elect to stand trial for the violation by notifying the Town in writing of the person's intent to stand trial, such notice to be given within 15 days after service of the citation on the person charged.

If the fine is not paid within 30 days, the Town may ask the court to double the fine to an amount not to exceed \$1,000. Any unpaid fines assessed against a violator who is the owner of a property on which a violation is found and abated shall be a lien against the property.

106.5 Abatement of violation. Adopted without changes.

106.6 Right to abate violations. Upon failure, neglect, or refusal of any person who is duly notified of a violation of this code to correct that violation, the Town shall have the right, without judicial approval, to enter onto the property to abate the violation, and such abatement shall be at the person's expense. Any such charges assessed against a violator who is the owner of a property on which a violation is found and abated shall be a lien against the property. The Town may also charge the violator with a municipal infraction.

Section 107: Notices and Orders

107.1 Notice to owner or to person or persons responsible. Adopted without changes

107.2 Form. Delete item 5, "Inform the property owner of the right to appeal." Appeals may be made only to the Circuit Court, as provided in Section 111.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is (1) sent by first-class mail to the owner or his previously designated local agent and acknowledged in some way by the addressee, including by abatement of the violation; (2) served by certified mail, return receipt requested, and the return receipt is returned indicating that the certified mail was received; or (3) delivered personally to the addressee or another competent adult resident at his/her address.

If service cannot be had by any of these modes of service, then service may be accomplished by (1) posting the notice in a conspicuous location on the property where the violation has occurred and (2) posting at or delivery to the residence or place of business of the owner if either is located in the Town, or if not so located, by a notice in a newspaper of general circulation in the Town.

107.4 Penalties. Penalties for a non-compliance with orders and notices shall be as set forth in the subsections 106.3 and 106.4.

107.5 Transfer of ownership. Adopted without changes

Section 108: Unsafe Structures and Equipment

Adopted without changes

Section 109: Emergency Measures

109.1 thru 109.4. Adopted without changes

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be charged to the violator, and the violator shall be given 30 days from proper notification to pay the charges. Any such charges assessed against a violator who is the owner of a property on which such emergency work is performed shall be a lien against the property.

109.6 Hearing. Deleted in its entirety

Section 110: Demolition

110.1 Declaration of public nuisance. The Town Manager shall declare as a public nuisance any premises upon which is located any structure which in his/her judgment is so old, dilapidated, or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy. The Town Manager, if it is unreasonable to repair the structure, shall order the owner of such premises to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structures.

Any structure found to have any of the following defects shall be declared a public nuisance in accordance with the preceding paragraph.

1. Bearing wall, earth retaining wall, column or other vertical structural member which leans or buckles to such an extent that it is likely to partially or completely collapse and injure the occupants or members of the public.
2. Floor, roof, wall, structural member, or structural connection which is overloaded, has insufficient bearing, or which has insufficient strength to be safe for the purpose used so as to be likely to collapse and injure the occupants or members of the public.

3. Part of a structure which is so attached that it is likely to fall and injure the occupants or members of the public.
4. Damage by fire, earthquake, flood, wind, or other causes, so as to become dangerous to the health, safety, or welfare of the occupants or members of the public.
5. Disrepair or lack of maintenance so as to be unsanitary, vermin or rat infested, filthy or contaminated, or lacking in ventilation, sanitary facilities, heating facilities, or other code-required equipment to the degree that the structure is hazardous to the health, safety, or welfare of the occupants or members of the public.
6. Dilapidation, deterioration, or decay; faulty or abandoned construction; open, vacant, or abandoned; damaged to the extent that the structure does not provide shelter from the elements.
7. Abandoned wells, shafts, basements, or excavation or other physical conditions that constitute an attractive nuisance to children and/or are hazardous to the health, safety, or welfare of members of the public.
8. The lack, entirely or in part, of illumination, ventilation, heating, water supply, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
9. Equipment which is in such disrepair or condition that it is a hazard to the life, health, property, or safety of the occupants or the public, including any boiler, heating equipment, elevator, electrical wiring or device, flammable liquid containers or other equipment, on the premises or in the structure.

110.2 Notices and orders. Adopted without changes

110.3 Failure to comply. Adopted without changes

110.4 Salvage materials. Adopted without changes

110.5 Mandatory demolition or repair. The following steps shall be taken to effect the mandatory demolition or repair of a structure which is deemed dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or occupancy and which is declared a public nuisance pursuant to subsection 110.1.

110.5.1 Notice of Declaration of Nuisance and Pre-hearing Order. A Notice of Declaration of Nuisance and Pre-hearing Order shall be prepared in substantially the following form, deleting the words in brackets. In setting deadline dates for this order, (1) occupancy of the building may be prohibited as of any date, including immediately if building conditions so warrant in the opinion of the code official; (2) any demolition deadline shall be set at least 45 days from the date of the order, unless the condition of the structure justifies applying Section 109.1, Imminent danger; and (3) any required repairs shall be started on the premises within 30 days after the date of the order.

TOWN OF FAIRMOUNT HEIGHTS

NOTICE OF DECLARATION OF NUISANCE
AND PRE-HEARING ORDER

THE STRUCTURE OR STRUCTURES DESCRIBED BELOW HAVE BEEN
DECLARED A PUBLIC NUISANCE.

[Insert address or other adequate description of the building or structure]

[Use one or two of the following three paragraphs, as applicable, except that the second
and third items cannot both be included in the same order.]

NO PERSON SHALL OCCUPY THIS BUILDING OR ANY PART THEREOF,
AFTER _____, 20__. After such date, no person shall occupy, enter, refuse
to leave, or remain in this building, or any part thereof, except persons directly employed
in securing, repairing, or removing such building.

THIS STRUCTURE MUST BE DEMOLISHED AND REMOVED FROM THE
PREMISES NO LATER THAN _____, 20__. Any excavation must be filled
and the property cleared so as to be in a safe condition. If demolition is not begun and
carried forth promptly, the code official shall, after a hearing, order the same demolished
and the cost assessed against the property as a tax lien, and may issue a citation for a
municipal infraction.

THIS STRUCTURE MUST BE REPAIRED TO CURE THE FOLLOWING DEFECTS:

Work must begin on or before _____, 20__, and proceed continuously and
without unnecessary delay to completion. This order may also be obeyed by demolition
and removal of the structure. Upon failure to repair as herein required, the code official
shall, after hearing, order repairs to be made and the cost charged to the owner of this
property as a tax lien, and may issue a citation for a municipal infraction.

110.5.2 Posting of notice. A copy of the Notice of Declaration of Nuisance and Pre-hearing Order shall be posted in a prominent place on the premises.

110.5.3 Service of nuisance declaration. The Notice of Declaration of Nuisance and Pre-hearing Order shall be served on the affected parties and all persons having a known interest in the property, all as shown by the records of the Town of Fairmount Heights Finance Department. Such notice shall be deemed to be properly served if a copy thereof is (1) sent by first-class mail to the owner or his previously designated local agent and acknowledged in some way by the addressee, including by abatement of the violation; (2) served by certified mail, return receipt requested, and the return receipt is returned indicating that the certified mail was received; or (3) delivered personally to the addressee or another competent adult resident at his/her address.

If service cannot be had by any of these modes of service, then service may be accomplished by (1) posting the notice in a conspicuous location on the property where the violation has occurred and (2) posting at or delivery to the residence or place of business of the owner if either is located in the Town, or if not so located, by a notice in a newspaper of general circulation in the Town.

The affected parties shall be given a reasonable time to complete demolition or to begin the repairs.

110.6 Procedure for handling non-compliance. If the affected parties fail to commence work on repairs or complete demolition within the time specified, or fail to proceed continuously with the work without unnecessary delay, the code official shall call a hearing upon the matter, giving the affected parties at least 21 days written Notice of Hearing.

110.6.1 Service of Notice of Hearing. Said Notice shall be served on the affected parties and all persons having a known interest in the property, all as shown by the records of the Town of Fairmount Heights Finance Department, in the manner specified in subsection 110.5.3.

110.6.2 Hearing. The Town Manager will hire impartial Hearing Examiners to conduct hearings required by this code. The Hearing Examiner shall conduct a full and impartial hearing. Counsel may represent any affected parties and all affected parties shall have an opportunity to be heard. The Town Attorney will represent the Town at all hearings where the respondent is represented by legal counsel.

110.6.3 Failure to appear for hearing. If the affected persons or their representatives fail to appear at the hearing, the hearing may proceed ex parte at the Town's option. If a decision is made against the respondent, formal notice of the Hearing Examiner's decision shall be made to the affected parties, with service of notice to be in the same manner as for the Notice of Hearing.

110.6.4 Post-hearing Order. After the hearing, if the hearing examiner has determined that the structure is a public nuisance and detrimental to the health, safety, or welfare of the residents of the Town, as defined in Section 110.1, the code official shall issue a Post-hearing Order requiring that the structure be demolished and removed, or repaired if that was required by the Notice of Declaration of Nuisance and Pre-Hearing Order or the hearing examiner adjudged the property to be repairable, and setting a date certain for completion of the required action.

110.6.5 Service of Post-hearing Order. The Post-hearing Order shall be served in the same manner as for the Notice of Hearing.

110.7 Failure to obey Post-hearing Order. If the Post-hearing Order is not obeyed within the date certain set in the Order, and if appeal is not made to the Circuit Court of Prince George's County within 30 days after issuance of such Order as provided in Section 111.1, the code official shall cause such structure to be vacated, and repaired or demolished as provided in his/her Post-hearing Order. As with the Notice of Declaration of Nuisance and Pre-hearing Order, the costs of such work shall be at the owner's expense, and any such charges assessed against a violator who is the owner of a property on which a violation is found and abated shall be a lien against the property. The code official may also cause to be served on the owner a citation for municipal infraction.

110.8 Liability of the Town. The Town shall not be liable to any affected party for any damage or injury to persons or property caused by the enforcement of this section when such enforcement is carried out in accordance with the procedures herein provided.

110.9 Liability of employees. Neither the code official nor any inspector, officer, employee, or agent of the Town shall be liable for any damage that accrues to the persons or property as a result of any act required or permitted pursuant to this section. Any suit brought against the code official, any inspector, officer employee, or agent of the Town as a result of any act required or permitted pursuant to this section shall be defended by the Town Attorney or other legal counsel of the Town, as provided in subsection 103.5.

Section 111: Appeals

111.1 Appeals. Any person aggrieved by a Post-hearing Order shall have the right to appeal to the Circuit Court of Prince George's County in the manner provided by law for judicial review of decisions of administrative agencies. Such appeal must be filed in the Circuit Court within 30 days of the Post-hearing Order. The filing of an appeal shall not act as a stay of the action appealed, or any action under this code, except that the Circuit Court, after notice to the Town and a hearing, may grant a stay upon such conditions or such security as it deems proper.

111.2 thru 111.8. Deleted in their entirety.

Section 112: Occupancy Permits

112.1 Occupancy permit required. It shall be unlawful for any person, owner or agent thereof to occupy or use, or to permit any person to occupy or use any residential or nonresidential premises for any purpose, including the movement of furniture, equipment, or other personal or business property into said premises, until a permit to occupy has been issued by the code official in response to a formal application. The permit so issued shall state that the conditions of the premises and its proposed occupation comply with all of the provisions of this code as far as can be determined by an interior and exterior visual inspection of the premises and a review of the records. Occupancy permit inspections enforce the Town's property maintenance code standards by ensuring that the buildings are safe for occupancy; protect the well-being of residents and their neighbors; and protect financial investments and property values.

This provision shall not apply to any occupancy in existence prior to the effective date of this ordinance, but shall apply to all changes of occupancy subsequent to that date, whether by sale, rental, or other transfer of occupancy. **Exception:** No permit is required if the new owner or renter is the owner's parent, son, daughter, brother or sister, grandchild, grandparent, or in-law.

112.2 Application and inspection process

112.2.1 Application form. The code official shall provide an application form designed to elicit all information necessary to administer and enforce the provisions of, and ensure compliance with the provisions of this code. This shall include the name, address and telephone number of the owner and the owner's mortgage holder, and if no owner will reside at the property address or within 50 miles of the Town, it shall also include the name, address, and telephone number of a local agent residing within 50 miles of the Town who is authorized by the property owner(s) to receive inspection notices and other correspondence regarding violations pertaining to the property, other than legal process. For residential units, it shall also include the names, ages, relationships, and number of persons who will occupy the dwelling unit. For nonresidential premises, it shall also include the name of the firm, company, organization, or institution that will occupy the premises, the type of use, the type and quantity of materials that will be stored on the premises, and the floor area of the portion of the premises that will be occupied or used.

There shall be a continuing obligation on the part of the permit holder to update the information in the application and/or to supply requested information not previously submitted.

112.2.2 Application violations. It shall be unlawful for any person to knowingly make any false statement or omit material information on an occupancy permit application form.

112.2.3 Application review and inspection. The code official shall examine or cause to be examined all applications for permits within a reasonable time after filing, and after payment of the inspection fee, shall dispatch an inspector to perform an interior and exterior visual inspection of the property, for purposes of ensuring that the building is in full compliance with this code. No action shall be taken to issue a permit until an

inspection of the premises has been completed and any cited violations are corrected. If entry is denied or otherwise made impracticable by an owner or tenant, the license shall be denied and the inspection fee forfeited.

No permit shall be issued under the provisions of this code for premises which have been newly constructed, newly altered, or on which a change in use is proposed unless a Town building permit has first been issued and documentary evidence of required permits from Prince George's County has been provided.

112.2.4 Issuance of permit. If all fees are paid and the code official is satisfied that the premises and its proposed occupation are in compliance with this code and all laws and ordinances applicable thereto, the code official shall issue the permit as soon as practicable.

112.2.5 Conditional permit. Occupation shall be permitted on a conditional basis when in the judgment of the code official practical difficulties interfere with completing all repairs required to bring the premises into full compliance with this code prior to permitting the occupation of the premises, there are no conditions on the premises which threaten the health or safety of an occupant, and the code official is satisfied that the premises will be brought into compliance with the requirements of this code within a 90-day period. No conditional permit shall be issued under the provisions of this code for premises which have been newly constructed, newly altered, or on which a change in use is proposed unless a Town building permit has first been issued and documentary evidence of required permits from Prince George's County has been provided.

112.2.6 Rejection of application. If the application does not comply with the requirements of this ordinance and all pertinent laws, the code official shall reject such application in writing, stating the reasons.

112.3 Failure to comply. Anyone occupying a premises without applying for an occupancy permit, or without waiting until a permit has been issued, shall be guilty of a municipal infraction. Once aware of this violation, the code official shall require that the owner complete a permit application forthwith, shall schedule an inspection in accordance with subsection 112.2, and shall require the owner to provide prompt access to the property for the inspection. Failure of the owner to cooperate with these requirements shall be the basis for Town action to abate the violation in accordance with subsection 106.5 and/or 106.6.

112.4 Permit fees. At the time of application for initial permit or permit renewal, the code official shall collect a fee, amount of which shall be established by the Town Council pursuant to subsection 103.6, and which may be changed from time to time. There shall be a 20% penalty for each month or portion thereof during which the premises were occupied without a permit. The code official shall have authority to grant exceptions or to mitigate the penalty, upon a showing by the permittee or applicant of good cause for late payment.

No refunds of permit fees shall be made to those discontinuing operation or who sell, transfer, give away, or otherwise dispose of a permitted building to another person. In the event that the code official denies an application due to legal restrictions that prevent the issuance of the permit, the applicant's tendered fee will be returned.

112.5 Display of permit. Occupancy permits issued under this code shall be prominently and publicly displayed on the premises, wherever feasible, or produced on demand of the tenant or prospective tenant. Such permits shall be available at reasonable times for inspection by an authorized inspector.

112.6 Suspension of permit

112.6.1 Reasons for suspension. Any permit issued shall become invalid if the occupation of the premises is not commenced within six months after issuance of the permit or if the occupation is terminated, or upon failure of the owner to comply with a notice of violation. Written notice shall be given to the owner stating the specific grounds for the suspension. It shall be unlawful for the owner or any person to rent for occupancy or to use any premises then vacant or becoming vacant until the suspended permit has been re-validated.

112.6.2 Duration of suspension. Suspensions shall be for 30 days, and may be extended by the code official for an additional 30 days if, in the sole discretion of the code official, the owner is attempting in good faith to correct the violations which led to the suspension. The suspension shall end and the permit re-validated immediately upon correction by the owner of the violations causing the suspension. Failure to correct the violations within the suspension period shall require that the permit be revoked.

112.7 Revocation of permit

112.7.1 Reasons for revocation. The code official shall revoke a permit in case of any false statement or material misrepresentation of facts in the application on which a permit was based; when compliance with the requirements of this code is not achieved within 90 days from the date of issuance of the permit; in the event a structure is declared a public nuisance pursuant to this code; or when a suspended permit has not been re-validated within 30 days of issuance. Written notice shall be given to owner setting forth the specific grounds for the revocation.

112.7.2 Occupancy prohibited. It shall be unlawful for the owner or any person to rent for occupancy or to use any premises then vacant or becoming vacant until a new or renewal permit has been issued.

112.7.3 Posting of property. Upon revocation, the code official shall have a prominent notice posted and publicly displayed on the property stating that

OCCUPANCY OF THESE PREMISES IS UNLAWFUL UNTIL AN OCCUPANCY PERMIT HAS BEEN OBTAINED FROM THE TOWN OF FAIRMOUNT HEIGHTS AND IS DISPLAYED ON THE PREMISES.

It shall be unlawful for any person to remove such notice until a permit has been obtained.

112.7.4 New permit required. If a permit is revoked, the owner must apply and pay for a new permit, which application shall be handled under the provisions in this section, and must satisfy the code official that the reasons for the revocation have been resolved.

112.8 Duration, renewal of permits

112.8.1 Single-family permits. Unless revoked or suspended prior to expiration, occupancy permits issued due to changes of ownership shall have no expiration date and shall be valid until the next change of occupancy or use.

112.8.2 Multi-family and nonresidential permits. Unless revoked or suspended prior to expiration, each permit for rental occupancy shall be issued for two years from the date of initial issuance or date of renewal, and may be renewed in accordance with the provisions of this section. Primary purpose of this provision is to allow the Town to group all units on the same premises for inspection purposes. The code official shall initiate a new inspection after the current permit has less than three months remaining before expiration. If re-inspection has not occurred by the end of the two-year period, the license shall remain valid until the next property inspection is conducted and the owner has reasonable time to correct any violations cited. In that case, the new permit shall be dated from the day after the expiration of the previous license.

112.9 Permits not transferable. An occupancy permit under this code is not transferable and terminates upon change of ownership.

112.10 Ownership transition. The purchaser of any premises may occupy the property provided that an application for a new permit is submitted to the code official prior to actual change of ownership or control of the property and its assets, including the date the transfer is to take place. If a purchaser fails to make timely application for a new permit, a penalty will be assessed, equal to 20% of the prorated permit fee for each month or portion thereof that the premises were occupied without a valid permit.

Chapter 2: DEFINITIONS

Adopted without changes

Chapter 3: GENERAL REQUIREMENTS

Section 301: General

Adopted without changes

Section 302: Exterior Property Areas

302.1, 302.2, 302.3. Adopted without changes

302.4 Landscaping

302.4.1 Lawn or ground cover. Exterior property on residential premises shall be provided with lawn or ground cover of vegetation or shrubs, covering an area of not less than 10% of the total lot area. All exterior property areas which are not covered by vegetation shall be treated to prevent the blowing or scattering of dust particles in the air, and any holes or pits must be closed or adequately covered.

On exterior property of nonresidential premises, lawns and other land area not covered by structures or paving must be properly maintained, reasonably free of erosion, gulying, and missing ground cover, and damaged ground cover must be replaced. All exterior property areas which are not covered by vegetation shall be treated to prevent the blowing or scattering of dust particles in the air, and any holes or pits must be closed or adequately covered.

It shall be unlawful for any residential or nonresidential owner or tenant to cause or allow any dirt, earth, mud, or silt to flow onto a sidewalk, gutter, street, park or other public space.

302.4.2 Plant material. Any tree, shrub or other plant material on the premises which overhangs a public entrance, driveway, public walk, or parking lot shall be trimmed to avoid obstructing the movement or the vision of motorists or pedestrians. No hedge or bush of any kind which borders on any public walk may be more than three feet in height. It shall be unlawful for any owner or tenant to permit or cause to permit any dead, diseased, or storm damaged trees or tree limbs that pose a hazard to life, limb, or property to remain standing. It shall be unlawful to permit overgrown vegetation on developed property.

302.4.3 Grass and weeds. Grass, weeds, and other plant growth—except for cultivated flowers and gardens, trees and shrubs—shall not be allowed to exceed a height of 10 inches on all exterior property, except that grass, weeds, and other plant growth on unimproved parcels of land shall not be allowed to exceed 12 inches. All noxious weeds are prohibited. The area along fences and along foundations shall be maintained free of

volunteer growth of trees and shrubs. The area between the property line and the curb shall be maintained free from litter and from weeds or plant growth in excess of 10 inches in height, not including cultivated flowers and gardens.

302.4.4 Abatement of violations. It shall be unlawful for any person to fail to abate any violation specified in this subsection (302.4) within 72 hours after notice from the Town. Such failure shall be subject to penalties specified elsewhere in this code.

302.5 Rodent and insect harboring. All exterior property areas shall be kept free from rodent and insect harboring and infestation, and where such rodents or insects are found they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation, to include construction designed to prevent rodents or other pests from entering a building by blocking off or stopping up all passages by which they may gain entry; closing openings in exterior walls with materials through which they cannot penetrate; and measures to reduce or eliminate breeding places. Standing water shall be eliminated where feasible to avoid creating breeding places for mosquitoes

302.6 Exhaust vents. Adopted without changes

302.7 Accessory structures. All accessory structures, including but not limited to fences, walls, gates, attached or detached garages, storage sheds or buildings, decks, mailboxes and mailbox structures shall be maintained structurally safe and sound and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions. Each surface exposed to the elements and susceptible to deterioration shall be painted or provided with other suitable weather resistant protective coating sufficient to prevent deterioration. All accessory structures shall be constructed and maintained within the property boundaries of the property they serve.

302.7.1 Gates. Adopted without changes

302.7.2 Swimming pools. Adopted without changes.

302.7.3 Enclosures around swimming pools. Private swimming pools, ponds, hot tubs, and spas, containing water over 18 inches in depth shall be completely surrounded by a fence or guard at least 48 inches in height above the finished ground level measured on the side of the barrier which faces away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. **Exception:** Enclosures, gate, and gate-latching arrangements that comply with the standards of the International Building Code referenced in Chapter 8 of this code.

302.7.4 Fences. All fences shall be maintained in a good state of repair and shall not be allowed to deteriorate to an unsound or unsightly appearance. Repairs shall be made with materials that match the balance of the fence.

302.7.5 Chain link fencing. Effective from the date of adoption of this code, no new chain link fences shall be constructed on residential property within the Town limits. Exceptions may be made for compelling property security reasons at the sole discretion of the Town Manager, based on a permit application submitted in accordance with subsection 302.7.6 below. Whenever a chain link fence is found by the code official to be rusted or otherwise discolored, it shall be painted in a common color so that all such rust or discoloration is completely covered. Whenever a chain link fence is found by the code official to be in disrepair or in a state of deterioration, it shall be removed and replaced with another type of fence, to include but not limited to post and rail, brick, wrought iron, and wood picket.

302.7.6 Permit required. Before installation of any new fence four feet or higher, the owner shall make application for a building permit.

302.8 Motor vehicles. Adopted without changes

302.9 Defacement of property. Adopted without changes

302.10 Storage and dumpsters

302.10.1 Open storage. Exterior of property areas shall not be utilized for any period of time for the open storage of building rubbish or refuse, bathroom or kitchen fixtures, glass, furniture, automotive parts, weeds, dead trees, garbage, rubbish or similar items or materials, irrespective of age or condition. No commercial rubbish or refuse, including construction materials, shall be stored on residential property, or put out for residential trash collection.

All commercial salvage yards and open storage areas shall be completely obscured from surrounding property and public areas by a solid screen not less than six feet in height.

302.10.2 Firewood storage. No person shall permit the storage on and residential lot of any wood, logs, branches, or any other wood products to be used for burning in the interior or exterior wood stove or fireplace unless the same shall be stored evenly on a concrete asphalt, brick, or wood deck, patio, or porch, or be placed on open racks that are elevated above the ground with a minimum clearance of eight inches and evenly piled so that these materials will not afford shelter or harborage for rodents. The area beneath the firewood rack shall not be stored in any manner beyond the front building lines of the house.

302.10.3 Trash dumpsters. All non-residential and multi-family residential properties with trash dumpsters on the property shall maintain an enclosure around the dumpsters. Enclosures shall be not less than six feet in height and shall be made of wood.

Permanent trash dumpsters on non-multifamily residential property shall not be permitted. Any person requiring use of a dumpster for construction, demolition or other purposes on such property must make prior application to the code official for a dumpster permit.

After approval of the application and payment of the required fee, the code official will issue a dumpster permit allowing the owner to locate a dumpster on the premises where the work is to take place. The permit must be displayed on the property where the dumpster is located. The owner shall remove the dumpster from the property on or before the expiration date of the permit.

302.11 Parking lots. Parking lots in connection with multifamily residential, commercial, and industrial enterprises shall be kept in a proper state of repair and maintained free from potholes, raveling, cracking, and other hazardous conditions. Where more than 25% of the parking lot is covered with defects, such condition shall be remedied by removal of defective pavement and resurfacing with new materials.

302.12 Snow and ice on sidewalks. It shall be the duty of the owner or tenant of a residential property address to clear snow from the sidewalk directly in front of that property address within 12 hours after the snow ceases to fall, or within 12 hours after sunrise if the snow ceases falling after dark. When ice has formed on or adhered to the sidewalk, then sand, sawdust, ashes, or similar material shall be applied within six hours for pedestrian safety; or within six hours after sunrise if the ice forms after dark.

Section 303: Exterior Structure

303.1 thru 303.7. Adopted without changes

303.8 Decorative features. All cornices, 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.

All shutters shall be uniform in style and color. Pairs of shutters shall be maintained consistently or both shall be removed. If they are removed, all hardware must be removed from the structure. All slats on shutters must be maintained in good condition.

303.9 thru 303.12. Adopted without changes

303.13 Window, skylight and doorframes. Adopted without changes

303.13.1 Glazing. Every window, glazed exterior door, exterior transom or exterior side light shall be provided with properly installed glass or other approved glazing material without holes, open cracks or multiple cracks in the same pane or sheet. In the event of breakage, the owner or other person responsible shall cause the immediate removal of broken glass from the premises and shall temporarily board up the affected opening with suitable material to provide protection from the elements; prevent entry of insects, birds, or animals; and provide security to the occupants and contents of the building.

303.13.2 Openable windows. Adopted without changes

303.13.3 Window shades, etc. Shades, blinds, drapes, and curtains which are visible from the exterior shall be maintained in good condition or they shall be removed.

303.13.4 Display windows and entrances. All display windows and entrances exposed to public view shall be kept clean and maintained in good repair. No storage of materials, stock, or inventory shall be permitted in window display areas or similar areas ordinarily exposed to public view unless screened by drapes, blinds, or other permanent means, and such screening is kept clean and maintained in good repair.

303.13.5 Security bars, grilles, or screens. Security bars, protective grilles, and security screens shall not be permitted on any window or doorway of any one or two family dwelling, excluding basement windows, for fire safety reasons. Such installations existing before adoption of this code shall not be required to be removed until such time as there is a change in occupancy in the affected dwelling unit; except that bars, grilles, or screens placed over emergency escape windows shall comply with the emergency escape requirements of subsection 702.4. This provision shall not apply to wrought iron and other window and door coverings which serve a primarily decorative purpose, if they are consistent with the provisions of sections 702.3 and 702.4.

Security bars, protective grilles, or security screens permitted shall be maintained in a clean and good state of repair, firmly anchored to the building. Hardware cloth, chicken wire, woven wire, chain link, or wire fencing materials shall not be used as a component of protective grilles or security screens for show windows, display windows, or building entrances.

303.14 Insect screens. During the period from June 1 through October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any area where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition. **Exception:** Screen doors shall not be required where other approved means such as air curtains or insect repellent fans are employed.

303.15 thru 303.17. Adopted without changes

Section 304: Interior Structure

304.1 thru 304.6. Adopted without changes. 304.7 thru 304.9 added.

304.7 Avoidance of dampness. Cellars, basements, crawl spaces, and other interior portions of buildings shall be maintained reasonably free from dampness so as to prevent conditions conducive to decay or deterioration of the structure.

304.8 Bathroom floors. Every toilet and bathroom floor surface shall be maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

304.9 Caulking. The caulking around all fixtures and surfaces which require caulking shall be maintained so as to be substantially impervious to water and so as to permit such fixtures and surface areas to be easily kept in a clean and sanitary condition.

Section 305: Rubbish and Garbage

305.1 thru 305.2.1. Adopted without changes

305.2.2 Adequate containers, refuse control. Owners, operators, and occupants of nonresidential structures are jointly and severally responsible to provide sufficient leakproof containers with close-fitting lids or covers for storage of rubbish and garbage, in order to prevent overflow, and to maintain the premises in accordance with the provisions of this section. Such persons shall not permit the accumulation of trash, litter, rubbish, or other waste matter outside of approved containers for more than one day, or permit its being carried to or deposited upon any street, sidewalk, or other public or private property.

305.3 Disposal of garbage. Adopted without changes

305.4 Discarded refrigerators. It shall be unlawful to keep discarded iceboxes or refrigerators without first removing the doors thereof.

Section 306: Extermination

Adopted without changes

Section 307: Vacant Buildings

307.1 General. A building shall be defined as vacant if it is

- (1) empty;
- (2) not occupied on a regular and habitual basis by the owner, tenant(s), owner's agent, or other person(s) having permission of the owner to occupy the building;
- (3) not being used on a regular and habitual basis for the usual and customary purposes for which a building is designed and lawfully permitted; or
- (4) a multi-unit dwelling in which 25% or fewer units are occupied and which is found in violation of one or more of the provisions of this code.

This definition does not include buildings under construction, if work is ongoing on a regular basis.

307.2 Obligation to register vacant buildings. Whenever any building in the Town is (1) vacant for more than 60 days, or is (2) vacant and contains one or more of the violations stated in

this code, the owner shall register that building as a vacant building and submit a Vacant Building Plan to the Town.

307.3 Notice of registration requirement. Upon determination that a building is required to be registered, the code official shall provide notice to the owner or agent of the requirement to register the building and submit a Vacant Building Plan to the code official. Such notice shall identify any violations of this ordinance, and the registration information required by subsection 307.5. The failure of the code official to provide this notice, or the failure of an owner to receive the notice, shall not relieve the owner of the obligation to register as provided in 307.2.

307.4 Registration fees. Registration fees shall be as follows, and may be revised by the Town Council from time to time.

Single family homes	\$100	200
Multifamily homes (4 or more units)	\$200	400
Commercial or industrial buildings	\$200	400

The fee shall be doubled if the period of vacancy exceeds two years for any reason.

307.5 Registration information. The owner or agent registering a vacant building shall supply the following information:

- Name, address, and telephone number of the owner, any local agent, and all persons with any ownership interest in the property, including any and all mortgage holders;
- Property address, legal description and tax account number of the property;
- Date on which building became vacant;
- Vacant Building Plan.

The Vacant Building Plan shall contain the following.

- (1) A plan of access to the interior of the building by the code official, for purposes of periodic inspection to determine from evidence on the interior that the exterior structure is in good repair, structurally sound and sanitary, and weatherproof.
- (2) A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction of similar type. The proposed repair shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type, and conform to the boarding up requirements in section 307.14.
- (3) A plan of action to remedy any code violations identified by the code official. If the owner proposes to demolish the vacant building, he/she shall submit a plan and time schedule for such demolition.
- (4) A plan of action to maintain the building and premises in conformance with this code.
- (5) A time schedule identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and identified violation.
- (6) A plan for the occupation or sale of the property by the end of the six-month period.

307.6 Criteria for Vacant Building Plan. The code official shall evaluate the proposed Vacant Building Plan based on the following criteria:

- (1) The public interest in minimizing the period of time a building is vacant and boarded up;
- (2) The effect of the proposed plan on adjoining property and/or the neighborhood in which the building is located;
- (3) The plan for abatement of violations identified on the property;
- (4) Any practical difficulty or unnecessary financial or other hardship to the owner connected with any action required by the Town as part of the plan; and
- (5) The length of time the building has been vacant.

307.7 Approval, rejection, or modification of plan. If the proposed registration information, including the Vacant Building Plan, complies with the standards herein and any related regulations promulgated by the Town Manager, it shall be approved, and notice shall be sent to the owner or agent of the vacant building. If the plan is rejected, the code official shall notify the owner in writing, as provided in subsection 107.3, and require a new or modified plan. Alternatively, the code official shall have the option to modify the Vacant Building Plan by altering the dates of performance or the proposed methods of action, and notifying the owner or agent as noted above. If the owner does not submit a Vacant Building Plan with his/her registration, the code official shall have the option to either reject the registration or create a Vacant Building Plan, and notify the owner or agent as noted above.

307.8 Appeal procedure. If the owner objects to the modifications or the plan made by the code official, he/she shall have the right of appeal to the Town Manager for final determination. Such appeal shall be in writing and personally delivered or sent by certified mail, return receipt requested within 15 calendar days of the date of the code official's notice. If no appeal is filed, then the plan as modified by the code official shall constitute the approved Vacant Building Plan. The decision of the Town Manager shall be final and whatever plan results from the appeal shall constitute the approved Vacant Building Plan.

307.9 Registration period. Registration of a vacant building shall be valid for a period of six months. If the building is still vacant at the expiration of any six-month registration period and/or the requirements of the Vacant Building Plan are not completed, then the owner shall re-register such building with an updated Vacant Building Plan and pay another registration fee.

307.10 Change of ownership. The Vacant Building Plan shall remain in effect if ownership changes. Within 30 calendar days of the date of any change of ownership, the new owner or agent shall file a new vacant building registration with the Town, and supply the name, address, and telephone number of the new owner(s). The new registration shall be in the same form as the original registration. No fee is required if the new registration is submitted prior to the end of the then-current six-month registration period.

307.11 Failure to comply. Failure to register a vacant building, failure to submit a Vacant Building Plan, failure to pay the required registration fee, or failure to comply with an approved

Vacant Building Plan shall constitute a violation of this code. Such violation shall be separate from violations of this code occurring on the property.

307.12 Other enforcement. The registration of a vacant building shall not preclude action by the Town to force repair of the building or to initiate condemnation and demolition pursuant to Section 110 of this code.

307.13 Securing vacant structures

307.13.1 Securing against unauthorized entry. Vacant structures must be secured against unauthorized entry by securing all windows and doors accessible from the ground, from an adjacent structure, or by the reasonably foreseeable use of a ladder, table, or other device.

307.13.2 Responsibility of owner(s). It shall be the responsibility of the owner(s) to remove all unsanitary or flammable material and to seal or board up all windows and doors after a building or structure has been ordered closed under provisions of this code or is being voluntarily vacated by the owner for a period of 60 days or more. If the owner fails to properly seal the structure, the Town shall have the right, without judicial approval, to take action to remove unsanitary or flammable waste material and seal or board up all windows and doors. The cost of said actions shall be paid by the owner(s) and shall be a lien on the property.

307.13.3 Preference for sealing from within. As a general policy, structures shall be secured if feasible by applying barriers to windows, doors, and other openings from within the structure, so that barriers are not visible from the outside of the building. Persons who wish to seal buildings from the outside shall request approval from the Town Manager. It shall be the burden of the owner to show the necessity of sealing the structure from the outside.

307.13.4 Criteria for exterior boarding. The Town Manager shall consider the following factors in approving or disapproving a request for exterior boarding.

- The visibility of the boarding;
- The impact of exterior boarding on the safety and welfare of the immediate neighborhood and the Town;
- The practicality of sealing the structure by drawing shades or window coverings or sealing from the inside;
- The extent of the boarding up that is required; and
- The hardship which the owner will suffer if exterior boarding is prohibited.

Exception: A building may be boarded up immediately in case of fire, storm damage, or any other emergency affecting the integrity of the building, if approval is requested within ten working days of the onset of the weather emergency.

307.13.5 Unlawful boarding. If a structure is boarded up from the outside without approval, the code official shall notify the owner(s), tenant(s), or others in possession of the property, in accordance with the notice requirements in this code, to remove the boarding materials within 15 calendar days. In the event of non-compliance, the Town shall have the right to remove all unlawful boards from all openings visible from any public right of way, to remove unsanitary or flammable waste materials, to re-board in accordance with the provisions of this section, and to do such exterior maintenance as necessary. The cost of these actions shall be paid by the owner(s) and shall be a lien against the property.

307.14 Boarding-up standards. All boarding shall be accomplished in a neat and workmanlike manner with not less than one-half inch thick, weather-resistant plywood, cut to fit within openings, securely fastened in place and painted or coated with an appropriate neutral color blending with or harmonizing with exterior colors of the building so as to be as inconspicuous as possible. These standards need not be applied to the extent that sealing is accomplished on the inside with non-visible methods which do not require boarding.

The boarding of occupied structures shall be limited to temporary use unless the assemblage of material used fully meets the fire resistance requirements in Chapter 7 of this code and has been installed in accordance with the conditions of a duly issued building permit. If part of a boarded up building is occupied, the code official shall notify the owner or other person responsible, giving him/her a period of not more than 10 working days in which to replace the glass or remove the temporary boarding and replace it with permanent construction meeting the requirements of this code.

307.15 Time limit on boarded-up doors and windows. No property shall remain sealed or boarded up for a period longer than six months, but shall be repaired as necessary and made habitable in accordance with the standards in this ordinance, and either occupied or sold. Properties that have been boarded up and had boarding subsequently removed shall not be boarded up thereafter sooner than one year after removal of such boarding.

CHAPTER 4: LIGHT, VENTILATION, AND OCCUPANCY LIMITATIONS

Section 401: General

Adopted without changes

Section 402: Light

Adopted without changes

Section 403: Ventilation

Adopted without changes

Section 404: Occupancy Limitations

404.1 Privacy. Dwelling units, hotel units, rooming units, and dormitory units, including such units used for congregate housing, shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths Adopted without changes

404.3 Minimum ceiling heights Adopted without changes

404.4 Bedroom requirements. Every bedroom shall comply with the requirements of subsections 404.4.1 through 404.4.6.

404.4.1 through 404.4.5 Adopted without changes

404.4.6 Closets. Every bedroom shall have access to at least one closet opening into the room, with a minimum floor area of six square feet. Closet areas shall not be counted as part of the floor area of rooms.

404.5 Overcrowding. Adopted without changes

404.5.1 Sleeping area. Adopted without changes

404.5.2 Combined spaces. Adopted without changes

404.5.3 Maximum number of occupants. No dwelling unit shall be occupied by more occupants than the total number of occupants permitted to occupy the bedrooms in accordance with the provisions of subsection 404.4.1. No part of a required living room, required dining room, kitchen or non-habitable space shall be counted as bedroom space in determining maximum number of occupants permitted in a dwelling unit, nor shall any other space be counted as bedroom space unless it meets all of the requirements of subsection 404.4.

404.6 Efficiency unit. Adopted without changes

404.7 Food preparation. Adopted without changes

CHAPTER 5: PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

Adopted without changes

CHAPTER 6: MECHANICAL AND ELECTRICAL REQUIREMENTS

Section 601: General

Adopted without changes

Section 602: Heating Facilities

602.1 thru 602.2. Adopted without changes

602.3 Heat supply in residential structures. Every owner and operator of any building who rents, leases, or lets one or more dwelling units, rooming units, dormitory or guest rooms on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15 through April 30 to maintain a temperature of not less than 65 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the Washington, D.C. area is 17 degrees Fahrenheit

602.4 Heat supply in non-residential structures. Indoor occupiable work spaces shall be supplied with heat during the period from October 15 through April 30 to maintain a temperature of not less than 65 degrees Fahrenheit during the period the spaces are occupied. **Exceptions:** (1) Processing, storage and operation areas that require cooling or special temperature conditions; (2) Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. Adopted without changes

Section 603: Mechanical Equipment

Adopted without changes

Section 604: Electrical Facilities

604.1 thru 604.3. Adopted without changes. 604.4 added.

604.4 Prohibited installations. The following are prohibited and their presence shall be deemed a hazard.

1. Flush or semi-flush mounted floor receptacle outlets, unless it is an approved floor receptacle.
2. Extension cords for other than short term temporary uses.
3. Lamp cord used as permanent wiring.

4. Conductor-supported pendant switches or conductor-supported pendant lighting fixtures.
5. Loose, hanging, frayed, or bare wires.
6. Grounded-type receptacles which are improperly or inadequately grounded.
7. Grounded-fault circuit-interrupter protection type receptacles and receptacles marked as having ground-fault circuit-interrupter protection which does not interrupt the circuit when the test button is actuated.

CHAPTER 7: FIRE SAFETY REQUIREMENTS

Section 701: General

Adopted without changes

Section 702: Means of Egress

702.1 thru 702.2. Adopted without changes

702.3 Locked doors. First paragraph adopted without changes. Add second paragraph as follows.

Locks or fasteners shall not be installed on egress doors except in accordance with the following conditions.

1. In problem security areas, provided County-approved provisions are made for special purpose door alarms or locking devices. Manually operated edge or surface mounted bolts are prohibited.
2. Key operation is permitted from a dwelling unit provided the existing dwelling unit means of egress door contains a glass panel or is located immediately adjacent to an existing window or fixed glass panel and there is another approved means of egress door from the dwelling unit not requiring key operation from the inside.

702.4 Emergency escape openings. First paragraph adopted as written. Add second paragraph as follows.

Every sleeping room located in a basement shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits. Where a window is provided for emergency egress or rescue, the window shall have the bottom of the clear opening not more than 44 inches above the floor. The minimum net clear opening shall be five square feet. The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches.

Section 703: Fire-Resistance Ratings

Adopted without changes

Section 704: Fire Protection Systems

Adopted without changes

Section 705: Accumulations and Storage

705.1 General. Rubbish, garbage, or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

705.2 Hazardous materials. Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes, and rags, shall not be accumulated or stored unless storage complies with applicable code requirements of *Prince George's County*.

CHAPTER 8: REFERENCED STANDARDS

Adopted without changes

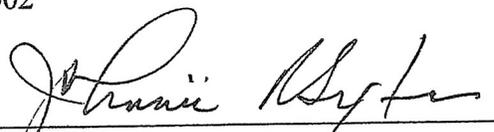
Section 8-3

Nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, 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 ordinance.

Section 8-4

BE IT FURTHER ORDAINED that this ordinance shall become effective 20 days after passage.

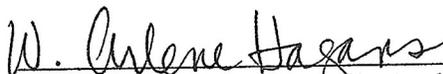
ENACTED this 20th day of MARCH, 2002



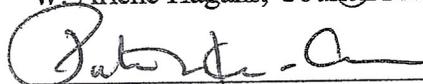
Jonnie R. Saxton, Mayor



Richard C. Saxon, Vice Mayor



W. Arlene Hagans, Council Member



Patricia King-Adams, Council Member

Nathaniel R. Mines Jr., Council Member



Darrell P. Morrison, Council Member



Lillie Thompson-Martin, Council Member

Attest:

Kyrthlyn Rhoda, Town Clerk

[seal]