



TOWN OF BERWYN HEIGHTS

5700 Berwyn Road
Berwyn Heights, MD 20740
Tel. (301) 474-5000
Fax (301) 474-5002

ORDINANCE 120 – RENTAL HOUSING

Section I. Purpose and Authority

A. Purpose – It is the intent of the Town Council of Berwyn Heights to maintain the single family residential integrity of the Town by monitoring Rental Units to ensure compliance with the R-55 County Zoning requirements as defined in Article 27 of the Prince George's County Code and to ensure compliance with all safety, health and housing requirements of the Town of Berwyn Heights, Prince George's County and the State of Maryland. This Ordinance shall be applied equally and justly to ensure the public health, safety and welfare of citizens of Berwyn Heights.

B. Authority – The authority is provided for in Sections 311 and 401 of the Berwyn Heights Town Charter.

Section II. Definitions

In this Ordinance, the following words have the meanings indicated. Where terms are not defined, they shall have their ordinarily accepted meanings such as the context may imply. Words used in the present tense include the future; words used in the masculine gender include feminine and neuter, the singular includes the plural and the plural the singular.

A. Agent – Any person/company authorized to act for the owner.

B. Basement – Any portion of the building located wholly or partially underground having any portion or all of its clear floor-to-ceiling height below the average grade of the adjoining ground.

C. Bathroom – A room separate from habitable rooms, which affords privacy to a person in said room, with a toilet with cold running water, a bathtub or shower with hot and cold running water, and a lavatory or basin with hot and cold running water.

D. Building Code – The basic building code, latest edition, and current cumulative supplement officially adopted by Prince George's County for the regulation of construction, alteration, addition, installation, repair, removal, demolition, use, location, occupancy and maintenance of premises, buildings and structures.

E. Central Heating – The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of these rooms.

F. Code Enforcement Official – A person or persons appointed or designated by the Town Council to enforce the Rental Housing Ordinance or a portion thereof.

G. Condemn – To declare a structure or part thereof, premises or equipment, unsafe or unfit for use or occupation.

H. Crashing – A custom, practice or pattern of permitting an individual, individuals or persons to sleep in areas of the dwelling, dwelling unit or rooming unit not designated and approved by the Code Enforcement Official as areas for sleeping purposes; areas not considered for sleeping purposes such as dining room, family room, hallways, or living room; or permitting the number of persons to sleep in an approved, designated sleeping areas that exceed the standards set forth in Section VI. A of this Ordinance.

I. Designee – A person or persons appointed or designated by the Town Council to enforce the Rental Housing Ordinance or a portion thereof.

J. Domestic Partner – An individual living with another as the functional equivalent of a spouse where the partners may share living expenses, chores, eat meals together in a close relationship with social, economic and psychological commitments to each other. Domestic partners may be required to show proof of domestic partner relationship.

K. Dormitory – A building or space in a building in which group sleeping accommodations are provided for more than five (5) persons who are not members of the same family in one room or a series of closely associated rooms under joint occupancy and single management, with or without meals, without individual cooking facilities, but including access to and use of a bathroom.

L. Dwelling – Any building that is wholly or partly used or intended to be used for living, sleeping, cooking or eating by human habitants, provided that temporary housing, as hereinafter defined, shall not be regarded as a “dwelling”.

M. Dwelling Unit – Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities, including a bathroom and a kitchen, which are used or intended to be used for living, sleeping, cooking or eating.

N. Electrical Code – The basic electrical code, latest edition, and current cumulative supplement officially adopted by Prince George's County for the regulation of construction, alteration, addition, installation, repair, removal, demolition, use, location, occupancy and maintenance of electrical wiring of premises, buildings, structures and electrically operated or controlled appliances, devices, lights and heating, air conditioning and ventilation systems.

O. Emergency – An unforeseen occurrence or condition, or a rapid deterioration of circumstances, necessitating immediate action to avert imminent danger to life, liberty or property.

P. Exterior Property Areas – All areas external to a dwelling or a lot.

Q. Extermination – The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination methods as allowed by law and approved by the Code Enforcement Official.

R. Family – The spouse, child, parent, grandparent, grandchild, sibling, son in-law,

daughter in-law, parent in-law, niece or nephew of the owner; a minor under the age 18; or the domestic partner or legal dependent of the owner or a family member as defined by this Ordinance.

S. Garbage – Human or animal feces; or the animal, mineral or vegetable waste resulting from the handling, preparing, cooking and serving of foods.

T. Gross Floor Area – The total area of all habitable rooms in a building or structure.

U. Habitable Room or Space – A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces, workshops and other rooms used only occasionally. Two sleeping rooms connected by a doorway cannot be used as a communicating corridor. An area or room considered to be a dining room, living room or family room shall not be considered a habitable room for sleeping purposes. The Code Enforcement Official shall determine if a room can be designated as a room for sleeping purposes. “Crashing” is prohibited under this Ordinance.

V. Household Items – Items intended for use within a dwelling but not limited to clothing, storage boxes containing household goods, appliances, television sets, and entertainment items or devices intended for indoor use and household cleaning materials.

W. Housing Code – See Rental Housing Code definition.

X. Infestation – The presence, within or around a dwelling, of insects, rodents, vermin or other pests.

Y. Kitchen – A room separate from habitable rooms with a refrigerator for the temporary preservation of perishable foods, a cooking and baking facility for the purpose preparing foods, and a sink with hot and cold running water.

Z. Maintenance – Acts of repair and other acts to prevent a decline in the condition of grounds, structures, other appurtenances and equipment such that the condition does not fall below the standards established by this Ordinance and other applicable statutes, codes and ordinances.

AA. Meaning of certain words – Whenever the words dwelling, dwelling unit, rooming unit, sleeping room, premises or property are used in this Ordinance, they are construed as though they were followed by the words “or any part thereof.”

Whenever the words Code Enforcement Official are used in this Ordinance, they are construed as though they were followed by the words “or designee(s) of the Town Council.

BB. Multiple dwelling – Any dwelling containing two or more dwelling units.

CC. Nuisance Behavior – Nuisance behavior is behavior of any individual or person or persons who are part of a party or other social gathering conducted in the Town of Berwyn Heights, which, by reason of the conduct of the person or persons, results in any one or more of the following conditions or occurrences: public drinking or drunkenness; public urination or defecation; unlawful sale, furnishing, or consumption of alcoholic beverages; unlawful use of controlled substances; unlawful deposit of trash or litter on public or private property; destruction of public or private property; generation of pedestrian or vehicular traffic, which obstructs the free flow of vehicular traffic or interferes with the ability to provide emergency services; excessive, unnecessary or unusual loud noise, which disturbs the repose of the neighborhood; public dis-

turbances, brawls, fights, quarrels or any other activity resulting in conditions that annoy, injure or endanger the safety, health, comfort or repose of the neighboring residents; or results in any obscene conduct, or results in any indecent or inappropriate exhibition or exposure.

DD. Occupant – Any person, over one (1) year of age (including the owner, operator and domestic service employees), living, sleeping, cooking or eating in, or having actual possession of, space within a dwelling, dwelling unit, rooming unit, rental unit, sleeping room, premises, or any part thereof.

EE. Operator – Any person who has charge, care or control of a building or dwelling or part thereof in which a dwelling, dwelling unit, rooming unit, or sleeping room is let-

FF. Owner – Any person who has complete dominion over a particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, owner means any part owner, joint owner, owner of a community or partnership interest, life tenant, tenant in common, tenant by the entireties, or joint tenant, of the whole or part of such building or land.

GG. Owner Occupant – An owner occupant is any owner of a residential unit that has established legal residence at that residence unit and uses that residential unit as their principal place of abode.

HH. Ordinance – For the purposes of this Ordinance, the term “Ordinance” means “The Rental Housing Ordinance” as defined in Subsection QQ of this Section.

II. Person – Any individual, natural person, legal entity, joint stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization, owner, occupant, or any other group acting as a unit, principal or agent, or the manager, lessor, lessee, agent, servant, partner, member, administrator, trustee, receiver, or other representative appointed according to law.

JJ. Plumbing – The practice, materials and fixtures used in the installation, maintenance, extension and alteration of any piping, fixtures, appliances and appurtenances within the scope of the plumbing code including but not limited to all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, water heating facilities, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplies or fixtures, together with all connections to water, sewer and gas lines.

JJ. Plumbing Code – The basic plumbing code, latest edition, and current cumulative supplement officially adopted by Prince George's County for the regulation of the practice, materials and fixtures used in the installation, maintenance, extension and alteration of any piping, fixtures, appliances and appurtenances within the scope of the plumbing code including but not limited to all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, water heating facilities, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplies or fixtures, together with all connections to water, sewer and gas lines.

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

discharge to the drainage system of the premises.

MM. Premises – A lot, plot or parcel of land including the building or structures thereon.

NN. Public Nuisance – Situation, condition or action whereby a rental unit tenant or owner creates an environment that is unsafe or threatens the health and welfare of the surrounding area or disturbs the public peace.

OO. Renovation – A building and its facilities made to conform to present day minimum standards of sanitation, fire and life safety and building, electrical, plumbing, and heating, air conditioning and ventilation codes.

PP. Rental Housing Code or Rental Housing Ordinance – All rules and regulations contained herein or promulgated pursuant to authority hereunder.

QQ. Rental Unit – Any rented or leased room, or group of rooms forming a single habitable space or unit, dwelling, dwelling unit, rooming unit, or sleeping room that is required to have a rental license under Section IV Rental Property Licensing and Renewal of this Ordinance.

RR. Rooming House – Any dwelling, or part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to one or more persons intended to be used for living and sleeping purposes including access to and use of a bathroom.

SS. Rooming Unit – Any room or group of rooms forming a single habitable unit that is used or intended to be used for living and sleeping purposes, but not for cooking or eating purposes, including access to and use of a bathroom and access to and use of a kitchen sink.

TT. Rubbish – All combustible and noncombustible waste materials, except garbage; and the term shall include but not limited to rags, paper, cartons, boxes, packing material, rubber, appliances or furniture, motor vehicle parts, building and construction waste, yard and lawn clippings, dead trees and branches, the residue from burning of wood, coal, coke and other combustible materials and all other waste materials which: (1) create or tend to create a danger to the public health, safety, welfare or property, to the extent and in the manner that lot, tract, or parcel of land is, or may become, infested or inhabited by rodents, vermin or wild animals; or (2) may reasonably cause disease; or (3) adversely affects and impairs the economic welfare or status of adjacent property or the neighborhood; or (4) may reasonably constitute a present or potential fire hazard.

UU. Structure – A principal building used as the residence and any and all ancillary buildings or structures on the premises regardless of purpose or use of the structure.

VV. Sleeping Room – A room or enclosed floor space with adequate light, heat and ventilation intended for sleeping, excluding bathroom, water closet compartments, laundries, pantries, foyers, or communicating corridors, living rooms, workshops or porches, enclosed or otherwise, but including access to and use of a bathroom and access to and use of a kitchen sink.

WW. Supplied – Means paid for, furnished, or provided by or under the control of, the owner or operator.

XX. Temporary Housing – Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

YY. Tenant – An occupant other than an owner and the owner’s family.

ZZ. Town Administrator – The person appointed by the Town Council to monitor the enforcement of all ordinances and regulations of the Town.

AAA. Ventilation – The process of supplying and removing air by natural or mechanical means to or from any space.

1. Mechanical – Ventilation by power driven devices.
2. Natural – Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks without wind driven devices.

BBB. Workmanlike – Whenever the words "workmanlike state of maintenance and repair" are used in this Ordinance, they shall mean that such maintenance and repair shall be made in a reasonable, skillful manner and in accordance with industry standards so as to secure the results intended by this Ordinance.

CCC. Yard – An open space surrounding a structure.

Section III. Scope

Every portion of a building, dwelling, premise or structure used or intended to be used for residential rental purposes, as defined in Section II shall comply with the provisions of this Rental Housing Ordinance as set forth herein, irrespective of when such building shall have been constructed, altered, renovated or repaired.

Section IV. Rental Property Licensing and Renewal

A. Rental License – It shall be unlawful for any person to rent or lease, whether expressed or implied, or cause to be rented or leased, whether expressed or implied, any of the following three classes of rental units within the Town of Berwyn Heights without first obtaining a license to do so as hereinafter provided.

1. Any owner occupied dwelling, dwelling unit, rooming unit, premises or any part thereof with two (2) or more rented or leased sleeping rooms intended to be used by tenants for living, sleeping, cooking or eating.

2. Any non-owner occupied dwelling, dwelling unit, rooming unit, premises or any part thereof intended to be used by tenants for living, sleeping, cooking or eating.

3. Any non-owner occupied dwelling, dwelling unit, rooming unit, premises or any part thereof that is occupied by the owner’s family plus one (1) or more rented or leased sleeping rooms intended to be used by a tenant or tenants for living, sleeping, cooking or eating.

B. Exception and Registration – Any non-owner occupied dwelling, dwelling unit, rooming unit, premises or any part thereof that is occupied exclusively by the owner’s family is not required to be licensed under this Ordinance so long as it is registered with the Town.

C. License Application – The legal owner of record or an authorized agent shall make written application to the Town for a rental license upon such form or forms as the Town shall from time to time designate. For any property, or part thereof, proposed to be used as rental property, such application shall be made at least thirty (30) days prior to the effective date of any

lease, whether expressed or implied. Said Rental License Application form shall include the owner's address of principal place of abode and home and work telephone numbers for service of any notices required under this Ordinance. Said Rental License Application form shall be accompanied with a floor plan of the interior of the entire premises showing the measurements and use of each room or space including basements, bathrooms, closets, foyers and communicating corridors, laundries, pantries, storage spaces, water closet compartments, workshops and other rooms only used occasionally. Areas to be used for sleeping purposes must be clearly marked on the floor plan. Such Rental License Application form shall be submitted together with a non-refundable rental license fee to the Code Enforcement Official. The amount of such fee is to be established by resolution of the Town Council.

D. Housing Disclosure Form – The legal owner of record or an authorized agent shall file with the Town a Housing Disclosure Form as provided by the Town. The form shall provide the name and phone number of each tenant and the year, make, model and license plate number for each of tenant's vehicle(s). This form shall establish that the legal owner of record or an authorized agent understands and consents to the conditions of this Ordinance, including but not limited to the inspection of rental units and exterior property and the enforcement authority. This form shall be signed by the legal owner of record or an authorized agent and filed upon request of the Code Enforcement Official or at the time of license application, renewal application and within 30 days of any change in the lease, the tenants, or the tenants' vehicle(s). Failure to file this form, provide all required information, or maintain current information with the Town shall constitute a violation of this Ordinance.

E. Tenant's Rights and Responsibilities Disclosure Form – The legal owner of record or authorized agent shall file with the Town a Tenant's Rights and Responsibility Disclosure Form, as provided by the Town, for each tenant. The form shall set forth the tenant's basic rights and responsibilities under the Ordinance. A separate form shall be signed and dated by each tenant and filed with the Town upon request of the Code Enforcement Official or at the time of license application, renewal application, and no later than 30 days after each change in tenant. Failure to file this form shall constitute a violation of this Ordinance.

F. Issuance of Rental License – Prior to the issuance or renewal of a rental license, the legal owner of record or an authorized agent must satisfy the requirements of this Section, including filing with the Town a Rental Application form, the Housing Disclosure Form, and the Tenant's Rights and Responsibilities Disclosure Form. Failure to provide address of owner's principal place of abode and home and work telephone numbers; or provide a floor plan of the interior of the premise acceptable to the Code Enforcement Official; or provide the Housing Disclosure Form with each tenant's name and the year, make, model and license plate number of each of tenant (s) vehicle; or provide a Tenant's Rights and Responsibilities Disclosure Form for each tenant shall constitute a violation of this Ordinance and sufficient reason for denial or revocation of the rental license.

The Code Enforcement Official shall indicate on the Rental License Application and the Rental License the maximum number of tenants permitted. It shall be a violation of this Ordinance to rent or lease to more persons than permitted on the Rental License.

G. Inspections – All rental properties shall be subject to periodic inspection to determine conformance with this Rental Housing Ordinance and shall be inspected at least once each year prior to the issuance or renewal of a rental license. Failure to allow entry for such inspection or to require any tenant to not allow entry for such inspection shall constitute sufficient reasons for the denial or revocation of the rental license. Inspection requirements will be detailed on a consent form signed at the time of license application.

H. Revocation or Denial of License – A license may be revoked or denied by the

Mayor and Council or its designee(s) if the owner, after ten (10) days notice from the Town, fails to eliminate or to initiate good faith efforts to eliminate violations of the Rental Housing Ordinance. Any premises or occupant thereof deemed by the Mayor and Council or its designee(s) to be a public nuisance shall be cause for denial or revocation of the rental license. Revocation or denial of a license shall be in addition to and not in substitution for such other penalties as may be provided for violations elsewhere in this Ordinance.

I. License Renewal – License shall run from the first (1st) day of the month of issue. Licenses issued hereunder shall expire one (1) year from the date of issuance and shall be renewable annually at the fees set by the Town Council. Application for renewals shall be made at least thirty (30) days prior to the expiration date. Any license renewal fee, not paid on time, shall be subject to a fifty percent (50%) penalty per month, or any portion thereof, beyond the due date.

J. Display of Licenses – Licenses issued under this Ordinance shall be produced on the demand of a tenant or prospective tenant and shall be available at reasonable times for examination by the Code Enforcement Official of the Town.

K. Change of Address – The owner shall promptly notify the Town of any change of address of principal place of abode and home and work telephone numbers. Failure to provide or file this information shall constitute a violation of this Ordinance.

L. Transfer of Rental License – A rental license is not transferable. The new owner, within 30 days after the closing, must complete a Rental License Application, file a Housing Disclosure Form and a Tenant’s Rights and Responsibility Disclosure Form, and pay the Rental License fee in effect at the time of transfer of ownership. Failure to apply for a Rental License shall constitute a violation of this Ordinance.

M. The owner shall at all times, regardless of the terms and conditions of any contractual arrangement between the owner and the tenant or occupant, whether expressed or implied, be totally responsible for compliance with the provisions of this Rental Housing Ordinance, other applicable ordinances, applicable Prince George’s County codes or ordinances or statutes of the State of Maryland.

Section V. Authority to Inspect Rental Units

A. Generally – The Code Enforcement Official is hereby authorized to enforce the provisions of this Ordinance and is directed to make inspections to determine the condition of rental units and premises located within the Town of Berwyn Heights, Maryland, in order that the Code Enforcement Official may perform the duty of safe-guarding the health, safety and welfare of the occupants of a rental unit, premises or part thereof and the general public. For the purpose of making such inspections, the Code Enforcement Official is hereby authorized, upon presentation of proper credentials, to enter, examine and survey at all reasonable times all premises, or any part thereof. The owner or occupant of every rental unit, or the person in charge thereof, shall give the Code Enforcement Official free access to rental unit and its premises at all reasonable times for the purpose of such inspections, examination and survey. Every occupant of any such rental unit shall give the owner thereof, his agent or employee, access to any part of rental unit or its premises, at all reasonable times, for the purpose of making repairs or alterations as are necessary to effect compliance with the provisions of this Ordinance or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Ordinance.

B. Entry – If any owner, occupant or other person in charge of a structure subject to the provisions of this Rental Housing Ordinance prevents, refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where

inspection authorized by this Ordinance is sought, the Code Enforcement Official may seek in a court of competent jurisdiction an order that the owner, occupant or other person in charge cease and desist with such interference.

C. The Code Enforcement Official is hereby authorized to enter upon the property of all rental units within the Town of Berwyn Heights to examine, inspect and survey the exterior of all structures and the grounds in order to enforce the provisions of this Ordinance, other applicable ordinances, applicable Prince George's County ordinances or codes, and/or State of Maryland statutes to perform the duty of safe-guarding the health, safety, and welfare of the occupants of a rental dwelling, dwelling unit, rooming unit, rental unit, premise or any part thereof and the general public.

Section VI. Occupancy Requirements

No person shall rent or lease to another for occupancy any rental unit, which does not comply with the following requirements:

A. Living Space

1. Minimum Ceiling Heights – Habitable rooms shall have a clear ceiling height of not less than seven and one-third (7 1/3) feet, except that in attics or top half stories the ceiling height shall not be less than seven (7) feet for not less than one-third (1/3) of the area when used for sleeping, study or similar activity. In calculating floor area of such rooms only those portions of the floor area of the rooms having a clear ceiling height of five (5) feet or more may be included.

2. Required Space in A Rental Unit – Every rental unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant, and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

3. Every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of at least seventy (70) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant thereof.

4. Each rental unit shall provide clothes closet space measuring at least six (6) square feet, with a height of at least five (5) feet, for each room used for sleeping. In addition, one other clothes closet of like size shall be provided elsewhere in the dwelling.

5. Occupancy of a dwelling, dwelling unit, rooming unit or sleeping room below grade – No dwelling unit or rooming unit or sleeping room partially below grade shall be used for living purposes unless:

1. Floors and walls are watertight; and
2. Total window area, total operable area and ceiling height are in accordance with this Ordinance.

6. No separate structure, i.e., garage, shed or other outbuilding shall be used for occupancy as a dwelling, dwelling unit or rooming unit.

B. Maintenance of Exterior Property Area

1. All exterior property areas shall be maintained in a clean, safe and sanitary

condition free from any accumulation of litter, refuse, rubbish, (or) garbage, or animal or human feces or waste.

2. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within the building or structure located thereon.

3. All exterior property areas shall be properly maintained and no weeds, briars and grass shall grow taller than allowed in the Town Clean Lot Ordinance 107, as amended. (other than garden and yard plantings properly maintained by the owner) shall be allowed to accumulate or grow on any private property.

4. The storage of wood and other materials not proscribed by this Ordinance shall be accomplished in a manner designed to avoid rodents, termites and other insect infestation. Wood shall be stored at least six (6) inches above the ground.

5. All exterior property areas shall be kept free from infestation by rodents, vermin, insects and other pests. Where rodents, vermin, insects and other pests are found, they shall be promptly exterminated by the owner by acceptable processes which will not be injurious to the health of humans or other animals. After extermination, proper precautions shall be taken by the owner and occupant to prevent re-infestation.

6. Exterior property areas shall not be utilized for any period of time for the open storage of garbage, rubbish or refuse, construction materials or equipment, bathroom or kitchen fixtures, glass, furniture, appliances, automotive parts, lawn and garden maintenance equipment or similar items or materials, irrespective of age or condition. Exterior property areas shall be maintained and kept free and clear of excessive accumulation of weeds, garbage, litter and/or rubbish and kept free and clear of abandoned, dismantled, junked or wrecked motor vehicles or vehicles without currently valid registration license plates in accordance with the provisions of Clean Lot Ordinance 107, as amended. Owner of record is subject to the abatement and fines and penalties provisions of said Ordinance.

7. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

8. Every occupant of a structure or part thereof shall store and dispose of all refuse and rubbish in a clean and sanitary manner by placing it in an appropriate refuse/rubbish containers and place at the curb on appropriate day(s) for collection and disposal, as prescribed in Refuse Collection Ordinance 117, as amended.

9. Every occupant of a structure or part thereof shall store and dispose of garbage or animal feces or other organic waste in a clean and sanitary manner by placing it in appropriate garbage disposal facilities or garbage storage containers and place at the curb on appropriate day(s) for collection and disposal, as prescribed under Refuse Collection Ordinance 117, as amended.

10. It shall be the responsibility of any property owner, lessor, renter, lessee, or other occupant, who shall possess animals on the same premises, to keep said animals in a reasonably sanitary condition and the interior and exterior property areas of the premises free of animal feces and waste.

11. Code Enforcement Official shall require the installation of rodent/vermin proof walls. The rodent/vermin proof walls shall be installed in accordance with the building code.

12. All trees and shrubbery located on exterior property areas shall be maintained in such a way so as not to pose a danger or obstruction to adjoining property, persons walking on designated walking areas or obstruct sight at street intersections or along streets.

13. All fences shall be maintained in a workmanlike state of maintenance and repair including but not limited to painting, staining and/or replacement. All fences shall be constructed, fabricated, erected and located on site in accordance with Prince George's County building code and zoning ordinance, after securing the necessary Prince George's County approvals.

C. Maintenance of Exterior Structure

1. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the health, safety or welfare of the occupants and so as to protect the occupants from adverse effects of the environment.

2. All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

3. Every foundation, exterior wall, roof and all other exterior surfaces of all structures on the premises shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents and other pests.

4. All foundation walls of all structures on the premises shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained free from open cracks and breaks, so as not to be detrimental to public safety and welfare.

5. Every exterior wall of every structure on the premises shall be free of holes, breaks, loose or rotting boards or timbers, and any conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition, or metal siding, shall be maintained weatherproofed and shall be properly surface coated when required to prevent deterioration.

6. The roofs of all structures on the premises shall be structurally sound, tight and not have defects which might admit rain. Roof(s) shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the building. Roof water shall not be discharged in a manner that creates a nuisance to owners or occupants of adjacent premises or that creates a public nuisance.

7. All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

8. All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.

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

10. Every stair, porch, fire escape, balcony and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and in good repair. Every stair, porch and fire escape shall be maintained free of hazardous conditions such as snow, ice, mud and other debris. Every flight of stairs, which is more than three (3) steps or risers high, shall have a handrail on at least one side of the stair and every open portion of a stair, fire escape, porch, landing or balcony which is more than ten (10) inches above the grade below shall have guard rails. Every handrail and guard rail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

11. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain and rodents as completely as possible and to substantially exclude wind from entering the dwelling or structure.

12. Every window and exterior door shall be fitted reasonably in its frame and be weather-tight. Weather-stripping shall be used to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.

13. Every required window sash shall be fully supplied with approved glazing materials, which are without open cracks and holes.

14. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

15. During the period from April 1 to December 1, every door and window or outside opening used for ventilation purposes shall be supplied with approved tight fitting screens of not less than sixteen (16) mesh per inch material, in good working condition. Every hinged screen door shall have a self-closing device in good working order. Screen doors shall not be required for out swinging doors or other types of openings which make screening impractical, provided other approved means are employed.

16. Locking devices. Any swinging entrance door shall be provided with a deadbolt locking device having a minimum throw of not less than 5/8 of an inch and with the deadbolt capable of being activated by key from outside and by turn-knob from the inside so as to provide reasonable security against unauthorized entry. Door locks and the matter of installation shall be subject to the specific approval of the Code Enforcement Official. The exterior door, door hinge, door lock, and door latch for each unit shall be maintained in functional condition. All door locks shall be in good working order at all times and keys for same provided to occupants and tenants.

17. Visual detection device. Unless a visual detection device is currently provided, all exterior front doors shall be equipped with a visual detection device (magnifying peephole) which will provide a 180 degree viewing angle so as to allow the occupant of a dwelling unit to inspect the entrance area outside the door while the door is closed. This inspection device may be windows made of transparent material or a magnifying peephole.

18. Sliding doors and windows. All patio and balcony sliding entrance doors, and all windows capable of being opened accessible from a balcony or two stories or less above the grade, shall be equipped with a device which locks and secures the door or window within its frame so as to provide reasonable security against unauthorized entry by opening or removal of the door or windows from its frame. Devices such as, but not limited to security bars and jimmy plates, shall be deemed acceptable. The type of device and manner of installation shall be subject to the approval of the Code Enforcement Official. -

19. All balconies, canopies, cornices and soffits, decks, doors and door frames, exterior walls, fire escapes, foundation walls, metal awnings, patios, porches, sliding doors and windows, stairways, standpipes, and windows and window frames, and all appurtenances attached thereto, of all structures on the premises shall be protected from the elements against decay or rust by periodic application of a weather-coating material such as paint, sealant, or similar surface treatment. -

D. Internal Structure

1. The interior of a structure and its equipment shall be maintained in good repair, structurally sound, unobstructed, and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants or visitors, and to protect the occupants from the environment.

2. The supporting structural members of every building shall be maintained structurally sound, not allowing any evidence of deterioration which would render them incapable of carrying the imposed loads.

3. Floors, walls (including windows and doors), ceilings and other interior surfaces shall be maintained in good, clean, sanitary and structurally sound condition, free of holes, cracks, loose plaster or wall paper and flaking or scaling paint and shall be substantially insect and rodent proof. Paint applied to the interior surfaces shall be lead free.

4. Every toilet, bathroom and kitchen floor surface shall be constructed and 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 and repaired or replaced at the direction of the Code Enforcement Official.

5. Every building, basement and crawl space shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.

6. The interior of every structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage. Rubbish, garbage and refuse shall be properly kept inside temporary storage facilities as required by this Ordinance.

7. Garbage, rubbish or refuse shall not be allowed to accumulate or be stored in public halls or stairways.

8. Insect and rodent harborage. All structures shall be kept free from insect and rodent infestation. Where insects or rodents are found, they shall be promptly exterminated by approved processes, which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

9. Every door available as an exit shall be capable of being opened easily from the inside.

10. All interior stairs, railings and other exit facilities of every structure shall be maintained in sound condition and good repair. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.

11. Every flight of stairs, which is more than three (3) steps or risers high, shall have a handrail on at least one side of the stair and every open portion of a stair, landing or balcony which is more than thirty (30) inches above the floor or grade below shall have guard

rails. Every handrail and guard rail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

12. All ceilings, closet walls and ceilings, doors and door frames, kitchen and bathroom cabinets, walls, windows and window frames, sash and sills shall be in good condition and in good repair and shall be repaired in a workmanlike manner and painted at the direction of the Code Enforcement Official. All surfaces are to be free of cracks, holes, hook-like devices, loose plaster and flaking and scaling paint at time of painting.

13. All carpets/rugs shall be in good condition and in good repair and shall be repaired and/or removed and replaced and cleaned at the direction of the Code Enforcement Official. -

14. All bathroom or kitchen tiled or linoleum covered floors shall be in good condition and in good repair and shall be repaired and/or removed and replaced at the direction of the Code Enforcement Official.

E. Parking Spaces and Facilities

1. Every owner of a rental unit shall provide one (1) off-street parking space. Every owner of a dwelling with four (4) or more leased or rented sleeping rooms shall provide two (2) off-street parking spaces.

2. Any vehicle with four or more wheels or a self-propelled vehicle with three or more wheels entering any off-street parking space must do so via a dropped curb and a driveway entrance. Any vehicle otherwise traversing town property between the street and abutting private property to gain access to an off-street parking area may be cited for said violation and subject to the same penalties as prescribed for an infraction.

3. Grassy or yard areas shall not be used for the parking of motor vehicles.

4. Non-owner occupied premises shall not be used, for any period of time, for the storage of motor vehicles, boats, trailers, furniture, appliances, or similar items or materials, irrespective of age or condition by any person other than the occupants of the premises.

F. Plumbing Facilities and Fixtures

1. Plumbing facilities.

a. The owner of the structure shall provide and maintain such plumbing facilities and fixtures in compliance with this section.

b. Every rental unit shall have direct access to a room separate from habitable room, which affords privacy and a toilet supplied with cold running water. A lavatory shall be placed in the same room as the toilet or located in another room, in close proximity to the door leading directly into the room in which said toilet is located. The lavatory shall be supplied with hot and cold running water.

c. Every rental unit shall include plumbing facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.

d. Every rental unit shall contain or have access to a room which affords privacy to a person in said room and which is equipped with a bathtub or shower supplied

with hot and cold running water.

e. Every dwelling unit shall contain and every rooming unit shall have direct access to a kitchen sink apart from the lavatory required under sub-paragraph a. and such sink shall be supplied with hot and cold running water.

f. Toilet rooms and bathrooms shall not be used as a passageway to a hall or other space. A toilet room or bathroom in a dwelling unit shall be accessible from any sleeping room without passing through another sleeping room.

2. Plumbing fixtures

a. All plumbing fixtures shall be maintained in a safe and usable condition. All plumbing fixtures shall be of approved nonabsorbent material.

b. 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 capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the Washington Suburban Sanitary Commission.

c. All plumbing facilities shall be maintained in a clean and sanitary condition free of mold and mildew by the occupant so as not to breed insects and rodents or produce dangerous or offensive gases or odors.

d. Plumbing fixtures shall be installed to permit easy access for cleaning both the fixture and the area about it.

3. Water system

a. Every sink, lavatory, bathtub and shower, drinking fountain, toilet or other facility shall be properly connected to the public water system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.

b. The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets shall be connected to an approved atmospheric type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

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

d. Where hot water is provided, water-heating facilities shall be installed in an approved manner, properly maintained and properly connected with hot water lines to the fixtures required to be supplied with hot water. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and lavatory facility or other similar units, at a temperature not less than 110 degrees Fahrenheit.

4. Sewage system

a. Every sink, lavatory, bathtub or shower, drinking fountain, water

closet or other facility shall be properly connected to the public sewer system.

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

G. Fire Safety Requirements

1. Means of Egress

a. A safe, continuous and unobstructed means of egress shall be provided for each dwelling unit and rooming unit from the interior of the premises to the exterior at a street, yard, court or passageway leading to a public open area at grade.

b. Every rental unit shall have access directly to the outside or to an exit access corridor that leads directly to the outside.

c. All doors in the required means of egress shall be readily openable from the inner side. Exits from rental units shall not lead through other such units, or through toilet rooms or bathrooms.

d. All required and all existing fire escapes shall be maintained in working condition and structurally sound.

e. Any exit signs shall be maintained illuminated and visible.

f. Every sleeping room located in a basement shall have at least one openable window or exterior door approved for emergency egress or rescue.

2. Accumulations and storage

a. Waste, refuse, rubbish or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

b. Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids or combustible refuse, such as waste paper, boxes and bags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal usage.

c. A rental unit shall 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 law.

3. Fire resistance ratings

a. Floors, walls, ceilings and other elements and components required to develop fire resistance rating (BOCA code) shall be maintained so that the respective fire resistance rating of the enclosure, separation, or construction is preserved.

4. Fire protection systems

a. All fire protection systems and equipment shall be maintained in proper

operating condition at all times.

b. Fire alarms and detecting systems shall be installed and maintained and must be suitable for their respective purposes in all rental premises.

c. All rental units shall be provided with a minimum of one approved single station smoke detector for each floor of the premises. If there is a sleeping area located on any such floor, the detector shall be placed in the vicinity. The detectors shall be installed in accordance with the manufacturer's requirements. When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within each rental unit.

d. It is the owner's responsibility to maintain smoke detectors in good working order, such as replacing batteries.

e. Fire suppression systems in units so equipped shall be maintained in good condition, free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion and paint, and not bent or damaged.

f. Hose stations in units so equipped shall be identified and accessible. The hose shall be in proper position, ready for operation, dry and free of deterioration.

g. All portable fire extinguishers in units so equipped shall be visible and accessible, and maintained in an efficient and safe operating condition.

5. Fire doors

a. All required fire resistance rated doors or smoke barriers shall be maintained in good working order including all hardware necessary for the proper operation thereof. The use of door stops, wedges and other unapproved hold-open devices is prohibited.

H. Light and Ventilation Requirements

1. Light

a. All spaces or rooms shall be provided sufficient light so as not to endanger health and safety. Every habitable room shall have at least one window facing directly to the outdoors or to a court except in a kitchen when artificial light may be provided in accordance with applicable law. A window shall be deemed not to face directly outdoors or onto a court whenever it is obstructed by a structure that extends to the ceiling level and is less than three feet from the window. The minimum total window area measured between stops shall be 8% of the floor area of such room.

b. Every common hall and stairway in every building, other than the one and two-family dwellings, shall be adequately lighted at all times with an illumination of at least a 60 watt standard incandescent light bulb or equivalent for each 200 square feet of floor area, provided that the spacing between lights shall not be greater than 30 feet. Every exit stairway shall be illuminated with a minimum light level of one foot candle at as measured at the floor, landings and treads.

c. All other spaces shall be provided with natural or artificial light of sufficient intensity and so distributed as to permit the maintenance of sanitary conditions, and the safe use of the space and the appliances, equipment and fixtures.

2. Ventilation

a. All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of any structure or portion thereof. When part of the air provided by a mechanical ventilation system is re-circulated, the portion or volume of air re-circulated shall not be re-circulated to a different residential space or occupancy of dissimilar use from which it is withdrawn. All habitable rooms shall have at least one easily openable window. The total openable window area in every room shall be equal to at least 45% of the minimum window area required in Section VI.H.1).

b. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms, except that a window shall not be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or water closet compartment must be exhausted to the exterior and may not be re-circulated to any space, including the space from which it is withdrawn.

3. Alternative devices

In place of the means for natural light and ventilation herein prescribed, alternative arrangement of windows, louvers, or other methods and devices that will provide the equivalent minimum performance requirements shall be permitted if complying with the applicable law.

I. Mechanical and Electrical

1. Heating and refrigeration facilities

a. Every owner of any structure who rents, leases or lets one or more dwelling units or rooming units or one or more sleeping rooms on terms, whether expressed or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 16 to maintain a room temperature of not less than 65 degrees Fahrenheit. In all habitable rooms, bathrooms and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of no less than 60 degrees Fahrenheit during other hours. When, however, the external temperature falls below 0 degrees Fahrenheit and the heating system operates at its full capacity, a minimum room temperature of 60 degrees Fahrenheit shall be maintained at all times. The temperature shall be measured at a point 3 feet above the floor and 3 feet from exterior walls.

b. Every residential dwelling or dwelling unit shall contain at least one cooking and baking facility for the purpose of preparing food and at least one (1) refrigeration unit adequate for the temporary preservation of perishable foods. Such refrigeration unit shall be capable of maintaining an average temperature of below 45 degrees Fahrenheit. Hot plates, toaster ovens, microwave ovens and other portable heating devices do not constitute a cooking and baking facility for purposes of this section.

c. All cooking and heating equipment, components and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health and accident hazards. All installations and repairs shall be made in accordance with the provisions of the local applicable building code, or other laws or ordinances applicable thereto. Portable cooking equipment employing flame is prohibited, except for approved residential type food trays or servers which are heated by a candle or alcohol lamp.

- d. All mechanical equipment shall be properly installed and safely maintained in good working condition and be capable of performing the function for which it was designed and intended.
- e. All fuel-burning equipment shall be connected to an approved chimney, flue or vent per manufacturer's instructions.
- f. All required clearances to combustible materials shall be maintained.
- g. All safety controls for fuel-burning equipment shall be maintained in effective operation.
- h. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel-burning equipment.
- i. Devices purporting to reduce gas consumption by attaching to a gas appliance, to the gas supply line thereto, or the vent outlet or vent piping therefrom shall not be used unless labeled for such use and the installation is specifically approved.
- j. Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe and connected to approved chimneys.
- k. When facilities for interior climate control (heating, cooling and/or humidity) are internal functions of structures used as dwelling units or rooming units such facilities shall be maintained and operated in a continuous manner in accordance with the designed capacity.

2. Electrical facilities.

- a. Provided that there is electric service available, every premises or part thereof used for human occupancy shall be adequately and safely provided with an electrical system in compliance with the requirements of this section. The provisions of this section shall be considered absolute minimum requirements. The size of unit and the usage of appliances and equipment shall be used as a basis for determining the need for additional facilities in accordance with the electrical code adopted by the local jurisdiction.
- b. Every habitable room in a dwelling unit shall contain at least two separate and remote receptacle outlets, one of which may be a ceiling or wall type electric light fixture. Every laundry area and bathroom shall contain at least one ground fault interrupter type receptacle. Every bathroom shall contain at least two (2) receptacles and every kitchen shall have three (3) separate and remote outlets, one of which may be a ceiling or wall type electrical light fixture, receptacles within three (3) feet of any sink, tub or laundry area shall be of the ground fault interrupter type.
- c. Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electrical lighting fixture.
- d. All exterior receptacle outlets shall be of the ground fault interrupter type.
- e. When the electrical system requires modification to correct inadequate service, the service shall be corrected to a minimum of 100 ampere, three-wire service.

f. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner and in accordance with all applicable laws. All electrical equipment shall be of an approved type.

g. Where it is found, in the opinion of the Code Enforcement Official, that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Enforcement Official shall require the defects to be corrected to eliminate the hazard.

Section VII Unfit Rental Premises

No person shall rent or lease to another for occupancy any rental unit, premises or part thereof, which does not comply with the following requirements:

A. Dangerous Structures and Equipment – Any rental unit, premises or part thereof which shall be found unsafe, unlawful, or to have any of the following defects may be condemned as unfit for human habitation and shall be designated by the Code Enforcement Official with prior approval of the Town Administrator. It shall not be re-occupied without the approval of the Code Enforcement Official. Unsafe equipment may be condemned and placed out of service pursuant to this section.

1. One which is so damaged, decayed, dilapidated, unsanitary and unsafe or vermin infested, that it creates a serious hazard to the health or safety of the occupants or of the public.

2. One which lacks illumination, fire protection, ventilation, sanitation facilities or other essential equipment required by this Rental Housing Ordinance adequate to protect the health or safety of the occupants or the public.

3. One, which because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

4. One which is occupied by more persons than permitted under this Ordinance or applicable law.

5. One in which the equipment is unsafe, including 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 Enforcement Official to be a hazard to life, health, property or safety of the tenants of the premises or structure.

B. Notice to Owner – Whenever the Code Enforcement Official has determined that there has been a violation of this Ordinance and, with approval of the Town Administrator, has condemned a rental unit, premises or any portion thereof as unfit for human habitation or equipment is unfit under Section VII, the Code Enforcement Official shall give written notice to owner. Such notice to the owner shall:

1. Be in writing;

2. Include a description of the real estate sufficient for identification;

3. Include a statement of the reason why it is being issued;

4. State the date occupants must vacate the rental unit, premises, or portion thereof, or equipment if the defects have not been eliminated and the order to vacate withdrawn.

5. State that the owner has the right to appeal the Code Enforcement Official's decision to the Town Council in accordance with the procedures set forth in Section X Right to Appeal of this Ordinance.

C. Service of Notice – Service of notice that rental unit, premises or any portion thereof or equipment is unfit and must be vacated or placed out of service shall be as follows:

1. By delivery to the owner personally; or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion who shall be informed of the contents thereof: person to be served or his agent a copy of the notice and all necessary papers; or

2. By certified or registered mail, return receipt requested, addressed to the owner at the address provided to the Town by the owner as required by this Ordinance with postage pre-paid thereon with return receipt requested, or if the said letter is returned with receipt showing non-delivery; then

3. By posting a copy of the notice in a conspicuous place on the premises to be affected by such notice.

D. Posting Notice – Any rental unit, premises, or portion thereof declared as unfit for human habitation shall be posted at each entrance with a notice by the Code Enforcement Official. It shall be unlawful for any person to enter such rental dwelling, premises or portion thereof after the date set forth in the notice to vacate except for the reason of making the required repairs or of demolishing the same. The notice shall include the following:

1. Name of town.

2. The section of the Ordinance under which it is issued.

3. An order that the Rental Unit shall be vacated by a stated date, and must remain vacant until the order to vacate is withdrawn.

4. The date the notice is posted.

5. A statement of the penalty for defacing or removal of the notice.

6. A statement saying "this building is unfit for human habitation and its use or occupancy has been prohibited by the Town of Berwyn Heights," and the notice shall bear the signature of the Mayor.

7. A statement that the owner has the right to appeal the Code Enforcement Official's decision to the Town Council in accordance with the procedures set forth in Section X Right to Appeal of this Ordinance.

E. Service on occupant – When a condemnation order is served on an occupant other than the owner or person responsible for such compliance, a reasonable time to vacate the after noncompliance shall be stated. Owners or person responsible for compliance must vacate at the time set for correction of defects if there is failures of compliance.

F. Removal of Notice – No person shall deface or remove the notice from any rental unit, premises, or portion thereof which has been declared or noted as unfit for human habitation except by authority in writing from the Code Enforcement Official.

G. Vacating of Declared Buildings – Any rental unit, premises, or any portion thereof declared as unfit for human habitation and so designated and noted shall be vacated within a reasonable time as ordered by the Code Enforcement Official, and it shall be unlawful for any owner or operator to let any person inhabit said rental unit, premises or any portion thereof which has been declared and noted by the Code Enforcement Official, with approval of the Town Administrator, as unfit for human habitation after the date set forth in the notice. The Code Enforcement Official shall remove such notice whenever the defect or defects upon which the declaration and noted action were based have been eliminated.

H. Sealing of unfit structure – It shall be the responsibility of the owner of the property to remove all unsanitary or flammable material and to board up all windows and doors after dwelling has been properly determined by the Code Enforcement Official to be necessary for reasons of health and safety. In the event that the owner of the property fails to properly seal the structure against unlawful entry, the Town of Berwyn Heights shall take action to remove unsanitary or flammable waste material and to board up all windows and doors so as to prevent entrance. The cost of said action shall be and become a lien on the property and collectible in the same manner as delinquent taxes.

I. Further action – If, after proper notice hereunder, the owner fails to correct defects which have caused the rental dwelling, rental unit, premises or any portion thereof to be unfit for human habitation, the Town Administrator may request additional action from the appropriate State and/or County authority.

J. Coordination of enforcement

1. Whenever, in the opinion of the Code Enforcement Official initiating an inspection under this Rental Housing Ordinance, it is deemed necessary or desirable to have inspections by any other governmental official or agency, the Code Enforcement Official shall make a reasonable effort to arrange for the coordination of the inspections so as to minimize the number of visits by inspectors.

2. The Code Enforcement Official shall confer with the other governmental official or agency for the purpose of eliminating conflicting orders before any are issued.

3. The Code Enforcement Official may not, however, cause the delay of the issuance of any emergency orders by a governmental official or agency which the governmental official or agency determines must be issued.

Section VIII. Enforcement Authority

A. It shall be the duty and responsibility of the Town to enforce the provisions of this Ordinance as herein provided.

B. The Mayor and Council may waive applicability of this Ordinance to a unit of rental property on application of the property owner if:

1. Adequate notice in a form and manner specified by the applicable section of this Ordinance is afforded any occupant of the unit;

2. The occupant is afforded an opportunity to comment on the application either in writing or in person; and

3. The waiver would not threaten the health or safety of any tenant.

C. Any code official, officer or employee of the Town who acts in good faith and without malice in the discharge of duties of enforcement of this Rental Housing Ordinance is relieved of all personal liability for and damage that may occur to persons or property as a result of such acts or alleged failure to act. Further, the code official or designee shall not be held liable for any costs in any action, suit or proceeding that may be instituted by the code official in the enforcement of this Rental Housing Ordinance. In any of these actions, the official or employee shall be defended or represented by the jurisdiction's attorney-at-law until final termination of the proceedings.

D. A person may not be displaced by enforcement of this ordinance unless alternate housing is provided within a reasonable time not to exceed thirty (30) days unless an emergency situation exists affecting the health, safety and welfare of the occupant(s) of the property and the citizens of the Town of Berwyn Heights. In that case immediate evacuation may be required.

Section IX. Notice of Violations and Penalty for Violations

A. Whenever the Code Enforcement Official determines that there has been or is a violation of any provision of this Ordinance or of any rule or regulation adopted pursuant thereto, the Code Enforcement Official shall give notice of such alleged violation to the person or persons responsible therefor, as herein after provided. Such notice shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the reason why it is being issued;
4. Allow 30 days for the performance of any act it requires.
5. Such notice shall:

a) Contain an outline of remedial action, if any, which, if taken, will effect compliance with the provisions of this Ordinance and with rules and regulations adopted pursuant thereto.

b) In cases where remedial action is appropriate, In cases where remedial action is appropriate, contain the requirement that the violation must be fully corrected within thirty (30) days from the date of the notice and that, in the event that the owner fails to do so within the thirty-day period, a second notice shall be sent advising of the imposition of a charge payable to the Town. In the event that the violation is not fully corrected within thirty (30) days after this second notice, a third notice shall be sent advising of the imposition of a further charge. Each additional fifteen (15) days thereafter that this violation exists will constitute an additional charge. For each additional prescribed period that the violation is not fully corrected, notice will be issued of the fine amount as due and payable to the Town of Berwyn Heights. Fines for failure to take remedial action shall be established by resolution of the Town Council and shall not exceed the amount of Fines for failure to take remedial action shall be established by resolution

of the Town Council and shall not exceed the amount of one thousand dollars (\$1,000.00)

c) In all other cases, contain the amount of the fine, which shall be assessed according to a schedule established by resolution of the Town Council and which shall not exceed one thousand dollars (\$1,000.00). Violation under this subsection shall include, but are not limited to, missing an inspection or re-inspection; nuisance behavior; and renting or leasing without a license. The Town reserves the right to either revoke a rental license and/or deny renewal of a rental license for incidences of nuisance behavior in violation of this Ordinance.

B. Failure to pay fine(s) will result in the amount of any fine(s) imposed being recorded as a lien against the property and collected in the same manner as delinquent taxes.

C. Service of notice that dwelling is in violation shall be as follows:

1. By delivery to the owner personally or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion who shall be informed of the intent thereof; or

2. By certified or registered mail, return receipt requested, addressed to the owner at the address provided to the Town by the owner as required by this Ordinance with postage pre-paid thereon with return receipt requested, or if said letter is returned with receipt showing non-delivery, then

3. By posting a copy of the notice in a conspicuous place on the premises affected by such notice.

D. The Town shall inform the legal owner legal owner of record or an authorized agent of a rental unit, in writing, of all written verified complaints pertaining to the rental unit.

E. Whenever three (3) or more households within 500 ft. of a rental unit petition the Town Council that a violation of this Ordinance has occurred, the Town Council, within 30 days of receipt of petition, shall schedule a hearing. A quorum of Town Council members, Code Enforcement Official, owners of record or their agent, occupant or tenant and petitioners shall attend.

Section X. Right to Appeal

A. Any person affected by any notice of violation may elect to appeal to the Town Council.

1. Any person affected by any notice of violation which had been issued in connection with the enforcement of any provision of this Ordinance may request and shall be granted a hearing on the matter by the Town Council, provided that such person shall within ten (10) days after service of a notice of violation, file with the Town Council a signed written notice of appeal, requesting a hearing and setting forth a brief statement of the reasons therefor. Upon receipt of such notice of appeal, Town Council shall set a time and place for such hearing and shall determine appeals as promptly as practicable. The Town Council, with a quorum present, shall hear appeals.

2. After such hearing, the Town Council may, by a majority vote of the members, affirm, amend, modify or withdraw the notice of violation that has been appealed. Any per-

son who shall fail, refuse or neglect to comply with the decision of the Town Council shall be guilty of violating the provisions of this Ordinance.

3. In the event a person wished to contest the decision of the Town Council, he or she may notify the Town of his or her intent within ten (10) days after the rendering of the decision by the Town Council. In that event the Town shall issue a municipal infraction citation to the aggrieved person who may request a hearing in the District Court of Maryland pursuant to the Municipal Infraction procedure. The decision of the Town Council in such a case shall be stayed, pending a decision by the District Court. To the extent of this section of the ordinance, all violations of this Ordinance will be considered municipal infractions of the Town.

B. Failure to pay after adjudication or request of adjudication by the Town will result in the amount of any fine imposed being recorded as a lien against the property and collected in the same manner as delinquent taxes.

Section XI. Responsibilities of Owners and Rental Units

Only the property owner shall be responsible for compliance with the provisions of this Ordinance except as provided herein.

A. Every occupant of a structure or part thereof shall keep that part of the structure or premises thereof which that occupant occupies, controls or uses in a clean and sanitary condition. Every owner of a dwelling containing a rental unit shall maintain, in a clean and sanitary condition, the shared or public areas of the dwelling and premises thereof.

B. The occupant of a structure or part thereof shall keep the owner-supplied equipment and fixtures therein clean and sanitary, and shall be responsible for the exercise of reasonable care in their proper use and operation. The owner shall maintain the equipment and fixtures in good and proper operating condition.

C. The equipment and fixtures furnished by the occupant of a structure shall be properly installed and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

D. The owner of any premises shall be responsible for extermination within the rental unit.

E. The owner of any premises shall be responsible for the continued rodent-proof condition of the structure.

F. For any dwelling containing a rental unit, it shall be the responsibility of the owner to supply adequate rubbish containers and garbage disposal facilities and storage containers.

G. Every owner of a rental unit shall be responsible for hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this Ordinance or of any rule or regulation adopted pursuant thereto.

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

I. No owner or owner's agent may prevent any tenant from talking to the Code En-

forcement Official.

J. The owner shall provide and maintain venetian blinds, curtains, non-see-through fabric blinds, or some other appropriate window covering as determined by the Code Enforcement Official for each window that looks directly to the outside or onto a court.

Section XII. Interpretation and Waiver

A. The Mayor and Town Council of Berwyn Heights shall decide questions of interpretation of this Ordinance.

B. Upon written request, the Mayor and Town Council may waive or vary particular provisions of this Ordinance to the extent that the waiver is not inconsistent with Annotated Code of Maryland if:

1. Geographic differences or unique local conditions justify the waiver.
2. The waiver would not threaten the health or safety of a tenant or occupant.

Section XIII. Validity

A. If any section or part of a section of this Ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance.

B. This Ordinance shall not effect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of these ordinances, codes or regulations in effect at the time the violations were committed.

Section XIV. Rules and Regulations

The Town Council shall pass such rules and regulations as are consistent with the purpose, intent and enforcement of this Ordinance. -

Revised: May 4, 1993

Revised: December 8, 2004

Effective January 13, 2005