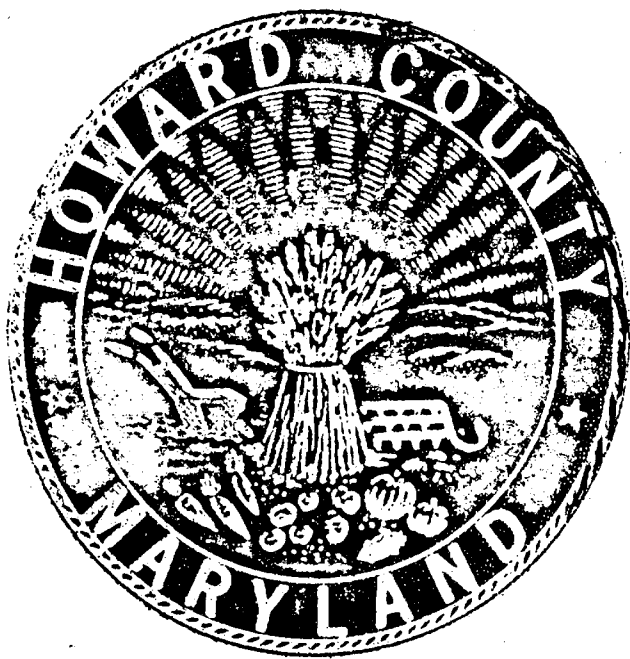


*In superseded  
County Code  
section*

# HOUSING CODE

Superseded



## Howard County, Maryland



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# **RESOLUTION OF THE COUNTY COMMISSIONERS OF HOWARD COUNTY, IN THE MATTER OF THE ENACTMENT OF THE HOUSING REGULATIONS FOR HOWARD COUNTY.**

**WHEREAS**, multiple complaints from citizens of all six election districts and reports of inspections made by county and state agencies show that many sub-standard structures are being rented or leased for human occupancy, and

**WHEREAS**, careful studies reveal that nearly all of the sub-standard structures are rental and leased properties, and up to the present time no provision for periodic inspections and licensing of rental and leased dwelling facilities has been established and,

**WHEREAS**, these complaints and inspections indicate that many structures are being used to house a greater number of occupants than contemporary health standards define as desirable and this condition is rapidly spreading to all areas adjoining the county's more densely populated areas, and

**WHEREAS**, the minimal regulations established in 1955 are ambiguous and vague and are therefore unenforceable, it is imperative that a housing code be adopted that will establish minimum standards for determining the overcrowding, the state of delapidation, the sanitary conditions, the hazard from fire, exposure and disease, the condition, use, operation, occupancy and maintenance of structures, the utilities, facilities and other physical things and conditions to be supplied to the various types of dwelling units, certain responsibilities and duties of owners and occupants of these dwelling units, the inspection and licensing of said units, condemnation and demolition of sub-standard structures, for owners with rights to hearings and appeals from the action of housing officers, penalties for owners for non-compliance, so proper and just enforcement of these regulations will be insured, thereby safeguarding the health, safety, morals and general welfare of Howard County, now, therefore

**BE IT RESOLVED AND SO ORDERED** by the County Commissioners of Howard County that the so called "Housing Code for Howard County" adopted December 28, 1955 by the County Commissioners pursuant to Chapter 547, Acts of 1955 General Assembly of Maryland be and the same is hereby repealed; and that new regulations governing the licensing of all types of rental dwelling units, and regulations establishing minimum standards for the Hygiene of Housing entitled, "Housing Code Of Howard County 1964" authorized by Chapter 16, Acts of the Special Session of the General Assembly of Maryland, March 11, 1964, effective June 1, 1964 are hereby adopted.

# SECTION 1

## PART I - TITLE AND SCOPE

### 11.01 - TITLE

This Act shall be known as the "Howard County Housing Code, 1964" and may be cited as such and will be referred to herein as "this Code".

### 11.02 - LICENSE REQUIRED

No person shall conduct or operate within the boundaries of Howard County any rooming house, dwelling unit, mixed use structure part of which is used for human habitation or any combination thereof, without having first obtained a license or a temporary certificate to do so as hereinafter provided.

### 11.03 - PURPOSE

The purpose of this Code is to establish minimum standards and maintain controls governing the hygiene of housing, maintenance, occupancy and licensing of all buildings, structures and parts thereof used for habitation in Howard County and for safeguarding the health, safety, morals and general welfare of the public within the scope of this Code; fix certain responsibilities and duties of owners and occupants and establish procedures for the inspection of these units to make them safe, sanitary and fit for human habitation; provide for condemnation of sub-standard structures so as to eliminate and prevent conditions in and about structures which are so unsafe, dangerous, unhygienic or unsanitary as to constitute a burden on the assessable base of the county and a menace to the health and safety of the people, and to fix penalties for violations of the provisions of this Code.

### 11.04 - AUTHORITY

The Housing Administrator is hereby authorized and directed to interpret, administer, enforce and implement all of the provisions of this Code, and where there are no safety or health hazards, variations may be permitted from these regulations where practical difficulties or unnecessary hardship result.

### 11.05 - SCOPE

The provisions of this Code shall apply to all structures and buildings, or portions thereof, used or intended to be used for rent or lease for human habitation, unoccupied structures and recorded lots which are vacant or unimproved, provided that it will not be necessary to make application or obtain a permit and/or certificate of occupancy for any owner occupied structure containing no more than two dwelling units including the unit occupied by the owner, nor where such permit and/or certificate of occupancy is waived by the Housing Administrator.

### 11.06 - SEVERABILITY

If any section, sub section, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision would not affect the remaining portions of this ordinance, which shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

## PART II - DEFINITIONS

### 12.01 - GENERAL

For the purpose of this Code, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified herein. Words used in the masculine gender include the feminine, and the feminine the masculine. Terms, words, phrases, and their derivatives used but not specifically defined in this Code shall have the meaning defined in 101.0 of the Howard County Building Code.

### 12.02 - DEFINITIONS

- APPROVED** - Approval by the Housing Administrator or other authority having jurisdiction.
- BASEMENT** - The lowest story of a building, wholly or partly underground and just beneath the main floor. (See definition of Cellar.)
- BUILDING** - Shall mean any building or structure, or portion thereof which is used, or designed, or intended to be used for human habitation, for living, sleeping, cooking or eating purposes or any combination thereof, including Hotels, Motels, Lodges, Inns and Dormitories.
- BUILDING CODE** - The Howard County Building Code adopted in 1960, and as amended from time to time.
- BUILDING ENGINEER** - The Building Engineer of Howard County or his duly authorized representative.
- CELLAR** - A room or enclosed space wholly or partly underground and usually beneath a building, used for storage, etc. (See definition of Basement.)
- DWELLING** - Shall mean any building or portion thereof which is used or intended to be used for living or sleeping by human occupants.
- DWELLING UNIT** - One or more rooms with living, cooking, sanitary and sleeping facilities therein, arranged for one family with whom may reside not more than two lodgers or boarders.
- EFFICIENCY UNIT** - A minimal dwelling unit consisting of at least 150 square feet of enclosed habitable floor space with the area for cooking and eating and/or the area for living and sleeping arranged in an alcove designed to separate these functions, and containing no less than 15 square feet of storage area not otherwise used as a hall or stairway and extending substantially from floor to ceiling. A bathroom opening into but not constructed within the living or sleeping area is required in this unit.
- EXISTING BUILDING** - A building erected prior to the adoption of this Code, or one for which a legal building permit has been issued. (See the Building Code for time limits on permits.)
- EXIT WAY** - The exit doorway or doorways, or such doorways together with connecting hallways or stairways, either interior or exterior, or fire escapes, designed to provide means by which individuals may proceed safely from a room or space to a street or to an open space which provides safe access to a street.
- EXTERMINATION** - Shall mean the control and elimination of insects, rodents, or other vermin by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigation, trapping; or by any other recognized

and legal vermin elimination methods approved by the County Health Department

**GARBAGE** - The animal and vegetable waste resulting from the handling, preparing, cooking, and serving of food, exclusive of recognized industrial by-products and human and animal feces.

**HABITABLE SPACE** - A room enclosed floor space in a basement, first or upper story, arranged for living, eating, or sleeping purposes, not including bath or toilet rooms, laundries, pantries, foyers, or communication corridors or cellar recreation rooms.

**HARBORAGE** - Shall mean any condition which provides shelter or protection for insects, rats or other pests, thus favoring their multiplication and continued existence in, under, or outside of a building or vacant lot of any kind.

**HEALTH OFFICER** - Shall mean the County Health Officer or his duly authorized representative.

**HOUSING ADMINISTRATOR** - Shall mean the Housing Code Enforcement Officer or his duly authorized representative as appointed by the County Commissioners of Howard County.

**HOUSING INSPECTOR** - Shall mean the authorized representative of the Housing Administrator.

**INFESTATION** - Is the presence of insects, rodents or vermin within, around or on a dwelling or vacant ground.

**LOT** - A portion of a subdivision or other parcel of land recorded for building development whether for immediate or future. (Note: Parcels of land being actively farmed containing more than two acres are excluded from this definition.)

**MULTIPLE FAMILY DWELLING** - The term "multiple family dwelling" as used in this Code shall be and is deemed to be any house, building, or combination of buildings, including groups of detached buildings comprising a single apartment project under a single ownership and management, or any portion of any building, which is leased or designed to be leased for human occupancy and any other occupancy, and shall include cooperative dwelling units.

**NUISANCE** - The following shall be defined as nuisances:

1. Any public nuisance known as common law or in equity jurisprudence.
2. Any attractive nuisance which may prove hazardous to children whether in a building, on the premises of a building, or upon unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors.
3. Any source of filth or cause of sickness, which does or could endanger the health of humans through the spreading of such nuisance by streams, surface drainage, air currents, winged life, rodents, domestic animals, humans or any other means.
4. Overcrowding a room or dwelling unit with occupants.
5. Insufficient ventilation or illumination.
6. Inadequate or unapproved sewerage or plumbing facilities.
7. Whatever is dangerous to human life and whatever renders soil, air, water, food, or drink unwholesome or

detrimental to the health of human beings.

8. A nuisance is anything that unlawfully annoys or does damage to another and it includes everything that endangers life or health, gives offense to the senses, or obstructs the reasonable and comfortable use of property.

**OCCUPANT**—Shall mean any person, over one year of age, living, sleeping, cooking, or eating in or having actual possession of, any dwelling or dwelling unit.

**OPERATOR**—The term "operator" as used in this Code shall mean and include any person conducting or operating a rooming house, multiple family dwelling, or any combination thereof in Howard County, including but not limited to, the owner of the building, the lessee, the sub-lessee, the mortgagee in possession, or any other person otherwise operating a rooming house, multiple family dwelling or any combination thereof.

**OWNER**—Shall mean any person, firm, corporation, guardian, conservator, receiver, trustee, executor, or other judicial officer, who, alone or jointly or severally with others owns, holds, or controls the whole, or any part, or the freehold or leasehold title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, and shall include in addition to the holder of legal title, any vendee in possession thereof.

**PERSON**—Includes corporations, co-partnerships, individual natural persons of both sexes and associations, fraternal organizations, operators and owners.

**PLUMBING**—Means and includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, 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 supplied fixtures together with all connections to water, sewer or gas lines.

**PUBLIC HALLWAY**—Shall mean hallway accessible to the public.

**ROOMING HOUSE**—The term "rooming house" as used in this Code shall be and is deemed to be any house, building, or combination of buildings, or any portion thereof, which is used or designed to be used, with or without meals, as an abiding place of one (1) or more individuals who are, or who are not related to the owner or lessee of the same, and shall include but is not limited to, hotels, motels, or lodging houses. (See "General" Par. 3.)

**RUBBISH**—Shall mean all combustible and non-combustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust.

**STRUCTURE**—A residential building (or other enclosure of living quarters) which either stands by itself with open space on all sides or has a common (party) wall or walls from ground to roof dividing it from adjoining structures.

**TOILET ROOM**—Shall mean an enclosed space containing a water closet or urinal equipped with plumbing.

**VENTILATION**—The process of supply or removing air by natural or mechanical means to or from any space. Such

air may or may not have been conditioned.

## GENERAL

1. The term "or any combination thereof" as used in this Code shall be and is deemed to be any combination of rooming units, and mixed use where any part of the structure is leased for human occupancy.
2. The term "dwelling unit" as used in this Code, shall be and is deemed to be any room or group of rooms leased or rented as single habitable unit occupied by one or more persons with facilities which are used or intended to be used exclusively by the occupants of such unit for living, sleeping, eating and cooking.
3. The term "rooming unit" as used in this Code, shall be and is deemed to be any room or group of rooms leased or rented as a habitable unit used or intended to be used for living and sleeping but not for eating or cooking.

## SECTION 2 APPLICATION PROCEDURE

### 22.01 - APPLICATION FOR LICENSE

- a. Within sixty (60) days after the effective date of this resolution the operator of every existing rooming house, dwelling unit, or any combination thereof shall make application to the Housing Administrator, as hereinafter provided, for a license for such business. Such application shall be made on a form to be furnished by the Housing Administrator.
- b. The Housing Administrator shall thereupon issue forthwith a no-charge temporary certificate stating that a license has been applied for and that such license shall be issued or denied after the building has been fully inspected.
- c. If the structure to be licensed is within a Renewal Area, as designated by the Howard County Plan for Ellicott City, the Housing Administrator shall send a copy of the application to the Howard County Planning Commission to determine what impact, if any, it may have upon the plan.
- d. The Housing Administrator shall not issue a license to any applicant if a documented complaint by the Health Department or the Fire Marshal stating the nature of the violation has been filed with the Housing Administrator, provided that a copy of due notice of the violation to the operator is attached to the complaint.
- e. The Housing Administrator shall not issue a license to the owner or operator of any building or structure if the owner or operator applying for said license is held, after a hearing before the County Commissioner of Howard County, to be in violation of any of the provisions of this Code, or any of the regulations of the Health Department, or the Fire Marshal.
- f. When the building has been approved for a license, the Housing Administrator shall notify the applicant, in writing, that the application has been approved and that the license must be obtained within thirty (30) days or the use discontinued, unless a reasonable extension of time has been approved by the Housing Administrator.

## LICENSES

### 22.02 - RENEWAL LICENSES

Each license shall expire one year from the date of issuance and shall be renewable annually, at a fee based on the above stated rates, upon application to, and approval of the Housing Administrator.

### 22.03 - REVOCATION OF LICENSE

A license shall be denied or revoked or a renewal license refused by the Housing Administrator upon his own finding or upon certification by the County Health Officer or by the Fire Marshal of their finding of either of the following conditions:

- That the operator of a rooming house, multiple family dwelling, or any combination thereof, failed to comply with any lawful notice to correct violations of any of the laws or of any of the rules or regulations issued pursuant thereto, concerning the health, safety, morals or general welfare of the public in general within sixty (60) days or within the time stated in the notice.

### 22.04 - NOTICE OF REVOCATION OF LICENSE

No license shall be denied or revoked or a renewal license refused by the Housing Administrator unless he shall first have given the holder of or applicant for the same not less than ten (10) days notice in writing of his intention to revoke, deny or refuse to renew such license, and an opportunity to be heard by him as to why such should not be done, this provision as to notice and hearing shall not apply where there is, in the opinion of the County Health Officer, the Building Engineer or the Fire Marshal, imminent danger to the health, safety or welfare of the people.

### 22.05 - HEARING AND APPEAL

Whenever the Housing Administrator shall refuse to grant a permit and/or certificate of occupancy, he shall notify the applicant in writing of his refusal and the reasons therefor. Within fifteen days of the receipt of notice, the applicant may appeal said refusal to the Board of County Commissioners, who, after notice and hearing shall grant or refuse such permit or certificate of occupancy by an order in writing. Upon refusal by the Board of County Commissioners to issue such permit or certificate of occupancy, the applicant shall be entitled to appeal to the Circuit Court for Howard County, which Court shall hear and determine all matters relating to the application de novo. Such appeal shall be instituted by filing in said Court, a petition, a copy of which shall be served on the County Commissioners of Howard County, which said petition shall set forth in clear and concise terms the grounds for appeal. The County Commissioners shall promptly certify and file a complete transcript of the record in the case, upon payment of all costs for preparation of same by the appellant.

## **22.06 - NON-ISSUANCE OF LICENSE**

Whenever any building or any part thereof is found in the opinion of the County Health Officer, the Building Engineer or the Fire Marshal to be imminently hazardous to the health, safety or welfare of the people, the appropriate County Agency may post the building or the appropriate part thereof as being unfit for habitation or unsafe and shall order such building or the appropriate part thereof vacated. Any structure or any part thereof so posted shall not be licensed for human habitation until the hazard has been eliminated and the appropriate County Agency has given written approval for re-occupancy.

## **22.07 - TRANSFER OF LICENSE**

Any person taking over the operation of a licensed building shall have the existing license transferred for the unexpired portion of the term for which it was issued upon application to the Housing Administrator within 15 days of his taking over said operation and upon the payment of a transfer fee of One Dollar (\$1.00). No refunds shall be made to those discontinuing operation or who sell, transfer, give away, or otherwise dispose of a licensed building to another person. Nothing in this section shall affect the validity of any sale, transfer, or disposition of any interest in real estate.

## **22.08 - ROOMS NUMBERED**

Any person to whom a license shall have been issued, as provided in this Code for a rooming house, hotel, motel, or lodging house, shall cause each sleeping room or apartment to which such license relates, to be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door and no two units within the same structure shall bear the same number.

## **22.09 - PERSON LIABLE FOR PROSECUTION**

- a. Where a license shall have been issued to any co-partnership, corporation, or association to conduct a rooming house, multiple family dwelling, or any combination thereof, any person having charge, management or control thereof shall be liable to prosecution for any violation of the provisions of this Code.
- b. For the purpose of determining the liability of any person or persons to prosecution for violation of any of the provisions of this Code, it shall be sufficient to show that such person was at the time of the act of violation the person in actual charge, management or control of the licensed premises in which such act is alleged to have been committed.

## **22.10 - LICENSE TO BE POSTED**

The person to whom any license is issued shall display it in the lobby, vestibule or other prominent and public place on the premises during all the period it is effective.

## **22.11 - RULES AND RELATED DEPARTMENTS**

The County Health Officer, the Building Engineer and the Fire Marshal are each hereby authorized to report obvious violations of this Code to the Housing Administrator for abatement of said violations and enforcement of this Code to protect the health, safety, and general welfare of the people.

## **22.12 - PENALTY FOR VIOLATION**

Any person who violates any of the provisions of this section, or any lawful order, rule or regulation adopted by the County Commissioners of Howard County pursuant to the authority granted to them by the provisions of this Code, or who fails to apply for or obtain the license required by this Code, shall be guilty of a misdemeanor and shall be subject to a fine not less

than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00). No conviction hereunder shall in any manner relieve any person of any other penalties or the necessity of securing and paying for a permit and/or certificate of occupancy hereunder and complying with all other applicable rules, regulations and laws.

### SECTION 3

## PART I - MINIMUM HOUSING STANDARDS

### 31.01 - ZONING AND SUBDIVISION REQUIREMENTS

All residential occupancy buildings shall be governed by the applicable zoning and subdivision laws and regulations of Howard County.

### 31.02 - GENERAL

- a. **OCCUPANCY.** Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 90 additional square feet of floor space for each additional occupant thereof; the floor space to be calculated on the basis of total habitable room area. For the purpose of this subsection, every person over the age of one year shall be considered as one occupant.
- b. **ROOM SIZE.** Structures which are subdivided into dwelling units shall be so arranged that no dwelling unit therein will be less than 240 square feet in gross floor area and every such dwelling unit will contain not less than one sleeping room, one kitchen, and one bathroom. At least one living room or bedroom shall be not less than 120 square feet in floor area or not less than eight feet in width. The kitchen shall be not less than 60 square feet in floor area (where dining space is included not less than 90 square feet in floor area). The bathroom shall be not less than 24 square feet in floor area. Every room or compartment containing a water closet shall be not less than 30 inches wide nor less than 48 inches deep. No room having less than 90 square feet of floor area or having a width of less than seven feet shall be used for living or sleeping purposes or as a habitable room and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant thereof, unless such dwelling unit shall be designed as an "Efficiency Unit" for one (1) occupant only, and no more; said unit may consist of one (1) enclosed room not less than 8 feet wide containing 150 square feet and one bathroom containing 24 square feet. For the purposes of this subsection minimum areas designed as gross floor area shall exclude stairway space, and all other minimum floor areas shall mean the net usable floor area within the enclosing walls of a room.
- c. **CEILING HEIGHT.** Habitable rooms shall have a ceiling height of not less than seven feet. In rooms with sloping ceilings the required ceiling height shall be provided in at least 50 percent of the room and no portion of the room having a ceiling height of less than five feet shall be considered as contributing to any minimum floor area required by this Code.
- d. **CELLAR AND BASEMENT ROOMS.** Cellars shall not be used for habitable rooms or dwelling units. No living or sleeping rooms shall be permitted in a basement unless the following requirements are fully complied with:
  1. The ceiling height shall be not less than seven feet.

2. Windows shall be provided as required in Section 31.03 of this Code.
3. The floors on the ground and the walls in contact with earth shall be rodent-proofed, and where necessary to keep out moisture such rooms shall be effectively waterproofed.
4. No gas service meter shall be located in any habitable room.
5. All such rooms shall be provided with ventilation and egress as required in Section 31.03 of this Code. Rooms used as other than living or sleeping rooms shall have a ceiling height of not less than seven feet.

### **31.03 - LIGHT AND VENTILATION**

- a. **HABITABLE ROOMS AND BATHROOMS.** Every habitable room shall have an aggregate window area opening directly to the outside air of not less than one-tenth of the floor area or ten square feet, whichever is the greater. Every sleeping room, unless it has two doors providing separate ways of escape, or has a door leading outside of the building directly, shall have at least one outside window which can be opened from the inside without the use of tools to provide a clear opening of not less than 16 inches in least dimension and 432 square inches in area, with the bottom of the opening not more than 3 feet 6 inches above the floor. Every bathroom or toilet room shall have an aggregate window area opening directly to the outside air of not less than one-tenth of the floor area or three square feet, whichever is the greater. In the case of skylight type windows not less than 15 per cent of the floor area is required. Whenever walls or other portions of structures face a required window and such light-obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. One-half of the required window area in all rooms shall be openable without tools.
- b. **HALLWAYS.** All public hallways, stairs, and other exitways shall be ventilated at all times so as to be free of cooking and other noxious odors; and lighted in accordance with fire regulations.
- c. **MECHANICAL VENTILATION.** An approved system of mechanical ventilation or air conditioning may be used in lieu of openable windows. Such system shall be maintained in a clean and orderly manner, free from accumulations of dust, oily waste or other debris; and all piping machinery shall be kept readily accessible at all times for inspection and repair. Plenum chambers, air ducts, cooling and heating coils shall be kept clean, and unit filters shall be cleaned and renewed to insure adequate air flow in accordance with the approved rules. Toilet rooms and bathrooms ventilated in accordance with this subsection must be provided with artificial light.

### **31.04 - SANITATION**

- a. **BASIC EQUIPMENT.** Every dwelling unit shall be provided with a water closet, a lavatory, and a bath tub or shower. Where private water closets, lavatories and baths are not provided, at least one water closet and lavatory, and one bath tub or shower accessible from a public hallway shall be provided for each ten persons or fraction thereof of each sex, provided that a bona fide tenant house on a farm occupied by an employee of the owner of the farm may be equipped with

an approved privy. Every kitchen shall be provided with an installed kitchen sink.

- b. **FIXTURES.** All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water, except water closets shall be provided with cold water only. All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.
- c. **TOILET ROOMS AND BATHROOMS.** The floor of every toilet room shall have a water-proof nonabsorbent finish, and the walls shall be of a smooth, hard, water-resistant finish with tightly sealed joints.
- d. **ROOM SEPARATIONS.** No room housing a water closet shall open directly into any room used for the preparation of food.
- e. **INSTALLATION AND MAINTENANCE.** All sanitary facilities and sanitary condition in accordance with the Howard County Plumbing Code and Regulations of the County Health Officer. Every water closet, bath tub or shower shall be installed in a room which will afford privacy to the occupant. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- f. **DRAINAGE.** The owner shall provide adequate drainage for all courts, yards or other areas on the premises of every dwelling. Each occupant shall fully utilize and keep free from obstruction the provided facilities for drainage, so as to maintain the premises free from the accumulation of rain, waste or surface water, and from the accumulation of snow on sidewalks and walkways and around exits.
- g. **CARCASS, RUBBISH AND ASHES.** Every dwelling and dwelling unit shall have adequate storage facilities for garbage and rubbish, of such type and in such location as may be approved by the Health Officer and as required by the county sanitation laws. No accumulation of garbage, rubbish, or ashes shall be permitted in or around a dwelling. Receptacles for garbage and rubbish shall be made of impervious material, watertight, and provided with tight covers.

## **PART II - STRUCTURAL REQUIREMENTS**

### **32.01 - SHELTER**

Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.

### **32.02 - PROTECTION OF STRUCTURES**

By periodic inspections the operator shall insure that all structures under his control be maintained free from infestation and damage from termites, birds, household pests, vermin, and rodents.

## **PART III - MECHANICAL REQUIREMENTS**

### **33.01 - HEATING EQUIPMENT**

Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable

rooms, bathrooms and water closet compartments located therein to a temperature of at least 70 degrees F. at a distance of three (3) feet above floor level, under ordinary minimum winter conditions (the temperature of 15 degrees F. above the lowest record temperature for the previous ten (10) year period). Furnace protection shall be provided as required by the fire regulations. All heating devices or appliances shall be of an approved type. Every space heater burning solid liquid or gaseous fuels shall be vented in an approved manner to the outside air. Portable heaters burning solid liquid or gaseous fuels are not permitted. Gasoline or other Class I and II fuels shall not be used.

### **33.02 - KITCHEN EQUIPMENT**

The use of Class I and Class II (gasoline, etc.) fuel burning stoves is prohibited. The occupant shall keep all hoods and ducts used to ventilate kitchens clean and free of flammable materials that accumulate therein. The owner shall maintain in safe and good working condition all ventilating equipment. Said equipment shall exhaust directly to the outside air, and discharge from said equipment into an attic or other open space shall not be permitted. Kitchen stoves shall be of an approved type.

### **33.03 - WATER HEATERS**

All dwelling units shall be equipped with approved domestic water heaters properly installed and maintained in safe and good working condition capable of heating water to a temperature of 120 degrees F. and shall produce enough hot water to meet normal demands at every required outlet even though the structure's room heating facilities are not in operation, provided that a bona fide tenant house or a farm occupied by an employee of the owner of the farm may be exempt from this regulation. Gas or oil fired hot water heaters shall be vented in an approved manner to the outside air and shall not be installed in bathrooms or bedrooms. An approved pressure and temperature relief valve must be installed on all equipment used for the heating of water or storage of hot water.

### **33.04 - ELECTRICAL EQUIPMENT**

All electrical equipment, wiring, and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type. Every habitable room shall contain at least three supplied electric convenience outlets or two such convenience outlets and one supplied electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one supplied electric light fixture, and maintained in working condition.

### **33.05 - VENTILATION**

Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in Par. 31.03 and Par. 33.01 in this Code. Ventilating equipment shall be of approved types installed and maintained in a safe and operable manner. Where mechanical ventilation is provided in lieu of the natural ventilation required by Par. 31.03 of this Code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

## PART IV - EXITS

### 34.01 - GENERAL

The owner or lessee of every existing building or structure to be used for dwelling purposes and/or human habitation shall be responsible for the safety of all persons in or occupying such premises with respect to the adequacy of means of egress and ingress therefrom. All exit doors shall open out.

### 34.02 - EXITS FROM EXISTING DWELLINGS

Non-conforming exits. Where, in any existing dwellings the exits or means of egress are not in conformity with the provisions of this Code, they shall be permitted to continue **unless they are a menace to life**, in which event adequate safe exits and means of egress shall be provided and they shall be made to substantially conform to the requirements of this Code.

(NOTE: Many exits from existing dwellings do not adequately protect public safety and are a menace to life. Therefore the following regulations shall be put into effect immediately.)

- a. Existing dwellings containing only one family shall not be required to have additional exits, but must give egress to safe and open space at ground level.
- b. Existing dwellings, (other than one family dwellings) containing an apartment or any habitable room of an apartment above the second story shall be provided with two doors or a door and usable window giving access to two sets of stairs in turn leading to two separate exits with safe and open space at ground level.
- c. Existing dwellings containing two or more rooms above the second story that are used for roomers or boarders shall be provided with accessible exits from all rooms leading to two sets of stairs in turn leading to two separate exits with safe and open space at ground level.
- d. Existing two story dwellings containing more than one apartment on the second floor, or containing more than three rooms used for roomers or boarders on the second floor shall be provided with a one hour fire resistive interior stair enclosure or two sets of stairs in turn leading to two separate exits with safe and open space at ground level.

### 34.03 - ALTERATIONS

When a dwelling is altered, or reconstructed in such a manner that the exits or means of egress therein are affected in any way whatsoever, all such exits or means of egress shall be made to conform to all the provisions pertaining thereto in this Code, or as near thereto as shall be approved by the Housing Administrator.

## PART V - FIRE PROTECTION

### 35.01 - GENERAL

All structures or buildings containing more than two dwelling or rooming units shall have such fire-resistive protection which shall include, but not be limited to, at least one hour protection on the separation between occupancies, separation between tenants, separation between uses, enclosure of furnace or boiler rooms, and enclosure of stairwells. All structures or portions thereof shall be provided with approved fire-extinguishing systems or equipment properly located and installed, as specified by rules set forth in the fire protection regulations and each dwelling or rooming unit shall have an approved fire

alarm system properly maintained and in continuous operation, and subject to regular inspections as required by the fire prevention regulations enforced in the area of the structure. No owner or occupant of any building shall have or store or allow to be stored flammable liquids or gas or any combustible material in a greater quantity than that permitted by the fire prevention regulations.

## **SECTION 4**

### **PART I – RESPONSIBILITIES DEFINED**

#### **41.01 – RESPONSIBILITIES OF THE OWNER**

1. Every owner remains liable for violations of duties imposed upon him by this Code even though an obligation is also imposed upon the occupants of the building and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Code.
2. Every owner, in addition to being responsible for maintaining his building in a sound structural condition, shall be responsible for keeping that part of the building, or premises which he occupies or controls in a clean, sanitary and safe condition including the shared or public areas in a building containing two or more dwelling units.
3. Upon receipt of written notice from the Housing Administrator to the effect that there appears to be inadequate ratproofing, no ratproofing or structural deficiency, the owner of any building specified therein shall take immediate steps to ratproof the building.

#### **41.02 – RESPONSIBILITIES OF THE OCCUPANT**

1. Every occupant of a dwelling unit shall be responsible for hanging all screens furnished by the owner except where the owner has agreed to supply such service.
2. Every occupant of a dwelling unit, in addition to being responsible for keeping a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which he occupies or controls, shall dispose of all his rubbish, garbage, and other organic waste in a manner required by the health laws of the county and approved by the Health Officer.
3. Whenever the Housing Administrator notifies in writing the occupant of any building or premises that there is evidence of rat infestation of the building, said occupant shall immediately institute rat eradication measures and shall continuously maintain such measures in a satisfactory manner until the building or premises is rat-free or the Housing Administrator advises that there is no evidence of rat infestation. Unless said measures are taken within five days after receipt of notice, it shall be construed as a violation of the provisions of this part, and subject to the penalties herein prescribed.
4. Every occupant shall have available for his own use, and maintain same in safe and good working order, such devices, equipment or facilities necessary to keep his premises safe, sanitary and free from litter.

#### **41.03 – TIME LIMIT ON ABATEMENT**

Unless the work and improvements necessary to ratproof the building and abate all evidence of rat infestation be completed by the responsible person or persons in the specified time in said notice, which in no event shall be more than fifteen days.

or within the time to which a written extension may have been granted by the Housing Administrator, then the responsible person or persons shall be deemed guilty of an offense under the provisions of this part, and subject to the penalties herein prescribed.

#### **41.04 - STORING OR PILING OF MATERIALS**

It shall be unlawful for any person to accumulate or to permit the accumulation of any lumber, boxes, barrels, bottles, cans, bricks, stones, containers or similar materials that may be permitted to remain on any premises, improved or vacant, or on any open lot or alley in the county, unless the same shall be evenly piled or stacked on open racks that are elevated a reasonable height above the ground but in no case less than twelve inches, or to maintain any condition which would constitute a rodent harborage.

#### **41.05 - ABATEMENT IN EMERGENCY**

Whenever the Health Officer or the Housing Administrator shall find that a public health emergency exists because of the infestation of a building, structure, dump, vacant lot or any premises by rats which is likely to cause plague, typhus fever, rat bite fever or other disease to be spread to residents of the county, he may summarily abate such conditions of infestation by rats without notice to owners or occupants.

## **PART II - SUBSTANDARD BUILDINGS**

#### **42.01 - GENERAL**

All buildings or portions thereof including the premises on which the same are located which are determined to be substandard as defined in this Code are hereby declared to be nuisances and shall be abated by repair and rehabilitation or demolition in accordance with the procedure specified in this Code and in accordance with the regulations adopted hereunder.

#### **42.02 - CONDITIONS CONSTITUTING SUBSTANDARD BUILDINGS**

Any building or portion thereof including the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

a. **INADEQUATE SANITATION** which shall include but not be limited to the following:

1. Lack of installed water closet, lavatory, bath tub or shower available to a dwelling unit within the structure.
2. Lack of sufficient number of installed water closets, lavatories, and bath tubs or showers per number of occupants of each sex where private facilities are not provided.
3. Lack of installed kitchen sink.
4. Lack of supplied water to plumbing fixtures.
5. Infestation of insects, vermin or rodents as determined by the Housing Administrator.
6. Lack of connection to approved sewage disposal system.
7. Lack of adequate garbage and rubbish storage and removal facilities as determined by the Housing Administrator.

b. **STRUCTURAL HAZARDS** which shall include but not be limited to the following:

1. Deteriorated or inadequate foundations.
2. Defective or deteriorated flooring or floor supports.
3. Members of walls, partitions or other vertical supports that split, lean, list, or buckle due to defective material.

or deterioration.

4. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.
  5. Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.
  6. Fireplaces or chimneys which are of insufficient size to carry imposed loads with safety, and those flues, chimneys and ventilating ducts which are not maintained in a safe condition.
- c. **ELECTRICAL.** Lack of approved electrical system if electrical power is within 300 feet of structure. All wiring which has not been maintained in safe condition and does not have an approval certificate from the Middle Department Association of Fire Underwriters or the Maryland Fire Underwriters Rating Bureau.
- d. **HAZARDOUS PLUMBING.** All plumbing which has not been maintained in good condition and which is not free of cross connections and siphonage between fixtures.
- e. **HAZARDOUS MECHANICAL EQUIPMENT.** All mechanical equipment, including vents, which has not been maintained in good and safe condition.
- f. **FAULTY WEATHER PROTECTION,** which shall include but not be limited to the following:
1. Deteriorated, crumbling, or loose plaster and wallboard.
  2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
  3. Defective or lack of, weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
  4. Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
  5. Dampness of any habitable room.
- g. **HEATING.** Lack of adequate heating facilities.
- h. **VENTILATION.** Lack of minimum amounts of natural light and ventilation required by this Code.
- i. **SPACE.** Room and space dimensions less than required by this Code.
- j. **FIRE HAZARD.** Any building or portion thereof, device, apparatus, equipment, combustible waste, stored material, or vegetation which, upon examination is in violation of the Fire Prevention Regulations.
- k. **FAULTY MATERIALS OF CONSTRUCTION.** All materials of construction except those which are specifically allowed or approved by this Code and the Building Code and which have been adequately maintained in good and safe condition.
- l. **HAZARDOUS OR UNSANITARY PREMISES.** Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, fecal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.
- m. **INADEQUATE MAINTENANCE.** Any building or portion thereof which is determined to be an unsafe building in accordance with Par. 106.7 of the Building Code.
- n. **INADEQUATE EXITS.** All buildings or portions thereof not provided with adequate exit facilities as required by this Code. (When an unsafe condition exists through lack of, or improper location of exits, additional exits shall be required to be installed.)

- o. **IMPROPER OCCUPANCY.** All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

#### **42.03 - NOTICE TO OWNER**

Whenever the Housing Administrator determines by inspection that any existing building or portion thereof is substandard as defined in this Code, the Housing Administrator shall give to the owner of such building or structure written notice stating the defects thereof. This notice shall require the owner or person in charge of the building or premises to commence either the required repairs or rehabilitation or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within the time limit stipulated by the Housing Administrator. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the Housing Administrator. Proper service upon the owner of record, or such service may be made upon said owner by registered mail or certified mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this State. Any person deemed to be the owner within the meaning of the definition of said term shall be bound to comply with the provisions of this Code to the same extent as if he were the actual owner, and notice to any such person under the provisions of this section shall be deemed to be adequate and sufficient notice. If such repair or rehabilitation is impractical, he shall then order such building or portion thereof demolished and removed.

#### **42.04 - FAILURE TO COMPLY**

In case the owner shall fail, neglect, or refuse to comply with the notice to repair or rehabilitate or demolish and remove a building or structure or portion thereof within the time limit stipulated by the Housing Administrator, the Housing Administrator may classify such building or structure or portion thereof as a dangerous or unsafe building and it will be subject to condemnation as specified in Section 118, Par. d, of the Code of Public Local Laws of Howard County (1957 Edition) as Amended by House Bill Number 54, 1964 Special Session) and being Article 14 of the Code of Public Local Laws of Maryland.

#### **42.05 - CONTINUATION OF UNLAWFUL USE**

The continuation of **occupancy** or use of a building or structure or a part thereof contrary to the provisions of this Code, shall be deemed a violation of said Code and subject to the penalties prescribed in Section 42.06 of this Code.

#### **42.06 - PENALTY**

It shall be unlawful for any person to use, occupy, or maintain any building in the county, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code. Any person, operator, firm, corporation or officer of a corporation who shall violate any of the provisions of this Code shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$100. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed.

continued, or permitted.

#### **42.07 - ENFORCEMENT**

It shall be the duty of the Housing Administrator of Howard County to provide for the examination and the inspection of all structures and buildings for which application for housing permits and/or certificates of occupancy have been filed, whether erected prior to July 1, 1964 for the purpose of ascertaining if said buildings meet the minimum requirements of this Code as required by the County Commissioners of Howard County and by application of these rules and regulations to establish the number of human occupants which shall inhabit each dwelling unit or structure.

#### **42.08 - FINANCIAL RESPONSIBILITY**

The Housing Administrator and/or any of his assistants while acting for and on behalf of the County Commissioners of Howard County in the enforcement of this law shall not render themselves liable personally and they are hereby relieved from all personal liability for any damages that may accrue to persons or property as a result of any act required or permitted in the discharge of their official duties. Any suit instituted against the Housing Administrator or any of his assistants because of an act performed by him in the lawful discharge of his duties and under the provisions of this law shall be defended by the legal representative of the County Commissioners of Howard County until the final termination of the proceedings. In no case shall the Housing Administrator or any of his subordinates be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this law, and the Housing Administrator or any of his subordinates acting in a bona fide manner under its provisions or by reason of any act or omission in the performance of his or their official duties thereunder.

## **SECTION 5**

### **PART I - EFFECTIVE DATE**

#### **51.01 - EFFECTIVE DATE**

And be it further enacted, That this Act shall take effect March 15, 1965.

On This Day DECEMBER 22 1964. BE IT RESOLVED AND SO ORDERED

BOARD OF COUNTY COMMISSIONERS OF HOWARD COUNTY

/s/ Charles E. Miller President

/s/ J. Hubert Black. Member

/s/ David W. Force Member

ATTEST:

/s/ E. Holmes Hawkins Jr., Clerk