

The Board of Garrett County Commissioners

203 South Fourth Street, Room 207, Oakland, Maryland 21550

www.garrettcounty.org - countycommissioners@garrettcounty.org

301-334-8970 – 301-895-3188 – Fax: 301-334-5000

Board of County Commissioners

John G. Braskey
Ernest J. Gregg, Jr.
Elwood L. Groves, II

County Administrator

Robert J. Fousek, Sr.
County Attorney
W. Dwight Stover

Filed and recorded January 4th, 1989.

WHEREAS, the General Assembly, by Sub-Sections 11-403 and 11-702 of Article 41 in the Annotated Code of Public General Laws of Maryland has authorized counties to adopt rules and regulations to establish minimum property maintenance standards for housing in the county; and

WHEREAS, the establishment of maintenance standards is appropriate and desirable to promote the general welfare and protect property values in Garrett County; and

WHEREAS, a duly advertised public hearing on the proposed standards and regulations has been held;

NOW, THEREFORE, BE IT RESOLVED THAT THE GARRETT COUNTY BOARD OF COUNTY COMMISSIONERS DO HEREBY ADOPT THE FOLLOWING, BEING

AN ORDINANCE, adopted on the 27th day of December, 1988, to take effect on and from the 1st day of January, 1989, promulgating rules and regulations to establish minimum property maintenance standards for housing in Garrett County.

.01 – General Provisions

- A. Title. These regulations shall be known as the Minimum Livability Code of Garrett County.
- B. Scope. This Code is created to protect the public health, safety, and welfare in residential structures and premises by:
 - (1) Establishing minimum property maintenance standards for basic equipment and facilities used for light, ventilation, heating and sanitation for residential structures and premises, and for safe and sanitary maintenance of residential structures and premises;
 - (2) Establishing minimum requirements for residential structures and premises for means of egress, fire protection systems and other equipment and devices necessary for safety from fire;
 - (3) Fixing the responsibilities of property owners, operators and tenants of residential structures and premises; and
 - (4) Providing for administration, enforcement and penalties.
- C. Intent. This Code shall be construed liberally and justly to protect public health, safety and welfare insofar as they are affected by the continued use and maintenance of residential structures and premises.

.02 – Definitions

- A. Rules of Interpretation.

- (1) Unless otherwise expressly stated, the terms defined in section B of this regulation shall have the meanings indicated for purposes of this Code.
- (2) Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. The singular number includes the plural and the plural the singular,
- (3) When terms are not defined, through the methods authorized by this section, they shall have their ordinarily accepted meanings such as the context may imply.

B. Terms Defined

- (1) "Act" means Article 41.11 – 403. Annotated Code of Maryland
- (2) "Basement" means that portion of a structure which is partly or completely below grade.
- (3) "Central heating" means the heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable areas from a source outside of these areas.
- (4) "Code" means the Minimum Livability Code Regulations.
- (5) "Code official" means the official or any duly authorized agent or designee of the Garrett County Commissioners who is authorized to enforce this Code.
- (6) "Condemn" means to declare a structure or part of it, premises, or equipment, unsafe or unfit for use of occupation.
- (7) "Department" means the Department of Housing and Community Development.
- (8) "Extermination" means the control and elimination of insects, rodents, or other pests by:
 - (a) Eliminating their harborage places;
 - (b) Removing or making inaccessible materials that may serve as their food;
 - (c) Poison spraying, fumigating, trapping, or by any other pest elimination methods which have received all necessary and legally required approvals.
- (9) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (10) "Habitable area" means the space in a structure used for living, sleeping, eating, or cooking including bathrooms and toilet compartments. Closets, halls, storage or utility space, and similar areas are not considered habitable areas.
- (11) "Housing unit" means a single unit of a structure providing or intended to provide complete living and sleeping facilities for one or more persons.
- (12) "Infestation" means the presence, within or contiguous to a structure or premises of insects, rodents, vermin or other pests.
- (13) "Maintenance" means the repair and other acts intended to prevent a decline in the condition of a structure, premises, or equipment below the standards established by this code and other applicable statutes, codes and ordinances.
- (14) "Occupant" means an individual having possession of a space within a housing unit.
- (15) "Operator" means a person who has charge, care, or control of a structure or premises which is offered for occupancy.
- (16) "Person" includes an individual, partnership, limited partnership, trust, estate, association or corporation.
- (17) "Plumbing" means the practice, materials, facilities, and fixtures used in the installation, maintenance, extension or alteration of all piping, fixtures, appliances, and appurtenances within the scope of the applicable plumbing code.
- (18) "Plumbing fixture" means a receptacle or device which:
 - (a) Is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water from it;
 - (b) Discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or

- (c) Requires both a water supply connection and a discharge to the drainage system of the premises.
- (19) “premises” means a lot, plot or parcel of land including the structures on it.
- (20) “Property owner” means a person having a legal or equitable interest in the premises, including the guardian of the estate of the person, or the executor or administrator of the estate of the person if ordered to take possession of the premises by a court.
- (21) “Rubbish” means paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials as well as the residue from the burning of wood, coal, coke, and other combustible materials.
- (22) “Secretary” means the Secretary of the Department of Housing and Community Development.
- (23) “Structure” means a residential structure used for human habitation.
- (24) “Tenant” means an occupant other than a property owner.
- (25) “Vacation Housing Units” means those housing units periodically rented by the day, week or month to transient guests and which said housing units are occupied by the owners for a minimum of 10 days in each calendar year and are clearly demonstrated to be second homes or vacation homes.
- (26) “Ventilation”
 - (a) “Ventilation” means the process of supplying and removing air by natural or mechanical means to or from a space.
 - (b) “Mechanical ventilation” means ventilation by power driven devices.
 - (c) “Natural ventilation” means ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without power-driven devices.

.03 – Application

- A. The Minimum Livability Code shall apply to residential structures used for human habitation except:
 - (1) Owner-occupied housing units;
 - (2) Housing exempted by the Department;
 - (3) Vacation housing units;
 - (4) Housing located within any incorporated municipality that has adopted their own livability code.
- B. Repairs or alterations to a structure, or changes of use to it, which may be caused directly or indirectly by the enforcement of this Code shall be done in accordance with the procedures and provisions of any applicable local building code, plumbing code, mechanical code and electrical code, or any other code or standard applicable to housing.
- C. The provisions in this Code do not abolish or impair any remedies available to Garrett County or its officers or agencies relating to the removal or demolition of any structures which are deemed to be dangerous, unsafe, and unsanitary.
- D. Repairs, maintenance, alterations, or installations which are required for compliance with this Code shall be executed and installed in accordance with industry standards so as to secure the results intended by this code.

.04 – Code Enforcement

- A. Local Enforcement. It shall be the duty and responsibility of Garrett County to enforce the provisions of this Code.
- B. Waiver
 - (1) The County may waive applicability of this Code, in whole or in part, to a unit of rental housing on application of the property owner if:
 - (a) Written notice of application for waiver is afforded a tenant of the unit at least 15 days in advance of any decision to waiver; and

- (b) The tenant is afforded an opportunity to comment on the application either in writing or in person; and
 - (c) The waiver would not threaten the health or safety of a tenant.
- (2) The County may waive applicability of this Code if the waiver is granted on the basis of the religious practices of the occupant of the unit of rental housing.
- C. Departmental authority. The Department shall decide questions of interpretation of this Code, including questions relating to uniform enforcement by the County.
- D. Departmental Waiver. Upon the written request of the county, the department may waive or vary particular provisions of this Code to the extent that the waiver is not inconsistent with the Act if:
 - (1) Geographic differences or unique local conditions justify the waiver;
 - (2) The waiver would not threaten the health and safety of any tenant; and
 - (3) The application of the particular provision to the county would be inequitable or contrary to the purposes of the Act.
- E. Displacement. A person may not be displaced by enforcement of the Minimum Livability Code unless alternate housing of comparable affordability is available within a reasonable distance of the vacated premises.
- F. Enforcement and waiver application are not intended to supersede any State laws pursuant to the Annotated Code of Maryland as follows:
 - (1) State fire laws. Article 38A;
 - (2) State elevator laws. Article 89; and
 - (3) State boiler laws. Article 48.

.05 – Duties and Powers of Code Official

- A. General. The County shall designate a code official. The Code official shall enforce the provisions of this Code except as may otherwise be specifically provided by these regulations.
- B. Notices and Orders. The code official shall issue all notices and orders necessary to insure compliance with this Code.
- C. Inspections. The code official is authorized to enter a structure or premises at any reasonable time upon providing reasonable notice to the property owner and tenant, for the purpose of making inspections and performing duties under this Code.
- D. Alterations and Repairs.
 - (1) The code official has the authority to require and approve any alterations or repairs necessary to bring a structure or premises into compliance with this Code. The determination of what may be necessary to bring the premises into compliance shall take into consideration the use of alternatives and equivalent approaches as provided for in this Code.
 - (2) The Code official shall have the authority to approve changes in alterations or repairs in the field when conditions are encountered which make the originally approved work impractical, if the changes in approved work can be readily determined to be in compliance with this Code and are requested by the property owner or his agent before the changes.
 - (3) The changes shall be specifically documented by the property owner or by his agent, describing the change in work and the reasons and justification for the change, and shall be filed with the permit for the project.
- E. Right of Entry. If a property owner, tenant, or operator of a structure refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by the Code is sought, the County may seek, in a court of competent jurisdiction, an order that the property owner, tenant, or operator cease and desist from the interference.
- F. Access by Property Owner or Operator. A tenant of a structure or premises shall give the property owner or operator, or agent or employee, access to any part of the structure or its premises at

reasonable times upon being given reasonable notice for the purpose of making the inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this Code.

- G. Credentials. The code official shall disclose his credentials for the purpose of inspecting a structure or premises.
- H. Coordination of Enforcement.
 - (1) The inspection of structures and premises, the issuance of notices and orders, and enforcement of them, shall be the responsibility of the code official.
 - (2) Whenever a code official initiating an inspection of a premises under this Code becomes aware that an inspection of the same premises is to be made by any other governmental official or agency, the code official shall make a reasonable effort to arrange for the coordination of the inspections so as to minimize the number of visits by inspectors.
 - (3) The code official shall confer with the other governmental official or agency for the purpose of eliminating conflicting orders before any are issued.
 - (4) The code official may not, however, cause the delay of the issuance of any emergency orders by any governmental official or agency which the governmental official or agency determines must be issued.
- I. Rule Making Authority. The County shall have power as may be necessary in the interest of public safety, health, and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this Code to further its intent.

.06 – Condemnation

- A. General.
 - (1) When a structure or part of it is found by the code official to be unsafe or unfit for human occupancy or use, the code official may condemn the structure or part of it and may order the structure or part of it to be placarded and vacated pursuant to the provisions of this Code.
 - (2) The structure or part of it may not be reoccupied without approval of the code official. Unsafe equipment may be condemned, placarded, and placed out of service pursuant to the provisions of this Code.
- B. Unsafe Structure. An unsafe structure is one which all or part of it is found by the code official to be dangerous to life, health, property, or the safety of its tenants by not providing minimum protection from fire or because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it is like to partially or completely collapse.
- C. Unsafe Equipment.
 - (1) Unsafe equipment includes any boiler, heating equipment, cooking equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which in in such disrepair or condition that it is found by the code official to be a hazard to life, health, property, or safety of the tenants of the premises or structure.
 - (2) Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.
- D. Structure Unfit for Human Occupancy. A structure is unfit for human occupancy or use whenever the code official finds that it is unsanitary, vermin or rodent infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code.
- E. Closing of Vacant Structures. Upon failure of a property owner to close or vacate a premises within the time specified in an order, the code official may cause the premises to be closed through any available public agency or by contract or arrangement with private persons and the cost shall be charged against the real estate upon which the structure is located and shall be a lien upon the real estate.

.07 – Notices and Orders

- A. General.

- (1) Whenever the code official determines that there has been a violation of this Code or has reasonable grounds to believe that a violation has occurred, or whenever the code official has determined to condemn any structure, or part of it, or equipment under the provisions of Regulation .06, notice shall be given to the property owner and to the tenant in the manner prescribed in this Code. Such notice shall:
 - (a) Be put in writing including statements of reason(s) and right to appeal (section .09)
 - (b) Allow for a person of from one to thirty (30) days, depending on the nature of violation, for any remedial action it requires.
 - (2) If the code official has condemned the structure or part of it, or equipment, the code official shall serve prior notice to the property owner and to the tenants of the intent to:
 - (a) Order the structure or part of it placarded or vacated; or
 - (b) Order the equipment placed out of service.
- B. Service of Notice
- (1) Notice shall be deemed to be properly served upon a property owner or tenant by one of the following methods:
 - (a) By delivering to the person to be served or his agent a copy of the notice and all necessary papers; or
 - (b) By mailing to the person to be served at his last known address or to his agent by certified or registered mail with return receipt requested a copy of the notice and all other necessary papers.
 - (2) If the certified or registered letter is returned with receipt showing that it has not been delivered, notice shall be served by posting a copy of it in a conspicuous place in or about the structure affected by the notice.
- C. Notice to Vacate. When a condemnation order is served on a tenant, the tenant shall be given a reasonable time to vacate the structure in accordance with State or local law.
- D. Transfer of Ownership. A Property Owner who has received a compliance order or upon whom a notice of violation has been served may not sell, transfer, mortgage, lease, or otherwise dispose of the premises until;
- (1) The provisions of the compliance order or notice of violation have been complied with; or
 - (2) The property owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of the compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, in which he acknowledges the receipt of the compliance order or notice of violation and states that he fully accepts and assumes the responsibility without condition for making the corrections or repairs required by the compliance order or notice of violation.
- E. Removal of Placard. A property owner may not deface or remove a condemnation placard without the approval of the code official.

.08 – Violations

- A. Penalty. A property owner who willfully violates any provision of this Code is guilty of a misdemeanor and on conviction for each violation is subject to a fine not exceeding \$500 for each day that the violation exists or imprisonment not exceeding 3 months, or both.
- B. Other Penalties. A penalty ordered under this Code is in addition to and is not a substitute for any other penalty authorized under a federal, State or local law.

.09 – Right to Appeal

Petition. A person affected by a decision of the code official which has been made in connection with the enforcement of any provision of this Code may request and shall be granted a hearing on the matter before the Board of County Commissioners provided such person shall file in the

office of the Board a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within fourteen (14) days after the day the notice of violation was served. Upon receipt of such petition, the Board shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than fourteen (14) days after the day on which the petition was filed, provided that upon application of the of the petitioner, the Board may postpone the date of the hearing for a reasonable time beyond such fourteen day period if, in its judgement, the petitioner has submitted a good and sufficient reason for such postponement. After such hearing the Board shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this Code have been complied with. Any notice served pursuant to this article shall automatically become an order if a written petition for a hearing is not filed in the office of the Board within fourteen (14) days after such notice is served. The proceedings at such hearing, including the findings and decisions of the Board, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Board. Such records shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this State.

.10 – Environmental Requirements

- A. Scope. The provisions of this regulation shall establish the minimum standards for maintenance of premises and structures.
- B. Premises Conditions.
 - (1) Sanitation. The premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.
 - (2) Insect and Rodent Control. The premises shall be free from infestation of insects, rodents, vermin, or other pests.
- C. Exterior Structure.
 - (1) General. The exterior of a structure shall be maintained in good repair, and shall be structurally sound and maintained in a sanitary condition so as not to pose a threat to the health, safety, or welfare of the occupants.
 - (2) Structural Members. Supporting structural members of a structure shall be kept structurally sound, free of deterioration, and maintained capable of safely bearing the dead and live loads imposed upon them.
 - (3) Exterior Surfaces. Each foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in good repair and shall be kept in such conditions as to exclude rodents and other pests.
 - (4) Foundation Walls. Foundation walls shall be structurally sound and shall be maintained free from open cracks and breaks.
 - (5) Exterior Walls.
 - (a) Each exterior wall shall be free of holes, breaks, loose or rotting boards and timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied areas of the structure.
 - (b) All exterior surface materials, including wood, composition, or metal siding, shall be maintained, weatherproof and shall be properly surface-coated when required to prevent deterioration.
 - (6) Roofs and Drainage. The roof shall be structurally sound, and may not have defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration in the walls or interior portion of the structure.
 - (7) Decorative Features. All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

- (8) Signs, Marquees, and Awnings. All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar overhang extensions shall be maintained in good repair, be properly anchored and 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) Chimneys.
 - (a) All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally sound, safe and in good repair.
 - (b) All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.
- (10) Stairs and Porches. Each exterior stair, porch, fire escape, balcony, and all appurtenances attached to them shall be safe to use and capable of supporting the anticipated loads and shall be maintained in a safe and sound condition and good repair.
- (11) Windows, Doors, and Frames. Each window, door and frame shall be maintained so as to exclude rain and rodents as completely as possible, and to substantially exclude wind from entering the structure.
- (12) Weathertight. Each window and exterior door shall be fitted reasonably in its frame and be weathertight. Each window shall be free of cracks and holes.
- (13) Openable Windows. Each window, used for ventilation pursuant to Regulation .11C or emergency escape pursuant to Regulation .14B(6) shall be capable of being easily opened from the inside and shall be held in position by window hardware.
- (14) Insect Screens.
 - a. During the summer season, doors and windows used for ventilation purposes pursuant to Regulation .11C shall be supplied with tight fitting insect screens.
 - b. Exception. Upon the prior approval of the code official, screens may not be required for exterior doors or other types of openings which make screening impractical, such as openings equipped with air conditioning units or openings above the fourth floor. The code official may require alternatives to screens.
- (15) Door Hardware. Each exterior door and its hardware shall be maintained in good condition. Door locks on all interior and exterior doors entering housing units shall be in good repair and capable of tightly securing the door.

C. Interior Structure.

- (1) General. The interior of a structure and its equipment and facilities shall be maintained in good repair, structurally sound, and in a sanitary condition so as not to pose a threat to the health, safety, or welfare of the occupants.
- (2) Structural Members. The supporting structural members of a structure shall be maintained structurally sound, free of deterioration, and maintained capable of safely carrying the imposed loads.
- (3) Interior Surfaces. Floors, walls (including windows and doors), ceiling, and other interior surfaces shall be maintained in good repair and in a clean, safe and sanitary condition.
- (4) Bathroom and Kitchen Floors. Each toilet, bathroom, and kitchen floor surface shall be maintained so as to be substantially impervious to water to permit the floor to be easily kept in a clean and sanitary condition.
- (5) Sanitation.
 - (a) The interior of a structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.
 - (b) Rubbish or garbage shall be properly kept inside temporary storage facilities.
 - (c) Garbage or rubbish may not be allowed to accumulate or be stored in public halls or stairways.

- (6) Insect and Rodent Harborage.
 - a. A structure shall be kept free from infestation, and where infestation is found, the area shall be promptly exterminated by processes which are not injurious to human health.
 - b. Continuing or repeated incidents of infestation, as determined by the code official, shall require the installation of rodent and vermin-proof walls. The rodent and vermin-proof walls shall be installed in accordance with the applicable local building code.
- (7) Exit Doors. Each door available as an exit shall be capable of being opened easily from the inside.
- (8) Exit Facilities.
 - (a) All interior stairs and railings and other exit facilities of a structure shall be maintained in sound condition and good repair.
 - (b) Each interior stair used for an exit shall be maintained so as to be safe to use and capable of supporting the anticipated loads.

.11 – Light and Ventilation Requirements

A. General

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

B. Light

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

C. Ventilation.

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

.12 – Plumbing Facilities and Fixture Requirements

- A. Scope. The provisions of this regulation shall govern the minimum standards for plumbing facilities and fixtures.
- B. Required Plumbing Facilities. Each housing unit shall include its own plumbing facilities which shall be maintained in proper operating condition, can be used in privacy, and are adequate for

personal cleanliness and the disposal of human waste. The following minimum plumbing facilities shall be supplied and maintained in a sanitary and safe working condition:

- (1) Water Closet and Lavatory.
 - (a) Each housing unit shall contain within its walls, a room separate from other habitable areas, which provides a water closet supplied with cold running water and which affords privacy.
 - (b) A lavatory shall be placed in the same room as the water closet or located in another room, in close proximity to the door leading directly into the room in which the water closet is located.
 - (c) The lavatory shall be supplied with hot and cold running water.
 - (2) Bathtub or Shower. Each housing unit shall contain a room which is equipped with a bathtub or shower supplied with hot and cold running water and which affords privacy.
 - (3) Kitchen Sink. Each housing unit shall contain a kitchen sink apart from the lavatory required under section B(1). The sink shall be supplied with hot and cold running water.
- C. Alternative Plumbing. Alternative plumbing facilities and fixtures for use in housing units may be allowed as approved on a case-by-case basis by the County.
- D. Plumbing Fixtures.
- (1) General. All plumbing fixtures shall be maintained in a safe and usable condition. All plumbing fixtures shall be of a nonabsorbent material and shall have received all necessary and legally required approvals.
 - (2) Connections.
 - (a) Water supply lines, plumbing fixtures, vents, and drains shall be properly installed, connected, and maintained in working order and shall be kept free from obstructions, leaks, and defects and shall be capable of performing the function for which they are designed.
 - (b) All repairs and installations shall be made in accordance with the provisions of the applicable local plumbing code.
 - (3) Maintenance. All plumbing fixtures shall be maintained in a clean and sanitary condition so as not to breed insects and rodents, or produce dangerous or offensive gases or odors.
 - (4) Access for Cleaning. Plumbing fixtures shall be installed to permit easy access for cleaning both the fixture and the area around it.
- E. Water System.
- (1) General. Each, sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing facility shall be properly connected to either a public water system or to a private water system which has received all necessary and legally required approvals.
 - (2) Contamination. The water supply shall be maintained free from contamination. All water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.
 - (3) Water Supply. The Water supply system shall be installed and maintained to provide at all times a supply of water to plumbing facilities, fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.
 - (4) Water Heating Facilities.
 - (a) Water heating facilities shall be installed in a manner which has received all necessary and legally required approvals, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with the hot water.
 - (b) Water heating facilities shall be capable of heating water to such a temperature so as to permit an adequate amount of water to be drawn at every kitchen sink, lavatory basin, bathtub, shower, and laundry facility or other similar facilities, at a temperature of not less than 110 degrees F.
 - (5) Alternative Water Systems. Alternative water systems may be allowed as approved on a case-by-case basis by the County.
- F. Sewage System.

- (1) General. Each, sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to either a public sewer system or private sewage disposal system which has received all necessary and legally required approvals.
- (2) Maintenance.
 - (a) Each plumbing stack, waste and sewer line shall be installed and maintained so as to function properly and shall be kept free from obstructions, leaks, and defects to prevent structural deterioration or health hazards.
 - (b) All repairs and installations shall be made in accordance with the provisions of the applicable local plumbing code.

.13 – Mechanical and Electrical Requirements

A. General.

- (a) Scope. The provisions of this regulation shall govern the minimum standards for mechanical and electrical facilities and equipment.

B. Heating Facilities.

(1) Residential Structures.

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

(2) Cooking and Heating Equipment.

- (a) All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be maintained free from leaks and water flow obstructions, and kept functioning properly so as to be free from fire, health, and safety hazards.
- (b) All installations and repairs shall be made in accordance with the provisions of applicable laws or ordinances thereto.
- (c) Portable cooking equipment employing flame is prohibited, except for residential type food trays or salvers which are heated by a candle or alcohol lamp and which have received all necessary and legally required approvals.

- (3) Installation. All mechanical equipment used for heating and cooking shall be properly installed and safely maintained in good working condition, and shall be capable of performing the function for which it was designed and intended.
- (4) Fuel Burning Equipment. All fuel-burning equipment shall be connected to a chimney, flue, or vent in accordance with the applicable State code or according to manufacturer's instructions in cases where the State Code does not apply.
- (5) Clearances. All necessary and legally required clearances to combustible materials shall be maintained.
- (6) Safety Control. All safety controls for fuel-burning equipment shall be maintained in effective operation in accordance with the applicable State code or according to manufacturer's instructions in cases where State code does not apply.
- (7) Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel-burning equipment.
- (8) Unauthorized Devices. Devices purporting to reduce gas consumption by attachment to a gas appliance, the gas supply line, or the vent outlet or vent piping may not be used unless labeled for that use and the installation has specifically received all necessary and legally required approval.

- (9) Fireplaces. Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe and connected to chimneys which have received all necessary and legally required approvals.
- (10) Climate Control. When facilities for interior climate control (heating, cooling, and humidity) are integral functions of housing units, these facilities shall be maintained and operated in accordance with the designed capacity.

C. Electrical Facilities.

- (1) Facilities Required. Provided that there is usable electric service available from a power line not more than 300 feet away, a structure shall be adequately and safely provided with an electrical system in compliance with the requirements of this section.
- (2) Receptacles. Each habitable area in a housing unit shall contain at least one receptacle outlet. Each laundry area and bathroom shall contain at least one grounded type receptacle. Each kitchen shall contain at least two receptacles.
- (3) Lighting Fixtures. Each public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.
- (4) Service. When the electrical system requires modification to correct a violation of this section, the service shall be corrected to a minimum of 60 ampere, three wire service.
- (5) Installation. All electrical equipment, wiring, and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of a type which has received all necessary and legally required approvals.

.14 – Fire Safety Requirements

A. Scope. The provisions of this regulation shall govern the minimum standards for fire safety facilities and equipment. All structures shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety.

B. Means of Egress.

- (1) General. A safe, continuous, and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, yard, court, or passageway leading to a public open area at grade.
- (2) Direct Exit. Each housing unit shall have access directly to the outside or to a common area that leads directly to the outside.
- (3) Doors. All doors in the required means of egress shall be easily opened from the inner side.
- (4) Fire Escapes. All fire escapes shall be maintained in working condition and structurally sound.
- (5) Exit Signs. All exit signs shall be illuminated and visible.
- (6) Emergency Escape. Each sleeping room located in a basement shall have at least one openable window or exterior door for emergency egress and rescue which has received all necessary and legally required approvals or shall have access to two separate exits which have received all necessary and legally required approvals.

C. Accumulations and Storage.

- (1) General. Garbage or rubbish may not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.
- (2) Flammable Matter. Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible rubbish such as waste paper, boxes and rags may not be accumulated or stored on premises except in reasonable quantities consistent with normal usage.

- (3) Residential Unit. A housing unit may not be located within a structure containing an establishment handling, dispensing, or storing flammable liquids with a flash point of 100 degrees F consistent with normal usage.
- D. Fire Resistance Ratings. Floors, walls, ceilings, and other elements and components which are required by the applicable fire code to comply with a fire resistance rating shall be maintained so that the respective fire resistance rating of the enclosure, separation, or construction is preserved.
- E. Fire Protection Systems.
 - (1) General. All fire protection systems and equipment shall be maintained in proper operating conditions at all times.
 - (2) Smoke Detectors.
 - (a) All housing units shall be provided with a minimum of one single station smoke detector in the vicinity of each sleeping area.
 - (b) The smoke detectors shall be installed and maintained in accordance with the State fire laws, Article 38A, section 12.A Annotated Code of Maryland – Smoke Detection Systems.
 - (c) When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the unit.
 - (3) Fire Suppression System. Fire suppression systems in housing units so equipped shall be maintained in good condition, free from mechanical defect. Sprinkler heads shall be kept clean and free of corrosion and paint, and may not be bent or damaged.
 - (4) Fire Extinguishers. All portable fire extinguishers in housing units so equipped shall be visible and accessible, and maintained in an efficient and safe operating condition.
- F. Fire Doors.
 - (1) All necessary and legally required fire resistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for their proper operation.
 - (2) The use of door stops, wedges and other hold-open devices which have not received all necessary and legal approvals or which have been denied approval is prohibited.

.15 – Responsibility of Persons

- A. Scope. Only the property owner shall be responsible for compliance with the provisions of this Code, and may be cited for violations of it, except as provided in this regulation. A person may not rent or lease to another person for occupancy or use any housing unit unless the structure and premises comply with the provisions of this Code.
- B. General. A property owner may not be cited for a violation of this Code that is caused by the negligent, wrongful or malicious acts or omissions of a tenant, provided the property owner's acts or omissions have not contributed in any way to cause the violation.
- C. Sanitary Condition.
 - (1) Cleanliness.
 - (a) The tenant shall be responsible for keeping that part of the structure or premises which the tenant occupies, controls, or uses in a clean and sanitary condition.
 - (b) Each property owner of a structure containing two or more housing units shall maintain, in a clean and sanitary condition, the common areas of the structure and premises.
 - (2) Disposal and Storage of Rubbish and Garbage. The tenant shall be responsible for the storage and disposal of rubbish and garbage in a clean and sanitary manner.
 - (3) Supplied Fixtures and Equipment.
 - (a) The tenant shall be responsible for keeping owner-supplied equipment and fixtures clean and sanitary, and for the exercise of reasonable care in their proper use and operation.
 - (b) The property owner shall be responsible for maintaining the equipment and fixtures in good and proper operating condition.

- (4) **Furnished by Tenant.** The tenant shall be responsible for the maintenance of equipment and fixtures furnished by the tenant. 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.

D. Extermination.

- (1) **All structures.** If necessary, the property owner shall be responsible for extermination within the structure and on the premises before renting or leasing the structure.
- (2) **Single Occupancy.** The tenant of a structure containing a single housing unit shall be responsible for the extermination of any insects, rodents, or other pests in the structure or the premises.
- (3) **Multiple Occupancy.** Each property owner or operator of a structure containing two or more housing units shall be responsible for the extermination of any insects, rodents, or other pests in the structure or on the premises except where infestation within a housing unit is caused by a failure of the tenant to take reasonable action to prevent the infestation within the housing unit.

- E. Fire Safety.** Responsibility for installing and maintaining in good working order any smoke detector installed pursuant to this code shall be in accordance with the State fire laws. Article 38A section 12A, Annotated Code of Maryland, Smoke Detection Systems.

.16 – Amendments

- A.** The County Commissioners may from time to time, amend, supplement, change, or modify this Ordinance. No such amendment, supplement, change, or modification shall become effective until:
- (1) A public hearing in relation thereto at which interested parties and citizens shall have an opportunity to be heard. Notice shall be given as follows:
 - (a) At least fifteen (15) days prior to the date fixed for public hearing, publish a notice containing the amendment, supplement, change, or modification to the Ordinance; the date, time, and place fixed for the hearing; and the general nature of such hearing in at least one (1) newspaper of general circulation in Garrett County.
 - (2) Departmental approval has been secured from the Department of Housing and Community Development.

.17 – Severability

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

DULY ADOPTED BY UNANIMOUS VOTE OF THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY MARYLAND THIS 27TH DAY OF DECEMBER, 1988.

Elwood L. Groves, II
Chairman, Garrett County
Board of County Commissioners

I certify the foregoing resolution was duly passed and adopted by the Board of County Commissioners at a regular meeting held December, 1988; I further certify this reproduction is an accurate facsimile of the said resolution; and I further certify I am the Clerk of the said County Commissioners charged with the

responsibility of keeping and recording all minutes, records and acts of the said County Commissioners;
and I further certify Elwood L. Groves, Chairman, is the appropriate official to sign the said resolution.

Robert J. Fousek

Clerk, Garrett County Commissioners

