



**The Mayor and Commissioners
of the Town of Elkton**

Ordinance 10 - 2013

BY: Mayor and Commissioners

INTRODUCTION: October 16, 2013

ADOPTION: November 20, 2013

An ordinance concerning

The Code of the Town of Elkton
Title 15
Building and Construction
Chapter 15.16
Housing Standards

FOR THE PURPOSE of amending the Code of the Town of Elkton, Title 15, Building and Construction, Chapter 15.16, Housing Standards, with specific emphasis on Section 15.16.210, Condemnations., setting forth the process and procedures for condemning unsafe structures and equipment; Section 15.16.220, Hearings before the Board of Housing Appeals; and Section 15.16.230 – Appeal to the Circuit County of Cecil County.

WHEREAS, Article XI-E., Constitution of the State of Maryland; Article 23A, Annotated Code of Maryland; and the Charter and Code of the Town of Elkton, provide the authority under which the Board of Commissioners may adopt, repeal, and/or amend the ordinances of the Town of Elkton; and

WHEREAS, the Mayor and Commissioners have determined that Chapter 15.16 be revised as hereinafter enacted, and that unfit and unsafe structures and equipment within the town should be condemned and removed, unless the owner(s) take corrective action to repair, restore, replace, or otherwise take definitive action to render the structure and/or equipment safe; and

WHEREAS, the Mayor and Commissioners have, in addition to the process of condemnation, provided an affected property owner with a process of appealing the decision of the Building Official and the Housing Board of Appeals.

NOW, THEREFORE, the Board of Commissioners of the Town of Elkton hereby ordains that:

Section 1: The Code of the Town of Elkton, Title 15, Building and Construction, Chapter 15.16, Housing Standards, shall be repealed; and

Section 2: The Code of the Town of Elkton, Title 15, Building and Construction, Chapter 15.16, Housing Standards, shall be re-enacted and shall read as follows:

Chapter 15.16

HOUSING STANDARDS

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Article I. General Provisions

15.16.010 Definitions.

A. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“*Basement*” means a portion of a structure which is partly or completely below grade.

“*Building Official*” means the Town official as defined in Chapter 2.08, Title 2, Code of the Town of Elkton, including his designee(s).

“*Central heating*” means a heating system which is permanently installed and adjusted so as to provide the distribution of heat to all habitable areas from a source outside of these areas.

“*Condemn*” means to declare a structure or part of it, the premises, or the equipment, unsafe or unfit for use or occupation.

“*Codes*” mean any or all of the building, plumbing, mechanical, energy conservation, electric, property maintenance, life safety, masonry, fuel gas, and liquefied petroleum gas codes as adopted by a Resolution of the Mayor and Commissioners and enforced by the Building Official and the Town’s Department of Building and Zoning.

“*Dwelling*” means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing as hereinafter defined shall not be regarded as a “dwelling.”

“*Dwelling unit*” means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

“*Extermination*” means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination methods approved by the Cecil County Health Department.

“*Garbage*” means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

“*Habitable room*” means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

“*Housing unit*” means a single unit of a structure providing or intended to provide complete living and sleeping facilities for one or more persons.

“*Infestation*” means the presence, within or contiguous to, a structure or premises of insects, rodents, vermin, or other pests.

“*Kitchen*” means a room containing any of the following equipment or area of a room within three feet of the following equipment: sink or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets or shelves for storage of equipment and utensils, counter or table for food preparation.

“*Multiple dwelling*” means any dwelling containing more than two (2) dwelling units.

“*Occupant*” means any person over one year of age living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

“*Operator*” means any person who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.

“*Owner*” means any person who, alone or jointly, or severally with others:

1. Shall have legal title to any improved real property, including a dwelling or dwelling unit, with or without accompanying actual possession thereof; or
2. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

“*Plumbing*” means and includes all of the following supplied facilities and equipment: bathtubs, catch basins, installed clothes washing machines, installed dishwashers, drains, flush water closets, garbage disposal units, gas burning equipment, gas pipes, lavatories, shower baths, sinks, vents, waste pipes, water pipes, other similar supplied fixtures, and each connection to a water, sewer or gas line.

“*Premises*” means a platted lot or part thereof or unplatted lot or parcel or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure.

“*Public hall*” means any hall, corridor or passageway not within the exclusive control of one family.

“*Refuse*” means any putrescible and nonputrescible solids, includes garbage, rubbish, ashes and dead animals; does not include body wastes.

“*Rooming house*” means any dwelling or that part of any dwelling containing one or more dwelling units in which space is let by the owner or operator to three (3) or more persons who are not husband or wife, son or daughter, mother or father or sister or brother of the owner or operator.

“*Rubbish*” means any 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.

“*Supplied*” means paid for, furnished or provided by or under the control of the owner or operator.

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

“*Town Code*” means the Code of the Town of Elkton, as amended.

“*Unfit structure*” means one that is unsafe or, because of the degree to which it lacks maintenance or is in disrepair, is unsanitary, is vermin or rat infested, or contains filth and contaminants, or because of the chosen location, constitutes a hazard to its occupants or to the public, as determined by the Building Official.

“*Unsafe equipment*” means and includes any boiler, heating equipment, plumbing fixtures or equipment, electrical wiring or device, flammable liquid containers or other equipment or machinery on the premises or within the structure which is in disrepair or a condition that is found to be a hazard to life, health, safety, property of the public or occupant(s) of the premises or structure. Unsafe equipment may contribute to finding that the structure is unsafe or unfit for human occupancy or use.

“*Unsafe structure*” means one in which all or any part thereof is found to be dangerous to life, health, or the safety of the public or the occupant(s) of the premises or structure, or, because it is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, it is likely to partially or completely collapse.

“*Ventilation*” means the process of supplying and removing air by natural or mechanical means to or from a space. “*Mechanical ventilation*” is the ventilation by power-driven devices. “*Natural ventilation*” is the ventilation by an opening to the outer air through windows, skylights, doors, louvers or stacks without power-driven devices.

“*Water closet*” means a toilet, with a bowl and trap made in one piece, which is connected to the town water and sewer system or other approved water supply and sewer system.

“*Workmanlike state of repair*” means in such a state as to comply with all provisions of law, the applicable Codes and other ordinances pertaining to construction of buildings and installation of facilities and utilities.

B. Word Usage. Whenever the words “dwelling,” “dwelling unit,” “rooming house,” “rooming unit” and “premises” are used in this Chapter, they shall be construed as though they were followed by the words “or any part thereof.”

15.16.020 Scope and applicability.

A. Every building used in whole or in part as a dwelling unit or as two or more dwelling units shall conform to the requirements of this chapter irrespective of the date that such building may have been constructed, altered or repaired.

B. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this Chapter.

15.16.030 Building Official designated - Assistance.

The Mayor and Commissioners shall designate a Building Official, who shall be provided by the Town with such facilities and personnel as may be necessary. (*See Code of the Town of Elkton, Title 2, Chapter 2.08*)

15.16.040 Powers and duties of Building Official.

A. The Building Official is charged with the duty of safeguarding the health and safety of the occupants of buildings and of the general public, in accordance with the requirements and purposes of this Chapter, and as set forth in the Code of the Town of Elkton, Title 2, Chapter 2.08.

B. The Building Official, or his duly authorized representative, is directed to perform the following duties:

1. Make inspections to determine the condition of dwellings, dwelling units, rooming houses and premises within the town, and for this purpose he may enter, examine and survey such housing premises at any reasonable time and upon showing proper identification;
2. Secure the cooperation of any other inspector of building construction and facilities in determining the conditions of dwellings, dwelling units, rooming houses and premises;
3. Make and adopt such written interpretations of standards and procedures as may be necessary for the proper enforcement of the provisions of this Chapter, provided that such interpretations shall not conflict with the provisions of the Town Code. The

Building Official shall file a certified copy of all such interpretations in the office of the Building Official. If a public hearing has been held in accordance with the laws governing the conduct of public hearings in the state, such interpretations may be adopted by the Mayor and Commissioners and, when so adopted, shall have the same force and effect as the provisions of this Chapter;

4. Issue notices of violation of the provisions of this chapter and take appropriate actions to ensure compliance with or to prevent violation of such provisions;
5. Issue emergency orders setting forth appropriate and immediate actions necessary to meet conditions that endanger the health or safety of the public or of the occupants of a dwelling or dwelling unit;
6. Issue orders of condemnation upon finding any dwelling or dwelling unit unfit for human habitation;
7. The Building 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 the Code.

15.16.050 Responsibilities of the owners.

The responsibilities of an owner in meeting the requirements of this Chapter are as follows:

- A. To occupy or to let no dwelling or room to anyone for occupancy unless it is in a clean, sanitary and habitable condition, free from infestation, in good repair and otherwise complies with all requirements of this Chapter;
- B. To maintain in a clean and sanitary condition the shared or public areas of a dwelling containing two or more dwelling units;
- C. To provide screens to be installed;
- D. To exterminate infestation in a dwelling containing two (2) or more dwelling units when infestation exists in two (2) or more units or in shared or public areas, or when infestation is due to failure of the owner to maintain the dwelling in a rodent proof and reasonably insect proof condition;
- E. To provide facilities for garbage and refuse disposal in a dwelling containing three (3) or more dwelling units;
- F. To be responsible for installing and maintaining in good working order any smoke detector installed pursuant to this Code. Installation and maintenance shall be in

accordance with the International Residential Code, as amended.

15.16.060 Responsibilities of occupants.

The responsibilities of an occupant in meeting the requirements of this Chapter are as follows:

- A. To keep the dwelling and premises he controls and occupies in a clean and sanitary condition;
- B. To dispose of garbage and refuse in a clean and sanitary manner;
- C. To install and remove screens provided by the owner;
- D. To keep plumbing fixtures in a clean and sanitary condition and to exercise reasonable care in the proper use and operation thereof;
- E. To exterminate infestation in a single dwelling or, if his unit is the only unit infested, in a dwelling containing two (2) or more dwelling units;
- F. To give the Building Official or his authorized representative free access to the dwelling or dwelling unit at all reasonable times for the purpose of inspection;
- G. To give the owner of the dwelling or dwelling unit, or his agent or employee, access to any part of such dwelling or dwelling unit and premises at all reasonable times for the purposes of making such repairs or alterations as are necessary to comply with the provisions of this Chapter.

Article II. Minimum Standards

15.16.070 Conflicts.

It is the intent of this Chapter that all dwellings and dwelling units shall comply with the standards of the Code and other ordinances, laws and lawfully adopted regulations pertaining to construction of buildings and installation of facilities and utilities, in addition to the standards of this article, and where a conflict exists, the provision which establishes the higher standard shall prevail.

15.16.80 Lighting.

- A. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area for every habitable room shall be ten percent of the total floor area of such room, except that if the only window in a room is the skylight type, the minimum total window area shall be fifteen (15) percent of the total

floor area of such room.

B. A window shall be deemed to face directly to the outdoors whenever walls or other light-obstructing structures are located more than three (3) feet from the outside of a window and extend no higher than the ceiling of the room.

C. Every habitable room shall contain at least two (2) separate wall-type electric outlets, and every bathroom, laundry room, furnace room and public hall shall contain at least one ceiling or wall-type electric light fixture; provided that such rooms are in a dwelling which is not more than three hundred (300) feet from power lines having available electric service.

D. Every public hall and stairway in a multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times.

E. All electric wiring, outlets and fixtures shall be installed and maintained in accordance with the requirements of the National Electrical Code, as amended.

15.16.090 Ventilation.

A. Every habitable room shall have at least one window or skylight opening directly to the outdoors, at least half of which can easily be opened, or shall have some other device which affords adequate ventilation and receives the approval of the Building Official.

B. Every bathroom shall have an operable window of at least four (4) square feet or mechanical device which affords adequate ventilation and receives the approval of the Building Official.

15.16.100 Heating.

A. Residential Structures. Each housing unit shall be supplied with sufficient heat or heating equipment capable of supplying sufficient heat during the period from October 1st to May 15th to maintain a room temperature of not less than sixty-five (65) degrees Fahrenheit in all habitable areas during the hours between six-thirty a.m. and ten-thirty p.m. of each day and maintain a temperature of not less than sixty (60) degrees Fahrenheit during other hours. The temperature shall be measured at a point three (3) feet above the floor and three (3) feet from the exterior walls. Exception: when the exterior temperature falls below zero (0) degree Fahrenheit, and the heating system is operating at its full capacity, a minimum room temperature of sixty (60) degrees Fahrenheit shall be maintained at all times.

B. All heating facilities, vents, ducts and other equipment associated with heating shall be installed and maintained in accordance with the requirements of the applicable Code(s).

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

D. All necessary and legally required clearances to combustible materials shall be maintained.

E. All safety controls for fuel-burning equipment shall be maintained in effective operation in accordance with applicable local or State codes, or according to manufacturer's instructions in cases where no local or State codes apply.

F. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel-burning equipment.

G. Devices purporting to reduce gas consumption by attachment to a gas appliance, the gas supply line, or the vent outlet or vent piping may not be used unless labeled for that use and the installation has specifically received all necessary and legally required approvals.

H. 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.

I. 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.

15.16.110 Basic equipment and facilities.

A. Every dwelling unit shall be supplied with piped hot and cold running water to provide an adequate, safe and sanitary water supply to every fixture connected with the water supply and drainage system. Hot water shall be supplied at all times at a temperature of at least one hundred twenty (120) degrees Fahrenheit at the tap.

B. Every dwelling unit shall contain a kitchen sink, a bathtub or shower, a lavatory basin and a flush water closet, each properly connected to a water system and sewage disposal system in accordance with the requirements of the applicable Code(s).

15.16.120 Space and occupancy.

A. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for each additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area.

B. Every sleeping room for one occupant shall have at least seventy (70) square feet of floor space, and every sleeping room for more than one occupant shall have at least fifty (50) square feet of floor space for each additional occupant.

C. At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet. Any part of the room having a ceiling height of less than five (5) feet shall not be considered in computing the total floor area of such room.

D. No habitable room shall contain less than seventy (70) square feet of floor area, nor shall any horizontal room dimension be less than seven feet.

E. No basement space shall be used as a habitable room or dwelling unit unless:

1. Adequate lighting is provided according to the requirements of this Chapter;
2. The floors and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.

F. Every water closet, bathtub or shower required by this chapter shall be installed in a room which will afford privacy to the occupant.

G. Every dwelling unit shall have a safe, unobstructed means of egress to a safe and open space at ground level. All structures of three (3) or more stories shall have two (2) separate, usable, unobstructed means of egress for every dwelling unit located above the second story.

15.16.130 Property maintenance - Conditions of structure.

A. All dwelling structures shall be watertight, weatherproof, rodent proof, insect proof and in good repair.

B. Every foundation, exterior wall and roof shall be reasonably watertight, weathertight and rodent proof, shall adequately support the building at all times and shall be in a workmanlike state of repair.

C. Every interior partition, wall, floor and ceiling shall be reasonably tight, capable of affording privacy and maintained in a workmanlike state of repair and in a clean and sanitary condition.

D. All rainwater shall be so drained and conveyed from every roof and the lot shall be so graded and drained as not to cause dampness in the walls, ceilings, floors or basement of the dwelling.

E. Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodent proof and shall be maintained in a workmanlike state of repair.

F. Each window, used for ventilation or emergency escape, shall be capable of being easily opened from the inside and shall be held in position by window hardware.

G. Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and it shall be maintained in a workmanlike state of repair.

H. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in a workmanlike state of repair, free from defect, leaks and obstruction.

I. Every toilet, bathroom and kitchen floor shall be constructed and maintained so as to be reasonably impervious to water, and such floor shall be kept in a clean and sanitary condition.

J. Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed and installed so that it will function safely and effectively and shall be maintained in a workmanlike state of repair.

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

L. 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.

M. The supporting structural members of a structure shall be maintained structurally sound, free of deterioration, and maintained to be capable of safely carrying the imposed loads.

N. The interior of a structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.

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

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

Q. 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 occupants.

R. Each foundation, exterior wall, roof, and all other exterior surfaces shall be

maintained in good repair and shall be kept in such condition as to exclude rodents and other pests.

S. Foundation walls shall be structurally sound and shall be maintained free from open cracks and breaks.

T. Each exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and/or any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied areas of the structure. 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.

U. The roof shall be structurally sound, and may not have defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the structure.

15.16.140 Infestation.

A. During that portion of each year extending from May 1st through September 30th and as protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall be equipped with screens and a self-closing device, and every window or other device with openings to outdoor space used or intended to be used for ventilation shall likewise be equipped with screens or other insect deterrents.

B. Every basement window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be permanently equipped with screens or such other device as will effectively prevent their entrance.

C. During the summer months there shall be no standing pools of water that might provide a breeding place for mosquitoes.

15.16.150 Garbage and refuse disposal.

A. Every dwelling unit shall be supplied with refuse storage or disposal facilities, which shall be metal or an equivalent material approved by the Building Official, watertight and provided with tight covers, which shall be kept securely closed at all times.

B. Garbage and refuse shall not be allowed to accumulate except in such facilities and shall be discarded within a reasonable time.

15.16.160 Open space areas and incidental structures.

A. Heavy undergrowth and accumulations of plant growth which are noxious or detrimental to health shall be eliminated.

B. Junk, trash or rubbish shall not be allowed to accumulate to the detriment of health or

so as to cause unsightly conditions.

C. Fences and other minor constructions shall be maintained in safe and substantial condition.

D. Steps, walks, driveways, yards and courts shall be maintained free of physical hazards.

E. It is unlawful to maintain any unlicensed, abandoned or dismantled vehicles or vehicles with expired registrations within the corporate limits of the Town of Elkton.

15.16.170 Rooming houses.

A. Every rooming house and room shall be in compliance with the minimum standards set forth in the light, ventilation, heating, space and property maintenance requirements of this Chapter.

B. Every rooming house shall be equipped with at least one flush water closet, one lavatory and one bathtub or shower for each eight (8) persons or fraction thereof within the rooming house, including members of the family if they are to share the use of the facilities. In rooming houses in which rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets. All such facilities shall be properly connected to the water supply and sewage disposal system.

C. Every flush water closet, flush urinal, lavatory, bathtub or shower required above shall be located within the rooming house in a room which:

1. Affords privacy;
2. Is accessible by a common hall without going outside the rooming house or through sleeping quarters of others;
3. Is not more than one story removed from the room of an occupant intended to share the facilities.

15.16.180 Fire safety requirements.

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

B. Means of Egress.

1. 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 Escape. 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 or rescue which has received all necessary and legally required approvals or shall have access to two (2) separate exits which have received all necessary and legally required approvals.

C. Accumulation and Storage.

1. 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 wastepaper, 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 one hundred (100) degrees Fahrenheit or lower, except as provided for in the applicable local building code.

D. Fire Resistance Ratings. Floors, walls, ceilings, and other elements and components which are required by the applicable Codes to comply with a fire resistance rating shall be maintained so that the respective fire resistant 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 condition 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 International Residential Code, as amended, and/or by code or regulation as otherwise adopted by a resolution of the Mayor and Commissioners.
- 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.

Article III. Inspection and Enforcement

15.16.190 Notice of violation.

A. Whenever the Building Official determines that there has been a violation or that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, he shall give notice to the person responsible therefore. Such notice shall be put in writing and shall:

1. Include a description of the property involved, a statement of the reason why the notice is being issued and a statement of the time permitted to reach compliance with the notice;

2. Inform the violator of his right to petition for a hearing before the Board of Housing Appeals and specify the necessary procedure for making such a petition.

B. Such notice shall be served upon the owner or occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such violator if a copy thereof is delivered personally or by registered mail, or if the notice is published in a newspaper of general circulation in the town once each week for two (2) consecutive weeks, but such publication shall be made only if the address of the violator is unknown

and cannot be ascertained with reasonable diligence.

C. Such notice may include an outline of remedial actions to effect compliance with the provisions of this Chapter.

D. A copy of such notice shall be filed in the office of the Building Official.

15.16.200 Emergency orders.

A. Whenever the Building Official finds that an emergency exists which requires immediate action to protect the health or safety of the public or of the occupants of a dwelling or dwelling unit, he may, without notice or hearing, issue an emergency order, which shall be in writing and shall recite the existence and nature of the emergency and require that such action be taken as necessary.

B. Such emergency order shall be served upon the owner or the occupant, as the case may require; provided that such emergency order shall be deemed to be properly served if a copy thereof is delivered to him personally or by registered mail, or if a copy is posted upon the premises.

C. Such emergency order shall be effective immediately and shall be complied therewith immediately.

D. A copy of such emergency order shall be filed in the office of the Building Official.

15.16.210 Condemnations.

A. General procedures. When a structure or part thereof is found by the Building Official to be unsafe or unfit for human occupancy or use, it may be condemned pursuant to this section and the applicable adopted Code(s). If the Building Official makes such determination, the Building Official shall serve the owner with a compliance order pursuant to this section. No condemned structure shall be used as an ongoing business or for human habitation without the approval of the Building Official. In addition, the Building Official may also determine that equipment located in a residential or business structure is unsafe and issue a compliance order.

B. A structure shall be considered to be unsafe or to be unfit for human habitation when it is found to have any of the following defects:

1) Damage, decay or dilapidation, or unsanitary, unsafe or vermin infested conditions to the extent that a serious hazard to the health or safety of the occupant(s) or to the public is created;

2) Any boiler, heating equipment, cooking equipment, electrical wiring or device, flammable liquid container(s), or other equipment on the premises or within the structure which is in such disrepair or condition that it is found by the Building Official to be a hazard to life, health, property, or safety of the tenant(s), lessee(s),

or occupant(s) of the premises or structure or of the public.

3) Structurally unsafe or of such faulty and/or deteriorated construction or unsafe foundation that it is likely to partially or completely collapse.

4) Unsanitary or dangerous conditions arising from the general condition or location of the building or structure to the extent that a serious hazard to the health and safety of the occupants or of the public is created.

5) Unsanitary or unsafe conditions do to filth or contamination, lack of ventilation or illumination, lack of sanitary or heating facilities, or lack of other essential equipment required by the Code(s).

C. Closure of vacant structures. If the structure or part thereof is vacant and unfit for human habitation, occupancy, business, or other use, and is not in danger of structural collapse, but is a potential hazard to health and safety, the Building Official shall serve the owner(s) with a compliance order pursuant to this section. The owner shall secure the structure from entry by boarding or any other method(s) necessary, as approved by the Building Official. Upon failure of the owner(s) to close the premises within the time specified in the compliance order, the Building Official shall cause it to be closed by the Town or through the use of a contractor, and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon the real estate.

D. Placarding of structures. Upon inspection of the structure, the Building Official may post on the premises a placard bearing the words "Condemned - Dangerous and Unsafe" or "Danger - Unsafe for Human Occupancy or Use," or other words to that effect, along with a statement of penalties provided for any occupancy or use and for the removal of the placard.

E. Occupancy or use of placarded premises prohibited. Any person who shall occupy or otherwise use a placarded premises or structure or part thereof, or any person responsible for the premises who lets any person(s) occupy or otherwise use a placarded premises shall be liable for penalties as provided under this Chapter.

F. Removal of placard. The Building Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation or danger placard action was based have been eliminated. Any person who defaces or removes a condemnation or damage placard without the approval of the Building Official shall be subject to penalties provided under this Chapter.

G. Notice of violation.

1) Notification. The Building Official shall give notice of the existing violation to the owner(s) of the affected structure and to its occupant(s).

2) Notice. The notice shall be in writing and include information sufficient for

identification of the real estate involved, include a statement of the reason(s) why the notice is being issued and any Codes violation(s) described. The notice shall include the owner(s)' right to appeal the decision of the Building Official and shall include the penalties for failure to correct said violation(s).

3) Service. Notice shall be considered served when the notice is delivered to the owner(s) personally and/or sent by certified or registered mail, addressed to the owner(s) of record at the last known address, with return receipt requested. Notice shall also be posted in a conspicuous place on or about the affected structure or premises.

4) Publication of notice. In case the structure is to be razed and demolished, the Town shall publish a public notice indicating the same, which shall include all information relative to the property. The notice shall be advertized once a week for two (2) consecutive weeks in a newspaper of general circulation and authorized to provide service by publication.

H. Demolition orders; subsequent action.

1) Raze and removal. At the time of service of a notice of violation to the owner(s), the Building Official may order the owner(s) of the premises or structure that is an unsafe structure to raze and remove the structure and to stabilize the disturbed area by grading, seeding, and erosion control measures as may be required by the Town Code, State law or regulation(s).

2) Noncompliance. In the event that owner(s) of a property fails to comply with an order of the Building Official within the prescribed time of the order and upon exhaustion of any and all legal remedies by the Town and the Building Official, and with the approval of the Mayor and Commissioners the Building Official may enter the building or premises affected by the order and cause the building or premises to be repaired or demolished and the materials removed, or cause any dangerous condition to be remedied by a contractor at the expense of the owner(s) of the property.

3) Lien. If the owner(s) fails to repay the Town for expenses incurred under this section within thirty (30) days after written demand has been mailed to the owner(s)' last known address, the Building Official shall notify Cecil County and a tax lien in favor of the Town for the amount of expenses incurred by the Town under this section shall attach to the property and any other applicable fees which the Town has expended shall also be applied to the lien.

15.16.220 Hearings

A) A person affected by a decision of the Building Official which has been made in connection with the enforcement of this section, or a regulation adopted pursuant to this section, may request and shall be granted a hearing in a manner as

prescribed in this Chapter.

- B) A person aggrieved by a decision of the Building Official in connection with an alleged violation of this section or demolition order issued under the provisions of this section may appeal such decision or order to the Board of Housing Appeals. Such appeal shall be filed within twenty (20) days of receipt of such notice.
- C) The Building Official shall notify the appellant in writing of the date, time, and place for the hearing with ten (10) days of the filing of the appeal.
- D) The hearing before the Board of Housing Appeals shall take place not later than thirty (30) days after the day on which the appeal was filed, unless the appellant requests postponement for cause.
- E) After such hearing, the Board of Housing Appeals shall sustain, modify, or withdraw the notice, emergency order or condemnation, depending upon its findings of compliance with the provisions of this section. If the Board of Housing Appeals sustains or modified such notice, emergency order or condemnation, it shall be deemed to be an order and the violator shall comply with all the provisions of such order within the specified length of time. Such order shall be made within thirty (30) days after the hearing.

15.16.230 Appeal.

Any decision of the Board of Housing Appeals may be appealed to the Cecil County Circuit Court in accordance with the Maryland Rules of Procedure.

15.16.240 Failure to comply with emergency or condemnation orders.

It is unlawful for any person upon whom a notice of violation, emergency order or order of condemnation has been served to fail to begin compliance with the directives thereof within the specified length of time without having timely petitioned the Board of Housing Appeals for a hearing, or to fail to comply with the decision of the Board of Housing Appeals after a hearing.

15.16.250 Violation - Penalty.

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than one thousand dollars (\$1,000.00), and/or imprisonment for not more than six months.

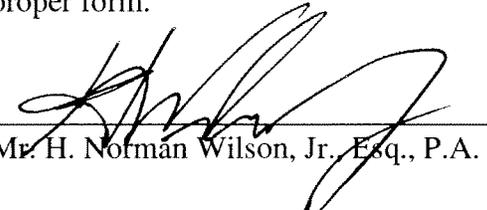
**** END OF SECTION ****

Date of Effect

THIS ORDINANCE shall be effective on the 10th day of December, 2013.

Certification of Legal Review

THIS ORDINANCE reviewed by the Town Attorney and found legally sufficient and in proper form.

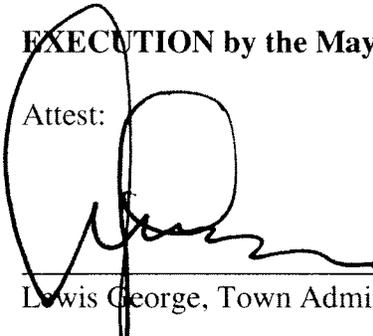


Mr. H. Norman Wilson, Jr., Esq., P.A.

11/20/13
Date

EXECUTION by the Mayor and Commissioners

Attest:

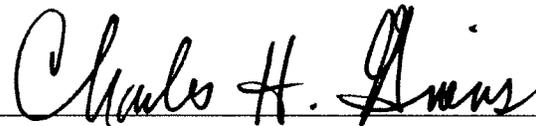


Lewis George, Town Administrator

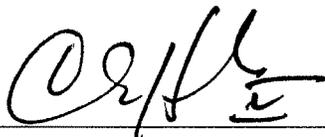
**The Mayor and Commissioners
of the Town of Elkton**



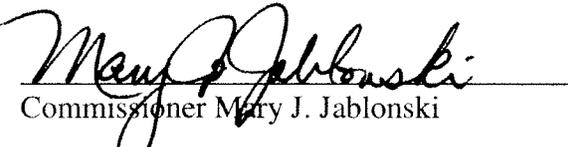
Mayor Joseph L. Fisona



Commissioner Charles H. Givens, Sr.



Commissioner Charles E. Hicks, V



Commissioner Mary J. Jablonski



Commissioner Earl M. Piner, Sr.