

**SHARPTOWN PROPERTY MAINTENANCE CODE
ORDINANCE #77**

AN ORDINANCE to Repeal and Reenact with Amendments Ordinance No. 73 known as “Sharptown Housing Livability Code” which shall henceforth be known as “THE SHARPTOWN PROPERTY MAINTENANCE CODE” adopting rules and regulations affecting structural strength, stability, sanitation, adequate light and ventilation, and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of dwellings, apartment houses, commercial or industrial buildings, or other structures providing for the inspection of such STRUCTURES, establishing a Housing Board of Appeals, and defining said Board’s duties and responsibilities, and providing penalties for violations of any section of this Ordinance.

SECTION I: Be it enacted and ordained by the Commissioners of the Town of Sharptown, Maryland, pursuant to the authority contained in Title 6 of Article 83B of the Annotated Code of Maryland and Article III of the Charter of the Town of Sharptown that Ordinance #73 are repealed (known as the “Housing and Livability Code”) the following Sections 101 through 301 be and they are hereby adopted as “The Sharptown Property Maintenance Code” of the Town of Sharptown, and further for the protection and promotion of the health, safety, comfort and general welfare of the citizens of the Town of Sharptown that the following rules, regulations and provisions be enacted, adopted and established.

**CHAPTER 1 – ADMINISTRATION
SECTION 101.1 TITLE AND SCOPE**

101.1 – TITLE

The provisions embraced within the following chapters and sections shall constitute and be known as and may be cited as “The Town of Sharptown’s Property Maintenance Code” hereinafter referred to as “this code”.

101.2 – CODE REMEDIAL

This code is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of dwellings, apartment houses, commercial or industrial buildings, or other structures or premises used as such.

101.3 – SCOPE

- a) The provisions of this code shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every commercial or industrial building or other structures or any appurtenances connected or attached to such commercial or industrial buildings or other structures, whether used for a dwelling, commercial or industrial purposes or any other use.

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- b) No provision of this code shall be held to deprive any federal or state agency, or any county authority having jurisdiction, of any power or authority which it had on the effective date of this act or any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.
- c) 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.

101.4 – The town may enact such legislation as is necessary to effectuate the purpose of this ordinance.

SECTION 102 – ORGANIZATION

102.1 – ENFORCEMENT OFFICER

There is hereby established in the Town provisions for the enforcement of this Code by the Code Enforcement Officer.

102.2 – RESTRICTIONS ON EMPLOYEES

No officer, employee, or board member connected with the department shall be financially interested in the furnishing of labor, material or appliances from the construction, alteration, or maintenance, of a commercial or industrial building, or other structure or in the making of plans or of specifications therefore, unless he is the owner of such building.

102.3 – RECORDS

The Code Enforcement Officer shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

SECTION 103 – POWERS AND DUTIES OF CODE ENFORCEMENT OFFICER

103.1 – RIGHT OF ENTRY

- a) The Code Enforcement Officer shall enforce the provisions of this code or their duly authorized representative, may enter any commercial or industrial building, or other structure, dwelling, apartment, apartment house or premises in the Town to perform any duty imposed upon them by this code. The Code Enforcement Officer shall give notice in writing to the owner, operator and occupant of the premises of the day of the inspection, which said notice shall be mailed to the last known address of any of the above in sufficient time to be received by the said owner, operator and occupant seven (7) days in advance of said inspection.

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- b) If the owner, operator or occupant refuses to allow such inspection, the Code Enforcement Officer shall, prior to any forcible entry and inspection, obtain a warrant for such inspection. The warrant shall be obtained by written application signed and sworn to by the Code Enforcement Officer putting forth the purpose of the inspection and the address and location of the premises to be inspected. When, upon such application, it shall appear to any Judge of the Circuit Court of Wicomico County, or any Judge of the District Court for Wicomico County, or any Court Commissioner, that there is a probable cause to believe that there is a violation of any provision of this Ordinance, then such Judge or Court Commissioner may issue a warrant directed to the Code Enforcement Officer authorizing him to enter and inspect such premises. The warrant shall state that any inspection made thereunder shall be made within thirty (30) days from the date of issuance thereof and after the application of said thirty day period said warrant shall be void.
- c) Each occupant of a premises shall give the owner thereof, or his agent or employees, access to any part of such premises at all reasonable times for the purpose of making such repairs or alterations or taking such action as necessary to effect compliance with the provisions of this Ordinance or any lawful order issued to the provisions of this Ordinance.

103.2 – UNSAFE COMMERCIAL OR INDUSTRIAL BUILDINGS, DWELLINGS, APARTMENT HOUSES OR OTHER STRUCTURES.

All dwellings, apartment houses, commercial or industrial buildings, or other structures which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress; or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are severally in contemplation of this section, unsafe buildings. All such buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedures:

- a) Whenever the Code Enforcement Officer shall find any commercial or industrial building or other structure or portion thereof, or premises used in connection therewith to be unsafe, unsanitary, or unfit for human habitation, or in violation of this code in any respect, he shall give written notice (by registered or certified mail, or by any other legally accepted means) to the owners, agent, or person in control of such commercial or industrial building or other structure, or premises written notice stating the defects thereof. This notice shall require the owner, within sixty (60) days, either to complete specific repairs or improvements, or to demolish and remove the commercial or industrial building or other structure or portion thereof, or to comply with the applicable provisions of this code; provided, however, that when such notice relates to the removal of rubbish or garbage pursuant to the requirements of this code, the notice may require the owner to comply within such shorter period of time (but not less than twenty (20) days) as the Code Enforcement Officer may determine to be reasonable and specify therein.

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- b) The Code Enforcement Officer shall cause to be posted at each entrance to such commercial or industrial building or other structure a notice: “THIS BUILDING IS UNSAFE AND IT’S USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE ENFORCEMENT OFFICER”. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents, or other servants, to remove such notice without written permission of the Code Enforcement Officer, or for any person to enter the commercial or industrial building or other structure except for the purpose of making the required repairs or of demolishing same.
- c) The owner, agent or person in control shall have the right, except in cases of emergency, to appeal from the decision of the Code Enforcement Officer, as provided hereinafter, and to appear before the Housing Board of Appeals at specified time and place to show cause why he should not comply with said notice.
- d) In case the owner, agent or person in control cannot be found within the stated time limit, or, if such owner, agent or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish and remove said commercial or industrial building or other structure or portion thereof, or to remove rubbish from the premises or to back fill excavations, the Code Enforcement Officer shall first ascertain the cost of such demolishing and removal. Notice of said cost shall be mailed to the owner of the premises, or lien holders of record, the duly authorized agents of either and to the Public Works Director of the Town of Sharptown, which said notice shall provide a forty-five day period in which said premises may be demolished and removed by said owner. If this shall not be effected by the owner during said forty-five day period, the Code Enforcement Officer shall cause such commercial or industrial building or other structures or portion thereof to be demolished, secured or required to remain vacant.
- e) Costs incurred under Section 103.3 (d) shall be charged to the property, shall constitute a lien thereon, shall be entered on the tax records kept by the Town Treasurer with respect thereto and shall be collectible as are taxes and other liens.

103.3 – REQUIREMENTS NOT COVERED BY CODE

Any requirements, not specifically covered by this code, found necessary for the safety, health and general welfare of the occupants of any commercial or industrial dwelling or other structure shall be determined by the Commissioners of Sharptown under the authority contained in Section 101.4 hereto and any determination by the Code Enforcement Officer occasioned thereby shall be subject to appeal to the Housing Board of Appeals.

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103.4 – LIABILITY

Any officer or employee of the Housing Board of Appeals charged with the enforcement of this code, acting for the Town in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer, employee, or board member because of this code shall be defended by the Town Attorney of Sharptown until the final termination of the proceedings.

103.5 – REPORTS

The Code Enforcement Officer shall annually submit a report to the President of the Commissioners of Sharptown covering the work of the department during the proceeding year. He shall incorporate in said report a summary of the decisions of the Housing Board of Appeals during said year.

103.6 – 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:

- a) The provisions of the compliance order or notice of violation have been complied with; or
- b) The property owner shall first furnish the grantee(s), transferee(s), mortgagee(s) and/or lessee(s) a true copy of the compliance order or notice of violation issued by the Code Enforcement Officer and shall also furnish to the Code Enforcement Officer a signed and notarized statement from the grantee(s), transferee(s), mortgagee(s), or lessee(s) in which they acknowledge(s) the receipt of the compliance order or notice of violation and states that they fully accepts and assumes the responsibility without condition for making the corrections or repairs by the compliance order or notice of violation.
- c) Each compliance order or notice of violation served on a property owner shall contain the notice set forth in (B) above.

SECTION 104 – INSPECTIONS

104.1 – INSPECTIONS

- a) The Code Enforcement Officer shall of his own volition or upon receipt of complaints, cause to be made such inspections as are necessary to determine the fitness of a dwelling unit, commercial or industrial building or other structure for human occupancy. He shall make a record of every such inspection and of all violations of this code.
- b) The Code Enforcement Officer may make, or cause to be made by a duly authorized representative, the inspections called for by these requirements.

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SECTION 105 – HOUSING BOARD OF APPEALS

105.1 – APPOINTMENT

There is hereby established in the Town a Board to be called the Housing Board of Appeals, which shall consist of five (5) members. Such Board shall be appointed by the Commissioners of Sharptown from among the citizens of the Town, who shall own property therein and reside therein, The Commissioners shall designate the Chairman.

105.2 – TERM OF OFFICE

Of the members first appointed two (2) for a term of one (1) year; two (2) for a term of two (2) years; one (1) for a term of three (3) years; and thereafter they shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the manner in which original appointed. Any member absent from three meeting in a twelve month period shall be removed from office.

105.3 – QUORUM

- a) Three members of the Board shall constitute a quorum. In varying the application of any provisions of this code or in modifying an order of the Code Enforcement Officer, affirmative votes of the majority present, but not less than three affirmative votes, shall be required. No Board member shall act in a case in which he has a personal interest.
- b) An abstract of the testimony of each witness shall be made at the Hearing and the finding of the Board shall be in writing and filed in the records of the Board with a copy given to the appellant(s) and to the Code Enforcement Officer as provided in Section 107.2 hereof.

SECTION 106 – APPEALS

106.1 – TIME LIMIT FOR APPEALS

- a) Whenever it is claimed that the true, intent and meaning of this code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner or their duly authorized agent may appeal from the decision of the Code Enforcement Officer to the Housing Board of Appeals. Notice of appeal shall be in writing and filed within twenty (20) days after the decision is rendered by the Code Enforcement Officer.
- b) In case of a commercial or industrial building or other structure that, in the opinion of the Code Enforcement Officer is unsafe or dangerous, the Code Enforcement Officer may, in their order, limit the time for such appeal to a shorter period. Appeals hereunder shall be on forms provided by the Code Enforcement Officer.

SECTION 107 – HANDLING OF APPEALS

107.1 – VARIATIONS AND MODIFICATIONS

- a) The Housing Board of Appeals, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in it's opinion, the enforcement thereof would do undo hardship and would be contrary to the spirit and purpose of this code or public interest or when, in it's opinion, the interpretation of the Code Enforcement Officer should be modified or reversed.

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- b) A decision of the Housing Board of Appeals to vary the applications of any provision of this code or to modify an order of the Code Enforcement Officer shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons therefore.
- c) Any person aggrieved by the decision of the Code Enforcement Officer or of the Housing Board of Appeals may appeal such order to any court of competent jurisdiction. Such appeal shall not stay execution of any order, unless a stay shall be granted, after notice and hearing by the court, to judge such appeal has been made.

107.2 – DECISION

- a) Every decision of the Housing Board of Appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Code Enforcement Officer and shall be open to public inspections; a certified copy shall be sent by mail or otherwise to the appellant and a copy shall be kept posted in the office of the Code Enforcement Officer for two weeks after filing.
- b) The Housing Board of Appeals shall in every case reach a decision in thirty days without unreasonable or unnecessary delay.
- c) If a decision of the Housing Board of Appeals reverses or modifies a refusal, order or disallowance of the Code Enforcement Officer, or varies the application of any provision of this code, the Code Enforcement Officer shall immediately take action in accordance with such decision.

SECTION 108 – VIOLATIONS AND PENALTIES

Any person, firm, corporation or agent who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter, demolish, or move any structure, or has erected, constructed, altered, repaired, moved, or demolished a commercial or industrial building or other structure in violation of this code shall be guilty of a municipal infraction and such municipal infraction shall be subject to a penalty of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1000.00) and each day of violation shall constitute a separate and additional offense. Penalties shall be assessed by the Code Enforcement Officer and shall comply with all the requirements of the Ordinance of the Town of Sharptown relating to municipal infractions. In addition, thereto, the Town of Sharptown, Maryland, may seek injunctive relief, and any other appropriate action or proceedings at law or equity for the enforcement of this chapter or to correct violations of this chapter and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, or mandamus or other appropriate forms of remedy or relief.

SECTION 109 – VALIDITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

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**CHAPTER II
DEFINITIONS**

SECTION 201 – DEFINITIONS AND WORD USAGE

- A. Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural, and the plural number includes the singular. Whenever the words “apartment,” “apartment house,” “dwelling,” “dwelling unit,” “building,” “premises” or other “structures” used in this chapter, they shall be construed as though they were followed by the words “or any part thereof.”
- B. For the purpose of this code, certain abbreviations, terms, phrases, words and their derivations shall be construed as set forth in this section.

APARTMENT – A room or a suite of rooms occupied or which is intended or designed to be occupied as the home or residence of one (1) individual, family or household for housekeeping purposes.

APARTMENT HOUSE - Any building or portion thereof used as a multiple dwelling for the purpose of providing three or more separate dwelling units that may share means of egress and other essential facilities.

APPROVED – Approved by the Code Enforcement Officer.

ATTIC STORY – Any story situated wholly or partly in the roof, so designated, arranged or built as to be used for business, storage or habitation.

BASEMENT – That portion of a building between floor and ceiling, which is partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

BUILDING – Any commercial or industrial building or other structure that encloses a space. Each portion of a commercial or industrial building or other structure separated from other portions by a firewall shall be considered as a separate building.

CODE ENFORCEMENT OFFICER– The officer or other person charged with the administration and enforcement of this chapter or their duly authorized representative as designated by the Commissioners of Sharptown, Maryland.

TOWN – The Town of Sharptown, Maryland.

DWELLING – When used in this code without other qualifications, a structure occupied exclusively for residential purposes by not more than one (1) family.

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DWELLING UNIT – A single unit providing complete, independent living facilities for one or more person including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EXIT CORRIDOR – Any corridor or passageway used as an integral part of the exit system. That portion of a corridor or passageway which exceeds the allowable distance of travel to an exit corridor or passageway.

EXIT PASSAGEWAY – An enclosed hallway or corridor connecting a required exit to a street.

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

FARM – A parcel of land of five (5) acres or more on which bona fide agriculture and related uses are conducted.

FLOOR AREA – The area included within surrounding wall of a commercial or industrial building or other structure, exclusive of vent shafts and courts.

GARBAGE – The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GRADING – Is to be done as defined in the Town of Sharptown Building Code.

HABITABLE ROOM – A room occupied by one (1) or more persons for living, eating or sleeping purposes. It does not include toilets, laundries, serving and storage pantries, corridors, cellars and spaces that are not used frequently or during extended periods.

HEATING – The definitions following under this section shall apply to heating installations:

- 1) Central Heating, Boilers and Furnaces – Heating furnaces and boilers shall include warm air furnaces, floor mounted direct fire unit heaters, hot water boilers, electrical heating and steam boilers operating at not in excess of fifteen (15) pounds of gauge pressure, used for heating of commercial or industrial buildings or other structures.
- 2) Chimney – A vertical shaft of masonry, reinforced concrete or other approved noncombustible, heat resisting material enclosing one (1) or more flues, for the purpose of removing products of combustion from solid, liquid, or gas fuel.
- 3) Flue – A vertical passageway for products of combustion.
- 4) Vent Pipe – As applied to heating, a pipe for removing products of combustion from gas appliances.

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- 5) Water Heater – A device for the heating and storage of water to be used for other than heating or industrial purposes.

INFESTATION – The presence, within or around a dwelling, commercial or industrial building or other structure, of any insects, rodents or other pests.

MULTIPLE DWELLING – Has the same meaning as “apartment house.”

OCCUPANT – Any person living, sleeping, cooking, or eating in or having actual possession of a dwelling unit.

OPERATOR – Any person who has charge, care or control of a commercial or industrial building, or other structure or part thereof, in which dwelling units are let.

PERSON OR PERSONS - A natural person, their heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, it’s or their successors or assigns, or the agent of any of the aforesaid.

PLUMBING – The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, plumbing appurtenances, within or adjacent to any commercial or industrial buildings or other structures, in connection with sanitary drainage or storm drainage facilities; venting systems; and public or private water supply systems.

PREMISES – A lot, plot or parcel of land including the structures on it.

PROPERTY OWNER – 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.

PUBLIC PLACE – As used in this code, an unoccupied open space adjoining a commercial or industrial building or other structure and on the same property that is permanently maintained accessible to the Fire Department and free of all encumbrances that might interfere with it’s use by the Fire Department.

REPAIR - The replacement of existing work with same kind of material used in the existing work not including additional work that would change the structural safety of the building or that would affect or change required exit facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installations or that would be in violation of a provision of law or Ordinance. The term “repair” or “repairs” shall not apply to any change of construction.

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RESIDENTIAL OCCUPANCY – Building in which families or households live or in which sleeping accommodations are provided, and all dormitories shall be classified as “residential occupancy.” Such buildings include, among others, dwellings, multiple dwellings and lodging houses.

RUBBISH – Combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke, and other combustible material; paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, dust, pipe, furniture, lumber, and parts thereof, abandoned, unlicensed or inoperable vehicles and machinery, bottles, wastepaper, cardboard, sawdust piles, rubbish from commercial or industrial building or other structure, construction or reconstruction, uprooted tree stumps, street refuse and all other waste materials. The decision of the Code Enforcement Officer as to whether particular articles are “rubbish” as herein defined shall be final, and if articles of rubbish have been mixed with other articles not constituting “rubbish” as herein defined, the Code Enforcement Officer shall be entitled to treat all such mixed articles as “rubbish”.

STAIRWAY - One (1) or more flights of stairs and the necessary landings and platforms connecting them to form a continuous and uninterrupted passage from one story to another in a commercial or industrial building or other structure.

STORY – That portion of a commercial or industrial building or other structure included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a commercial or industrial building or other structure included between the upper surface of the topmost floor and the ceiling or roof above.

STRUCTURE – That which is built or constructed, an edifice or commercial or industrial building or other structure of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner. The term “structure” shall be construed as if followed by the words “or part thereof.”

TENANT – An occupant other than a property owner.

WALLS – Walls shall be defined as follows:

Load-bearing wall is a wall supporting any vertical load in addition to its own weight.

Nonbearing wall is a wall which does not support vertical loads other than its own weight.

WRITTEN NOTICE – Shall be considered to have been served if delivered at, or sent registered mail to, the last business address known to the party giving the notice, or to the address appearing in the assessment records.

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**CHAPTER III
MINIMUM REQUIREMENTS
SECTION 301 – GENERAL**

All dwellings, apartments commercial or industrial buildings and any other type of structures shall provide for a healthful environment with living facilities arranged and equipped to assure such a condition.

Under this chapter appear the fundamental code requirements that shall be observed in determining the fitness of a dwelling, apartment, commercial or industrial buildings and any other type of structure.

301.1 – INTERIOR STRUCTURE MAINTENANCE

- a) General: The interior of a structure shall be maintained in good repair and be structurally sound and in sanitary condition for the health and safety/welfare of the occupancy. No person shall occupy as owner or occupant any dwelling unit, or commercial or industrial building or other structure which does not comply with the following minimum standards for safe and sanitary maintenance:
- b) Interior Floors/Walls/Ceilings: Every floor, interior wall and ceiling shall be substantially rodent proof; and shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- c) Supplied Facilities: Every supplied facility, piece of equipment or utility which is required under this code shall be so constructed or installed to function safely and effectively and shall be maintained in safe and good working condition.
- d) Water Closet Compartment: Every water closet compartment bathroom and kitchen surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be kept in a clean and sanitary condition.
- e) Wall, Ceiling, Floor Repairs: Ceilings, walls, floors shall be maintained free of holes, large cracks or loose and deteriorated materials, so that parts which become defective do not constitute a hazard to the occupants nor a harborage for insects or vermin. Loose or defective sections shall be removed and replaced so that the joint between the repaired and the sound materials are made flush and smooth.
- f) Stairs And Steps: Every inside and outside stair, porch steps or any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. These stairs/steps shall be provided with handrails.
- g) Doors: Doors to habitable rooms, bathrooms and toilet rooms must fit the opening in which they are hung and be properly equipped with hardware to provide privacy to the person occupying the room.
- h) Windows And Doors: Every window, exterior door and basement or cellar door and hatchway shall be substantially weather tight, watertight and rodent proof: and shall be kept in sound condition and good repair.

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- i) Foundations: Foundations shall be perimeter enclosed with non-porous and/or metal materials.
- j) Furnaces, Heaters, and Appliances: All furnaces, heaters, and appliances required to be vented to the outside air, shall be so vented, in accordance with Section 5.4.2. of the National Gas Code.
- k) Boarding Up Of Buildings: No commercial or industrial building or other structure or portion thereof shall be permitted to be boarded-up for any period in excess of six (6) months

301.2 - EXTERIOR STRUCTURE MAINTENANCE

- a) General: The exterior of a commercial or industrial building or other 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, public and/or neighboring properties.
- b) Structural Members: Supporting structural members of a commercial or industrial building or other structure shall be kept structurally sound, free of deterioration, and maintained capable of safely bearing the dead and live loads imposed upon them.
- c) Exterior Surfaces: 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.
- d) Foundation Walls: Foundation walls shall be structurally sound and shall be maintained free from open cracks and breaks.
- e) Exterior Walls:
 - a. Exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls of any structure.
 - b. All exterior surface materials, including wood, composition, or siding, shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.
- f) Roof and Drainage: The roof shall be structurally sound, and may not have defects that might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of any commercial or industrial building or other structure.
- g) Chimneys:
 - a. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally sound, safe and in good repair.
- h) 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.
- i) Windows, Doors, And Frames: Each window, door and frame shall be maintained so as to exclude rain, rodents and exclude wind from entering the commercial or industrial building or other structure.

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- j) Weathertight: Each window and exterior door shall be fitted reasonably in it's frame and be weathertight. Each window shall be free of cracks and holes.
- k) Insect Screens:
 - a. Every door and window or other outside opening used for ventilation purpose shall be supplied with 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 that make screening impractical. Such as openings equipped with air conditioning units. The code official may require alternatives to screens.
- l) 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.

301.3 – PLUMBING SYSTEMS AND EQUIPMENT

Every dwelling unit shall contain not less than the following:

- a) Each dwelling unit shall be connected to the Municipal Water and Sewer System. A plumbing permit must be obtained from the Town of Sharptown. All final connections must be approved by the town.
- b) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower and a water closet, all in good working condition and installed in accordance with the International Code. All installations and repairs shall be made in accordance with the provisions of the applicable local building code, or other applicable laws or ordinances thereto.
- c) All plumbing fixtures shall meet the standards of the International Code and shall be in a state of good repair and in good working order.
- d) All required plumbing fixtures should be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located and use of same shall be made in accordance with the provisions of the applicable local building code, or other applicable laws or ordinances thereto.
- e) Every dwelling unit shall have connected to the kitchen sink, lavatory and tub or shower an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to the municipal water supply. Additional facilities shall be provided that such connections and facilities shall be made in accordance with the provisions of the applicable local building code, or other applicable laws or ordinances thereto.
- f) Water Heating Facilities:
 - a) Water heating facilities shall be installed in a manner that 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.

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- 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 and not to exceed 140 degrees F.
- g) Sewage Systems:
 - a) General: Each sink, lavatory, bathtub, or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to the Municipal Water and Sewer System.

301.4 – LIGHT AND VENTILATION

No person shall occupy as owner occupant or let to another for occupancy any dwelling unit for the purpose of living therein which unit does not comply with the following 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 arrangements 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 and plumbing code.
- b) Light: As required per National Electrical Code
- c) Ventilation:
 - 1) General – All areas in a commercial or industrial building or other 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 commercial or industrial building or other 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.

301.5 – MECHANICAL AND ELECTRICAL REQUIREMENTS

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

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- b) Heating Facilities:
- 1) Residential Structures –
 - a) 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 65 degrees F. In all habitable areas during the hours between 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 it's 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 the applicable local building code, or other 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 except otherwise permitted by state law shall be connected to a chimney, flue, or vent in accordance with the provisions of the applicable local building code, and other applicable laws or ordinances thereto.
 - 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 applicable local or state codes, or according to manufacturer's instructions, all installations and repairs shall be made in accordance with the provisions of the applicable local building code, or other applicable laws or ordinances thereto.

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- 7) Combustion Air – A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for 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 approvals.
 - 9) 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.
 - 11) Installation and maintenance – Heating appliances and facilities shall be installed in accordance with the provisions of the applicable local building code, and State, County, and Federal Codes.
- c) Electrical Facilities:
- 1) Facilities required – A structure shall be adequately and safely provided with an electrical system in compliance with the requirements of the National Electrical Code. A structure must connect to and utilize the local power grid. In no case shall generators be allowed except during a power system outage.
 - 2) Receptacles – Every habitable room shall contain electric convenience receptacles in such number as determined by the standards established in the National Electrical Code.
 - 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 updated to the National Electrical Code.
- d) 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 that has received all necessary and legally required approvals.

301.6 – FIRE SAFETY REQUIREMENTS

- a) Scope – The provisions of this regulation shall govern the minimum standards for fire safety facilities and equipment. All commercial or industrial buildings or other structures shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety.

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- b) Means Of Egress –
 - 1) General – A safe, continuous, and unobstructed means of egress shall be provided from the interior based on the current International Building Code.
- 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.
- d) Fire Resistance Ratings – Floors, walls, ceilings, and other elements and components which are required by the applicable building code or fire code ~~to~~ shall comply with a fire resistance rating. Must be maintained so that the respective fire resistance rating is not compromised.
- 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 smoke detector in the vicinity of each sleeping area and kitchen area.
 - b) The smoke detectors shall be installed and maintained in accordance with the state fire laws, Article 38A, Section 12A, 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 system 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 doorstops, wedges and other hold open devices which have not received all necessary and legal approvals or which have had approval is prohibited.

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301.7 – SPACE, USE AND LOCATION

No person shall occupy or shall let to another for occupancy any dwelling, dwelling unit, commercial or industrial building, or other structure which does not comply with the following minimum standards for space, use and locations:

- a) Dwelling Unit – Every dwelling unit shall contain at least one hundred and fifty (150) square feet of habitable floor area for the first occupant, at least one hundred (100) square feet of additional habitable floor area for each of the next three occupants and at least seventy five (75) square feet of additional habitable floor area for each additional occupant.
- b) Rooms occupied for sleeping purposes – In each dwelling unit every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of flooring area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty five (35) feet of floor area for each occupant under (12) years of age.
- c) Floor area calculation – Floor area shall be calculated on the basis of habitable room area. However, closet area and hall area within the dwelling unit, where provided, may count for not more than ten (10) percent of the required habitable floor area. At least one half of the floor area of every habitable room shall have a ceiling height of at least seven feet; and the floor area of any part of any room where the ceiling height is less than four and one half feet shall not be considered as part of the floor area in computing the total floor area of the room to determine maximum permissible occupancy.
- d) Occupant – For the purposes of this section, a person under one year of age shall not be counted as an occupant.
- e) Basements – No basement shall be used for living purposes unless:
 - 1) The floor and walls are substantially watertight.
 - 2) The total window area, total openable area and ceiling height are equal to those require for habitable rooms.
 - 3) The required minimum window area of every habitable room is entirely above the grade adjoining such window area, not including stairwells or access ways.

301.8 – RESPONSIBILITIES OF OWNERS AND OCCUPANTS

- a) Public Areas – Every owner of a dwelling, dwelling unit, commercial or industrial buildings, or other structures containing two or more units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- b) Dwelling Unit – Every occupant of a dwelling, dwelling unit, commercial or industrial buildings, or other structures shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, commercial or industrial buildings, or other structures and premises thereof which they occupy and control.

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- c) Garbage – Every occupant of a dwelling or dwelling unit, commercial or industrial building, or other structure shall dispose of all their garbage and any other organic waste which might provide food for rodents in a clean and sanitary manner, by placing it in the garbage disposal facilities or approved garbage storage containers. In all cases the occupants shall be responsible for the availability of garbage storage containers and the disposal of garbage.
- d) Rubbish – Every occupant of a dwelling or dwelling unit, commercial or industrial building, or other structure shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish storage facilities or removing same from the premises to a disposal area. In all cases the owner shall be responsible for the availability of rubbish storage facilities.
- e) Plumbing fixtures – Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- f) Care of facilities, equipment and structure – No occupant shall willfully destroy, deface or impair any of the facilities, equipment or any part of the structure of a dwelling unit, dwelling, multi-dwelling apartment, commercial or industrial buildings or other structures.
- g) Extermination –
 - 1) All structures – The property owner shall be responsible for extermination within the commercial or industrial building or other structure and on the premises deemed necessary by the Code Enforcement Officer.
 - 2) **IN ALL CASES THE OWNER SHALL BE RESPONSIBLE FOR ALL THE ABOVE .**

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SECTION II: BE IT FURTHER ENACTED AND ORDAINED BY THE COMMISSIONERS OF SHARPTOWN, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage.

The above Ordinance was introduced and read to the COMMISSIONERS OF SHARPTOWN, MARYLAND, at a meeting held on the 3rd day of July, 2006, and finally passed at a meeting held on the 17TH day of July, 2006, having been published as required by law in the meantime.

ATTEST:

P. Douglas Gosnell,
President

George R. White,
Commissioner of Sharptown

Kerry G. Hastings,
Commissioner of Sharptown

Jean C. Cordrey,
Commissioner of Sharptown

TOWN CLERK

W. Cary Adshead,
Commissioner of Sharptown