

## Chapter 4

### BUILDINGS AND BUILDING REGULATIONS\*

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\* **Charter References:** Building regulations authorized, § 3(5).

**Cross References:** Fire prevention and protection, Ch. 9; planning and development, Ch. 14; storage of building materials in public view, § 17-2; removal of waste from building construction operations, § 18-1.

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## **ARTICLE I.**

### **IN GENERAL**

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## **ARTICLE II.**

### **BUILDING CONSTRUCTION\***

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\* **Editors Note:** Ord. No. 1101, § 1, adopted Nov. 23, 1992, amended the Code by providing for a new chapter 22, pertaining to building construction, housing and occupancy. In order to conform to the general style and format of the Code said ordinance has been redesignated by the editor as Chapter 4, Article II, substantive §§ being 4-31--4-46; Article III, substantive sections being §§ 4-51--4-62; and Article IV, substantive sections being, §§ 4-71--4-76.

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#### **Sec. 4-31. Intent.**

In order that the City of Greenbelt may be fully aware of, and may monitor and inspect, as necessary, all construction activities within its boundaries, and in order that the city may have an opportunity to review such construction prior to its beginning, for its impact on areas of direct city interest, such as compliance with private and public agreements, covenants, and conditions, impact on city streets, sidewalks, or other public ways and properties, payment of taxes, fees or other obligations, demonstration of issuance of all necessary permits and government, regulatory and agency approvals, or other areas of city interest as may be defined by the city. (Ord. No. 1101, § 1, 11-23-92; Ord. No. 1195, 9-11-00)

#### **Sec. 4-32. Compliance with standards.**

In order that the health, welfare, safety and morals of the citizens and residents of the city may be protected from the ill effects of substandard construction and all of the ramifications arising therefrom and in order that the value of property within the corporate limits of the city may be protected from said ill effects and ramifications, all buildings, structures and/or improvements and additions thereto hereafter constructed within the corporate limits of the city for any reason whatsoever shall be constructed in accordance with the provisions of the Building Code which shall be as follows. (Ord. No. 1101, § 1, 11-23-92; Ord. No. 1195, 9-11-00)

**Sec. 4-33. Adoption of standards by reference.**

The International Code Council (ICC) International Building Code, as amended from time to time and as adopted by Prince George's County, Maryland, and the Maryland Building Rehabilitation Code, as amended from time to time and as adopted by the State of Maryland, shall be the Official Building Code of the City of Greenbelt.

(Ord. No. 1101, § 1, 11-23-92; Ord. No. 1195, 9-11-00; Ord. No. 1291, 9-24-07)

**Sec. 4-34. Permit required; fee; expiration of permit.**

(a) Every construction, alteration, enlargement, removal or demolition within the city which requires a permit from the Department of Environmental Resources of Prince George's County shall also require a permit from the City of Greenbelt, Maryland. The permit application will include one (1) copy of a scaled, detailed site plan and an estimate of the cost of construction. Permit fees as established by council resolution shall be paid at the time the permit application is filed. The applicant shall submit a copy of the corresponding permit issued by Prince George's County, prior to the issuance of the city permit.

(b) Work authorized through a permit issued by the city must commence within sixty (60) calendar days of issuance and must not be interrupted by any period of more than thirty (30) days. Failure to initiate construction and continue construction as described herein shall constitute grounds for the revocation of the subject permit, and the forfeiture of any fees paid therefore.

(Ord. No. 1101, § 1, 11-23-92; Ord. No. 1195, 9-11-00; Ord. No. 1216, 6-10-02)

**Sec. 4-35. Application review and permit issuance.**

Applications submitted pursuant to section 4-34 shall be reviewed for compliance with the City Code and other issues of city interest.

(Ord. No. 1101, § 1, 11-23-92; Ord. No. 1195, 9-11-00)

**Sec. 4-36. Razing.**

- (a) All razing or demolition of buildings or other structures must comply with the following rules:
- (1) All structures must be razed to ground level.
  - (2) All lots or parcels of ground must be cleared of all debris, rubble or other materials resulting from the demolition within ten (10) days.
  - (3) No debris, rubble or other materials resulting from a demolition shall be burned within the city. All materials which are buried must be covered with at least twelve (12) inches of earth.
  - (4) All foundations, wells, ponds of water or other holes must be filled and covered with at least twelve (12) inches of earth.
  - (5) All resulting vacant parcels of land shall be graded to conform to the adjoining grade levels.

- (6) All resulting parcels of land shall be treated to prevent the blowing of dust. Oil or temporary treatment with chemicals shall not be an acceptable method of treatment.
- (7) A permit for razing shall not be issued until a release is obtained from the utilities serving the structure stating that their respective service connections and appurtenant equipment have been removed or sealed and plugged in a safe manner, and from the Prince George's County Board of Health stating that it is safe to raze the structure from the standpoint of friable insulative materials.
- (8) All demolition, clearing and grading and dust treatment shall be finished within sixty (60) days of the issuance of a permit.

(b) If the work is not accomplished in conformance with all of the above-mentioned rules, the city may enter on the property and finish the work, the charge therefore to be placed against the property and to be collectible in the same manner as taxes.

(Ord. No. 1101, § 1, 11-23-92; Ord. No. 1195, 9-11-00)

#### **Sec. 4-37. Construction safety; stop-work orders.**

(a) All equipment, tools and material left at a project site overnight shall be left secured in a nonhazardous condition in order to protect the safety of the workers and the general public.

(b) All excavations and construction shall comply with American Standard Safety Code for Building Construction, American Standards Association, or other applicable standards as adopted by the State of Maryland and by the Prince George's County Department of Environmental Resources.

(c) In the event that a condition exists at a construction-site that constitutes an immediate and dire danger to persons or property, the city manager or code official is authorized to issue a stop-work order, directing the cessation of work until the danger can be abated.

(d) The city manager or the code official is authorized to issue a stop-work order for any work or construction for which a permit has not been issued as required by section 4-34.

(e) Failure to comply with a corrective order, stop work order, violation notice or any other order issued by a code official for violations of this section is considered a municipal infraction and subject to a fine of five hundred dollars (\$500.00).

(Ord. No. 1101, § 1, 11-23-92; Ord. No. 1195, 9-11-00; Ord. No. 1291, 9-24-07)

#### **Sec. 4-38. Landscaping.**

(a) All areas which are not covered by vegetation and are subject to the blowing of dust shall be treated so as to prevent the blowing of dust. Oil or temporary treatment with chemicals shall not be an acceptable treatment.

(b) All trees, shrubs, grass or plants located within public property which may have been caused to

be removed, damaged or destroyed as a result of construction shall be replaced at the expense of the person, firm or corporation causing such damage.

(Ord. No. 1101, § 1, 11-23-92; Ord. No. 1195, 9-11-00)

#### **Sec. 4-39. Parking and loading areas.**

All loading areas, automobile service stations, drive-in establishments and other parking areas of a commercial or industrial nature shall be paved with bituminous concrete or equivalent surfacing as approved by the city. When lighted for nighttime use, lights shall not be permitted to reflect or cause flare into any residential zone. All unpaved areas of parking or loading areas abutting on residential property shall be sodded or otherwise properly landscaped.

(Ord. No. 1101, § 1, 11-23-92; Ord. No. 1195, 9-11-00; Ord. No. 1216, 6-10-02)

#### **Sec. 4-40. Utility service.**

(a) Within all new residential subdivisions of six (6) or more building lots, all new multifamily structures or groups of structures containing four (4) or more dwelling units, all new commercial or office buildings or groups of commercial or office buildings containing four (4) or more units, all new shopping centers or similar commercial developments, all new primary and secondary electrical distribution lines, wires and cables serving such building developments shall be placed underground. Associated pad-mounted transformers and pad-mounted fuses and switches may be surface-mounted within such areas after a permit therefor has been obtained from the city. Pole-mounted transformers will be permitted to serve new buildings in an established area after a permit therefor has been obtained from the city.

(b) Within the building developments mentioned in subsection (a), all telephone and other communication wires and cables shall be placed underground.

(c) The builder or developer shall provide the public utility involved with such easements as may be necessary to accommodate such underground installations.

(d) Street lighting required by city, county or the Maryland National Capital Park and Planning Commission regulations or directives shall be the responsibility of and shall be installed at the expense of the developer or builder and shall be of such type or style as approved by the city. Maintenance responsibility for such lights may not be transferred to a public agency or private owner unless such lighting installation has been inspected by the city and determined to be operable and without obvious defects.

(Ord. No. 1101, § 1, 11-23-92; Ord. No. 1195, 9-11-00; Ord. No. 1216, 6-10-02)

#### **Sec. 4-41. Drainage.**

(a) All portions of a premises, including unimproved lots, shall be so graded that there is no pooling of water or discharge of water such that there is damage to adjoining properties. All such drainage facilities shall be approved by the city.

(b) All wastewater of any kind, including condensate from cooling systems, shall be discharged into the proper sewer system. The condensate from window-type air conditioners is excepted unless they overhang into public rights-of-way.

(Ord. No. 1101, § 1, 11-23-92; Ord. No. 1195, 9-11-00; Ord. No. 1216, 6-10-02)

**Sec. 4-42. Permit denial; notification.**

Whenever the city manager or code official shall deny the granting of a building permit, a written notice shall be sent to the applicant, setting forth the section of the building code, or other appropriate criteria with which the applicant does not comply.

(Ord. No. 1101, § 1, 11-23-92; Ord. No. 1195, 9-11-00)

**Sec. 4-43. Appeals.**

(a) Any person affected by any notice or order which has been issued in connection with the enforcement of any provision of this article may appeal the notice or order to the city manager, provided that such person shall, within ten (10) days after service upon him/her or on the premises of a notice or order, file in the office of the city manager, a written notice of an appeal, setting forth a statement of reasons therefor. The city manager or his/her designee shall, within fifteen (15) days of the receipt of said notice of appeal, reply in writing to the notice of appeal setting forth the basis of his/her decision to affirm, modify, or revoke the notice or order. The city manager or his/her designee may approve a waiver from the strict application of the requirements of this chapter, provided that such waiver does not compromise the health, safety, and welfare of the citizens of the community.

(b) Any person affected by the decision of the city manager may appeal the decision to the board of appeals, provided that such person shall, within ten (10) days of receipt of said decision, file in the office of the city manager, a written notice of appeal, setting forth a statement of reason thereof and requesting a hearing. Upon receipt of such notice of appeal, the city manager shall forthwith notify the board of appeals, and the board shall promptly set a time and place for such hearing and shall give the person appealing and the city manager notice thereof. The board shall consider and decide such appeals as promptly as practical.

(c) After such hearing, the board may affirm, amend or modify the decision appealed from. In hearing appeals, the board may also grant the applicant a waiver from strict compliance with a code provision upon an express finding that strict compliance is unreasonable or contrary to the spirit and intent of the code, and that strict compliance would impose an undue hardship upon the appellant, provided that a waiver does not compromise the health, safety and welfare of the citizens of the community.

(d) Appeals of the board's decision shall be the same as provided in section 4-57(e) herein.  
(Ord. No. 1101, § 1, 11-23-92; Ord. No. 1195, 9-11-00; Ord. No. 1216, 6-10-02)

**Sec. 4-44. Violations and penalties.**

Any person who shall violate any provision of this article or any provision of any rule or regulation adopted by the mayor and council pursuant to the authority granted by this article shall be issued a notice containing the requirement that the violation must be fully corrected within ten (10) days from the date of the notice and that, in the event that he/she fails to do so within the ten day period, shall be guilty of a municipal infraction in accordance with the provisions of the City Charter and Article 23A, section 3(b)(2) of the Annotated Code of Maryland, and shall be subject to a monetary fine as established by city council resolution. Each day that a violation continues shall constitute a separate offense.

(Ord. No. 1101, § 1, 11-23-92; Ord. No. 1195, 9-11-00)

**Sec. 4-44.5. Unpaid fees and penalties to constitute a lien.**

Fees and penalties established for violations of this article which are not paid as required shall be included in the nonpayer's real property tax bill and shall be collected as city taxes are collected, and the charges shall be due and payable at the time of payment of the tax bill. In the case of a municipal infraction, the fine shall not be deemed due and owing the city until such time as a judgment or order therefor is issued by a court of competent jurisdiction. Such charges shall constitute a lien on the nonpayer's real property.

(Ord. No. 1195, 9-11-00)

**Sec. 4-45. Higher standards to prevail; repealer.**

In any case where a provision of this article is found to be in conflict with a provision of any building, fire, safety or health ordinance or code existing on the effective date of this article, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this article is found to be in conflict with a provision of any other ordinance or code existing on the effective date of this chapter which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this article shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this article.

(Ord. No. 1101, § 1, 11-23-92; Ord. No. 1195, 9-11-00)

**Sec. 4-46. Other governmental bodies, institutions or agencies.**

Every construction, alteration, enlargement, removal, excavation or demolition of any substantial nature within the city to be performed by or for any federal, interstate, state, regional, county, bi-county or municipal body, institution or agency shall require a permit from the city council of the city as a prerequisite to any such construction, alteration, enlargement, removal, excavation or demolition. Enforcement of the provisions of this section may be had by way of injunction.

(Ord. No. 1101, § 1, 11-23-92; Ord. No. 1195, 9-11-00; Ord. No. 1216, 6-10-02)

**Sec. 4-47. Emergency conditions.**

When necessary for the public safety, the city manager may employ the necessary labor and materials to perform work, correct, remove, and cause to be removed, secure, barricade, or otherwise remove any condition which creates a hazard or threat to the public safety and welfare. Costs incurred in the performance of emergency work shall be a lien on the property and collectible in the same manner as delinquent taxes.

(Ord. No. 1195, 9-11-00)

**Secs. 4-48--4-50. Reserved.**

**ARTICLE III.**

**PROPERTY MAINTENANCE CODE\***

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\* **Editors Note:** Ord. No. 1216, June 10, 2002, repealed, ch. 4, art. III, §§ 4-51--4-62, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, art. III pertained to housing, nonresidential premises and property maintenance regulations and derived from Ord. No. 1101, § 1, adopted Nov. 23, 1992; Ord. No. 1143, adopted Feb. 12, 1996; Ord. No. 1176, adopted Feb. 22, 1999; and Ord. No. 1195, adopted Sept 11, 2000.

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## **DIVISION 1.**

### **IN GENERAL**

#### **Sec. 4-51. Intent.**

This article establishes the minimum requirements for initial and continued occupancy of all buildings and does not replace or modify requirements otherwise established for the construction, repair, alteration, or use of buildings, equipment, or facilities, except as provided in this chapter.

(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

#### **Sec. 4-52. Definitions; word usage.**

- (a) The following definitions shall apply in the interpretation and enforcement of this article:

*Accessory structure* shall mean a building or structure, the use of which is incidental to that of the main building or residence and which is located on the same lot of ground.

*Agent* shall mean a person authorized on behalf of a landlord/owner to make, contract for, and authorize repairs to a property; receive and comply with orders, notices and requests of the city; and accept all communications, notices, orders and all types of service of process, including, but not limited to, municipal infraction citations relating to a property. The agent may be, but need not be, the operator of the property.

*Approved* shall mean approved by the code official.

*Appurtenance or appurtenant structure* shall mean all exterior decorative, aesthetic or other devices, such as, but not limited to, shutters, flower boxes, cupolas, etc., that are attached to walls or railings or other parts of the structure, which shall be maintained in a safe and weather-resistant condition.

*Basement* shall mean that portion of a building that is partly or completely below grade.

*Bathroom* shall mean a room containing plumbing fixtures including a bathtub or shower.

*Bedroom* shall mean any room or space used or intended to be used for sleeping purposes.

*Code officer/official* shall mean a civilian city employee or agent empowered to enforce the city Code.

*Condemn* shall mean to adjudge a structure, facility or dwelling unit unfit for occupancy.

*Dumpster* shall mean a mobile garbage bin or trash receptacle used or intended to be used for the collection of quantities of garbage, refuse, debris, waste and rubbish, usually greater than one (1) cubic yard in area.

*Dwelling* shall mean any building that 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* shall mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Emergency* shall mean the existence of circumstances constituting an immediate danger to the public health or safety and requiring prompt enforcement or remedial action under this Code.

*Family* shall mean a group of persons related by blood, marriage or adoption within and including the degree of first cousins.

*ICC* shall mean the International Code Council.

*Nonresidential premises* shall mean any structure or portion of a structure used for any type of commercial activity, including any public building or structure and eleemosynary institutions including churches and the like, industrial activity, commerce or trade, manufacturing or repairing of any item or thing or the storage of any part or thing used or to be used in any of the activities described above.

*Property* shall mean any land within the City of Greenbelt and any improvement thereon.

*Exterior property* shall mean the open space on the premises and on adjoining property under the control of owners or operators of such premises.

*Extermination* shall mean the control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping; or by any other approved pest elimination methods.

*Garbage* shall mean the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

*Graffiti* shall mean the drawings or inscriptions that have been scratched, painted, rubbed, etched, gouged, cut, engraved, or built on property, buildings or any surface, public or private, usually so as to be seen by the public, which: mar, deface, blemish, disfigure, blight (reduce in value), cause deterioration, damage, loss, erosion, mutilation, corrosion, or tarnish to said property, building or surface.

*Guard* shall mean a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

*Habitable space* shall mean the space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

*Imminent danger* shall mean a condition that could cause serious or life-threatening injury or death at any time.

*Infestation* shall mean the presence within, or contiguous to, a structure or premises of insects, rats, vermin or other pests.

*Inspection* shall mean an examination of a building, facility, dwelling unit or property, or any part or portion thereof, to carry out the purposes of this chapter.

*Labeled* shall mean devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

*Let for occupancy or let* shall mean to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

*Occupancy* shall mean the purpose for which a building or portion thereof is utilized or occupied.

*Occupant* shall mean any individual living or sleeping in a building or having possession of a space within a building.

*Openable area* shall mean that part of a window, skylight or door that is available for unobstructed ventilation and which opens directly to the outdoors.

*Operator* shall mean any person who has charge, care or control of a structure or premises that is let or offered for occupancy.

*Owner* shall mean any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

*Person* shall mean an individual, corporation, partnership or any other group acting as a unit.

*Portable on-demand storage or PODS* shall mean any structure, unit, enclosure, crate or the like used or intended to be used for the storage of property, materials, furniture, merchandise, or other goods,

which does not have a permanent foundation or utility service and is intended to be relocated either with or without the stored contents.

*Premises* shall mean a lot, plot or parcel of land including any structures thereon.

*Rooming house* shall mean a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

*Rooming unit* shall mean any room or group of rooms forming a single, habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

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

*Shed* shall mean any structure located on a property for which there is an existing principal structure or use, which is used or intended to be used for storage, which may or may not include a permanent foundation and/or utility service, and which is not intended to be used for the storage or parking of an automobile.

*Sleeping room* shall mean a room or enclosed floor space with adequate light, heat and ventilation intended for sleeping, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, living rooms, kitchens, dining rooms, closets and storage spaces, recreational rooms, workshops or porches, enclosed or otherwise.

*Strict liability offense* shall mean an offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act that was prohibited or failed to do an act that the defendant was legally required to do.

*Structure* shall mean that which is built or constructed or a portion thereof.

*Supplied* shall mean paid for, installed, furnished or provided by or under the control of the owner or operator.

*Tenant* shall mean a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

*Toilet room* shall mean a room containing a water closet or urinal but not a bathtub or shower.

*Ventilation* shall mean the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

*Workmanlike* shall mean executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

*Yard* shall mean an open space on the same lot with a structure.

(b) Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit" and "premises" are used in this article, they are construed as though they were followed by the words "or any part thereof."

(c) Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular.

(d) Where terms are not defined in this Code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code, ASME safety code for elevators and escalators or the ICC Electrical Code, such terms shall have the meanings ascribed to them as in those codes.

(e) Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.  
(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

#### **Sec. 4-53. Adoption of rules and regulations.**

The city council or its designees are hereby authorized to make and to adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this article, provided that such rules and regulations shall have the same force and effect as the provisions of this article and the penalty for violation of the provisions of this article.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-54. Conflict of provisions.**

In any case where a provision of this article is found to be in conflict with a provision of any building, fire, mechanical, electrical, zoning, safety or health ordinance or code existing on the effective date of this article, the provision that establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this article is found to be in conflict with a provision of any other ordinance or code existing on the effective date of this article that establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this article shall be deemed to prevail.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-55. Housing and property maintenance code rules.**

(a) For the purposes of inspection, the code officer is herein authorized to enter, examine and survey all dwellings, dwelling units, rooming units and all other buildings and premises between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday.

(b) If, upon presentation of proper credentials, and if, during the aforementioned hours for inspection the code officer is denied entrance, said officer will give to the person denying entrance official notice of a subsequent inspection not longer than ten (10) days hence and at a designated hour. If within ten (10) days,

upon a second request to inspect the same premises, the code officer is again denied entrance, said code officer shall petition the appropriate legal body and shall acquire a warrant permitting legal entrance into said premises pursuant to authority set forth in Article 23A of the Annotated Code of Maryland. Failure to allow entry for such inspections shall constitute sufficient reason for the denial or revocation of the license or permit involved.

(c) Any and all buildings constructed prior to the passage of this article shall be in compliance with the provisions of said article, except in such case as it is necessary to waive certain provisions and/or requirements pursuant to provisions of this article. Each said exception shall be decided singly on its own merits. All construction subsequent to the passage of said article shall likewise comply with the several provisions of said article and shall be allowed the same appeal procedure as provided within this article.  
(Ord. No. 1216, 6-10-02)

## **DIVISION 2.**

### **ADMINISTRATION**

#### **Subdivision 1.**

##### **In General**

#### **Sec. 4-56. Title.**

These regulations shall be known as the Property Maintenance Code of the City of Greenbelt, Maryland, hereinafter referred to as "this Code."  
(Ord. No. 1216, 6-10-02)

#### **Sec. 4-57. Scope.**

The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.  
(Ord. No. 1216, 6-10-02)

#### **Sec. 4-58. Intent.**

This Code shall be construed to secure its express intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.  
(Ord. No. 1216, 6-10-02)

#### **Sec. 4-59. Severability.**

If a division, subdivision, section, subsection, sentence, clause or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. (Ord. No. 1216, 6-10-02)

**Subdivision 2.**

**Applicability**

**Sec. 4-60. In general.**

The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in this article. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern. (Ord. No. 1216, 6-10-02)

**Sec. 4-61. Maintenance.**

Equipment, systems, devices and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises. (Ord. No. 1216, 6-10-02)

**Sec. 4-62. Application of other codes.**

Repairs, additions, or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of this chapter. (Ord. No. 1216, 6-10-02)

**Sec. 4-63. Existing remedies.**

The provisions in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and unsanitary. (Ord. No. 1216, 6-10-02)

**Sec. 4-64. Workmanship.**

Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions. (Ord. No. 1216, 6-10-02)

**Sec. 4-65. Referenced codes and standards.**

The codes and standards referenced in this Code shall be those that are listed in division 8 of this chapter or other codes adopted by reference and considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply. (Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

**Sec. 4-66. Requirements not covered by Code.**

Requirements necessary for the strength, stability, or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare that are not specifically covered by this Code shall be determined by the code official.

**Subdivision 3.**

**Inspections**

**Sec. 4-67. Inspections.**

(a) The code official is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and all other buildings and premises located within this city, in order that the city may perform its duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the code official is hereby authorized, upon presentation of proper credentials, to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and all other buildings and premises.

(b) The owner or occupant of every dwelling, dwelling unit, rooming unit or other building, or the person in charge thereof shall give the code officer free access to such dwelling, dwelling unit or rooming unit or other building and its premises at all reasonable times for the purpose of such inspection, examination and survey. Failure to allow entry for such inspections shall constitute reason for the denial or revocation of the license or permit involved. Every occupant of a dwelling or dwelling unit shall give the owner thereof or his/her agent or employee access to any part of such dwelling or dwelling unit or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this article.

(c) If access is denied for the purpose of conducting inspections required under this article, the code official shall be authorized to petition the appropriate legal body and shall acquire a warrant or order permitting legal entrance into said premises, pursuant to authority set forth in Article 23A of the Annotated Code of Maryland. (Ord. No. 1216, 6-10-02)

**Sec. 4-68. Restriction of employees.**

An official or employee connected with the enforcement of this Code shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of a building or part thereof within the corporate limits of the city, or the preparation of

construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-69. Liability.**

(a) The code official, officer or employee charged with the enforcement of this Code, while acting for the city, shall not thereby be rendered liable personally and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

(b) Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the city until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any code official, employee of the city, or agent thereof, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-70. Fees and penalties.**

(a) Fees and penalties shall be as established in Sec. 4-287 of this chapter.

(b) For any nonresidential addresses, under the same ownership and used for a single business, adjacent to one another and connected by means of door or corridor, fees shall be calculated as if it were a single business address.

(c) Churches, synagogues, parsonages, social halls and church schools shall be exempt from inspection fees.

(d) Fees and penalties established for violations of this article that are not paid as required shall be included in the nonpayer's real property tax bill and shall be collected as city taxes are collected, and the charges shall be due and payable at the time of payment of the tax bill. In the case of a municipal infraction, the fine shall not be deemed due and owing the city until such time as a judgment or order therefor is issued by a court of competent jurisdiction. Such charges shall constitute a lien on the nonpayer's real property.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-71. Unpaid fees and penalties to constitute a lien.**

Fees and penalties established for violations of this article that are not paid as required shall be included in the nonpayer's real property tax bill and shall be collected as city taxes are collected, and the charges shall be due and payable at the time of payment of the tax bill. In the case of a municipal infraction, the fine shall not be deemed due and owing the city until such time as a judgment or order therefor is issued by a court of competent jurisdiction. Such charges shall constitute a lien on the nonpayer's real property.  
(Ord. No. 1216, 6-10-02)

## **Subdivision 4.**

### **Duties and Powers of the Code Official**

#### **Sec. 4-72. In general.**

The code official shall enforce the provisions of this Code.  
(Ord. No. 1216, 6-10-02)

#### **Sec. 4-73. Rule-making authority.**

The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this Code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety.  
(Ord. No. 1216, 6-10-02)

#### **Sec. 4-74. Inspections.**

The code official shall make all of the required inspections or shall accept reports of inspection by approved agencies or individuals. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.  
(Ord. No. 1216, 6-10-02)

#### **Sec. 4-75. Right of entry.**

The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law and within this article.  
(Ord. No. 1216, 6-10-02)

#### **Sec. 4-76. Identification.**

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.  
(Ord. No. 1216, 6-10-02)

#### **Sec. 4-77. Notices and orders.**

The code official shall issue all necessary notices or orders to ensure compliance with this Code.

## **Subdivision 5.**

### **Approval**

#### **Sec. 4-78. Modifications.**

Whenever there are practical difficulties involved in carrying out the provisions of this Code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-79. Alternative materials, methods and equipment.**

The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-80. Required testing.**

Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the city.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-81. Test methods.**

Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-82. Testing agency.**

All tests shall be performed by an approved agency.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-83. Test reports.**

Reports of tests shall be retained by the code official for the period required for retention of public records.

(Ord. No. 1216, 6-10-02)

**Sec. 4-84. Material and equipment reuse.**

Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.  
(Ord. No. 1216, 6-10-02)

**Subdivision 6.**

**Violations**

**Sec. 4-85. Unlawful acts.**

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-86. Notice of violation.**

The code official shall serve a notice of violation or order in accordance with this article.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-87. Prosecution of violation.**

If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-88. Violation penalties.**

Any person who shall violate a provision of this Code, or fail to comply therewith or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-89. Abatement of violation.**

The imposition of the penalties herein prescribed shall not preclude the code official from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.  
(Ord. No. 1216, 6-10-02)

**Subdivision 7.**

**Notices and Orders**

**Sec. 4-90. Notice to owner or to person or persons responsible.**

(a) Whenever the code official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefor.

(b) Such notice shall be in accordance with all of the following:

(1) Be in writing.

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

(3) Include a statement of the violation or violations and why the notice is being issued.

(4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit, structure, premises or property into compliance with the provisions of this Code..

(5) Inform the property owner of the right to appeal.

(c) Such notice may contain:

(1) An outline of remedial action that, if taken, will effect compliance with the provisions of this article and with the rules and regulations adopted pursuant thereto.

(2) The requirement that the violation must be fully corrected within a specified period of time from the date of the notice and that, in the event that he/she fails to do so within the specified period of time, a citation shall be delivered to him/her in accordance with the provisions of this article and Article 23A, Section 3(b)(2), of the Annotated Code of Maryland, advising him/her of the imposition of a fine as set forth by city council resolution and payable to the city. In the event that he/she elects not to stand trial for the violation and the violation is not fully corrected and the fine paid within the following ten (10) day period, a second citation shall be delivered to him/her in accordance with the same provisions, advising him/her of the imposition of an additional fine as set forth in this article. Each successive ten (10) day period in which he/she elects not to stand trial for the violation and the violation is not fully corrected and all fines and penalties paid, an additional citation shall be delivered to him/her advising him/her of the imposition of an additional fine as set forth in this article.

(d) In the event there is a repeat violation on the same property during the ensuing twelve-month period, the fines for the repeat violation shall be as set forth in the resolution establishing fees and penalties, passed in conjunction with this article.

(Ord. No. 1216, 6-10-02)

**Sec. 4-91. Method of service.**

Such notice shall be deemed to be properly served if a copy thereof is:

- (a) Served upon him/her personally;
  - (b) Sent by certified/restricted delivery mail addressed to his/her last known address;
  - (c) Left at his/her usual place of abode with a person of suitable age and discretion;
  - (d) Posted in a conspicuous place in or about the dwelling, building or property affected by the notice; or
  - (e) Served with such notice by any other method authorized or required under the laws of this state.
- (Ord. No. 1216, 6-10-02)

**Sec. 4-92. Penalties.**

Penalties for noncompliance with orders and notices shall be as set forth in section 4-287 of this chapter.  
(Ord. No. 1216, 6-10-02; Ord. No. 1232, 9-23-02)

**Sec. 4-93. Transfer of ownership.**

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.  
(Ord. No. 1216, 6-10-02)

**Subdivision 8.**

**Unsafe Structures and Equipment**

**Sec. 4-94. In general.**

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-95. Unsafe structures.**

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in

the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**Sec. 4-96. Unsafe equipment.**

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(Ord. No. 1216, 6-10-02)

**Sec. 4-97. Structure unfit for human occupancy.**

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin- or rat-infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(Ord. No. 1216, 6-10-02)

**Sec. 4-98. Unlawful structure.**

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or to have been erected, altered or occupied contrary to law.

(Ord. No. 1216, 6-10-02)

**Sec. 4-99. Closing of vacant structures.**

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and a lien shall be placed upon such real estate and may be collected by any other legal resource.

(Ord. No. 1216, 6-10-02)

**Sec. 4-100. Notice.**

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-101. Placarding.**

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-102. Prohibited occupancy.**

Any person who shall occupy a placarded premise or operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment, shall be liable for the penalties provided by this Code.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-103. Removal of placard.**

The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this Code.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-104. Prohibited actions.**

No owner, operator or occupant of a building, dwelling unit or structure shall willfully cause any service, equipment or utility to be removed, shut off or discontinued for any occupied dwelling let or occupied by him/her except for such temporary interruption as may be necessary while actual repairs or alterations are being made or during other temporary arrangements.

(Ord. No. 1216, 6-10-02)

### **Subdivision 9.**

#### **Emergency Measures**

#### **Sec. 4-105. Imminent danger.**

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous

condition or of demolishing the same.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-106. Temporary safeguards.**

Notwithstanding other provisions of this Code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-107. Closing streets.**

When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being used.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-108. Emergency repairs.**

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-109. Costs of emergency repairs.**

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-110. Hearing.**

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this Code.  
(Ord. No. 1216, 6-10-02)

**Subdivision 10.**

**Demolition**

**Sec. 4-111. In general.**

The code official shall order the owner of any premises upon which is located any structure, which in

the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two (2) years, to demolish and remove such structure.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-112. Notices and orders.**

All notices and orders shall comply with this article.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-113. Failure to comply.**

If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall constitute a lien upon such real estate.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-114. Salvage materials.**

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

(Ord. No. 1216, 6-10-02)

### **Subdivision 11.**

#### **Means of Appeal**

#### **Sec. 4-115. Application for appeal.**

Any person directly affected by a decision of the code official or a notice or order issued under this Code shall have the right to appeal. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means, or that the strict application of any requirement of this Code would cause an undue hardship.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-116. Board of appeals.**

(a) There is hereby crafted and established the Greenbelt Board of Appeals, herein sometimes referred to as the "board," which shall consist of three (3) members, all of whom shall reside in and be qualified voters of the City of Greenbelt, Maryland, and shall hold no office or position in the city government with pay or compensation. The purpose of said board is to hear appeals from the provisions of this article. The members shall be appointed by the city council, and of those first appointed, one (1) shall be appointed to serve for one (1) year, one (1) for two (2) years and one (1) for three (3) years. Thereafter, members shall be appointed for terms of three (3) years. Vacancies shall be filled by the city council for the unexpired portion of a term.

(b) The board shall elect its chairperson from its membership. All members of the board shall be entitled to vote, and its decisions shall be determined by a majority vote of the members present. A quorum of two (2) members shall be required before the board may take any official action. All hearings of the board shall be open to the public, and a full and impartial hearing shall be granted on all appeals. The board shall meet as required to consider appeal requests filed pursuant to this article, or other matters determined by the board to be necessary to discuss the organization of the board, the conduct of the meetings, and the consideration of its actions. The board shall notify the appellant thirty (30) days from the receipt of the appeal of the date on which the appeal will be scheduled for hearing by the board. Insofar as reasonably possible, all hearings shall be informal and free from technical rules of law and evidence. When voting on any question, the determination may be made by ballot, but no proxy shall be allowed at any time. The board shall keep minutes of its proceedings, and all findings, decisions and orders shall be reduced to writing and entered as a matter of public record in the office of the city manager. In matters concerning the procedure for meetings not covered by this article, the board may establish its own rules, provided that they are not contrary to the spirit of this article.

(c) Any person affected by any notice or order which has been issued in connection with the enforcement of any provision of this article may request and shall be granted a hearing on the matter by the board, provided that such person shall have first appealed such notice or order to the city manager within ten (10) days of receiving the notice. Within ten (10) days after service of a final decision of the city manager, such person shall file in the office of the city manager a signed written notice of appeal requesting a hearing before the board and setting forth a brief statement of the reasons therefor. A notice of appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means. Upon receipt of such notice of appeal, the city manager shall forthwith notify the board, and the board shall set a time and place for such hearing and shall give the person appealing and the code officer involved notice thereof. The board shall determine such appeals as promptly as practicable.

(d) Decision of board; waiver.

(1) After such hearing, the board may affirm, amend, modify or withdraw the appealed notice or order. The decision of the board shall constitute an order, and any person who shall fail, refuse or neglect to comply with any such order shall be guilty of violating the provisions of this article.

(2) The board of appeals can grant a waiver from the strict enforcement of the housing code if it finds that the health, safety and general welfare of the occupant or of the community are not impaired or endangered.

(e) The decision of the board shall in all cases be final, except that any appellant or party directly aggrieved by a decision of the board may, provided that he/she do so within thirty (30) days after the rendering

of such decision, appeal to the Circuit Court for Prince George's County, Maryland, pursuant to the B Rules of the Maryland Rules of Procedures. The court's review shall be the same as for any other administrative body/agency. The decision of the board in any case on appeal shall be stayed pending a decision by the court.

(f) Whenever the code officer finds that an emergency exists that requires immediate action to protect the public health, he/she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken, as he/she deems necessary to meet the emergency. Notwithstanding the other provisions of this article, such order shall be effective immediately but, upon petition to the city manager, shall be afforded a hearing before the city manager or his/her designee within three (3) working days. After such hearing, depending upon its finding as to whether the provisions of this article and of the rules and regulations adopted pursuant thereto have been complied with, the city manager shall continue such order in effect or modify it or revoke it. Subsequent appeal to the board of appeals shall be the same as provided hereinabove.

(g) Members of the board shall disclose to the board and city council any conflict of interest, as that term is understood in the Maryland Common Law and the city code, and shall refrain from voting or taking action on any matter concerning which that member has a potential conflict of interest, such as having an interest in a piece of property, whether as owner, contract purchaser or prospective purchaser, tenant, agent, broker, mortgagee or mortgagor, and voting or participating in the discussion or taking action in the regulation of that property that might affect that member's interest in a financial way.

(h) Demolition of housing; hearing.

(1) The board of appeals, upon information from the city manager that any dwelling or other structure within the corporate limits of the city has been ordered demolished, shall schedule a hearing on the matter within a reasonable time thereafter. The owner of the property shall be notified by registered mail of the scheduled hearing at least fifteen (15) days in advance of the scheduled meeting. Notice of the meeting, including a description of the involved property, shall be published in two (2) consecutive issues of a newspaper of general circulation in the city.

(2) On the scheduled date of the hearing, the board of appeals shall hear the owner of said property or his/her duly designated agent or representative, if either shall appear, and may also hear any additional evidence or verified information that may have a bearing upon the case.

(i) Board members shall receive an annual stipend of two hundred fifty dollars (\$250.00) per member. In addition each board member shall receive payment in the amount of one hundred dollars (\$100.00) for every meeting attended relative to the execution of duties as set forth in this article.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-117. Court review.**

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

(Ord. No. 1216, 6-10-02)

**Sec. 4-118. Stays of enforcement.**

Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

(Ord. No. 1216, 6-10-02)

**DIVISION 3.**

**GENERAL REQUIREMENTS**

**Subdivision 1.**

**In General**

**Sec. 4-119. Scope.**

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

(Ord. No. 1216, 6-10-02)

**Sec. 4-120. Responsibility.**

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises that they occupy and control.

(Ord. No. 1216, 6-10-02)

**Sec. 4-121. Vacant structures and land.**

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

(Ord. No. 1216, 6-10-02)

**Subdivision 2.**

**Exterior Property Areas**

**Sec. 4-122. Sanitation.**

All exterior property and premises shall be maintained in a clean, safe and sanitary condition and graffiti-free. The occupant shall keep that part of the exterior property that such occupant occupies or controls in

a clean and sanitary condition.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-123. Grading and drainage.**

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon or within any structure located thereon.

*Exception:* Approved retention areas and reservoirs.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-124. Sidewalks and driveways.**

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-125. Weeds.**

All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation other than trees or shrubs, provided, however, this term shall not include cultivated flowers and gardens. Upon failure to comply with any corrective order, notice of violation, or other order issued by a code official for the City of Greenbelt, any duly authorized employee of the city or contractor hired by the city shall be authorized to enter upon the subject property and cut and destroy the weeds growing thereon, and the costs of such cutting and removal shall be paid by the owner or agent responsible for the property.  
(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

**Sec. 4-126. Rodent harborage.**

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.  
(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

**Sec. 4-127. Exhaust vents.**

Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.  
(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

**Sec. 4-128. Accessory structures.**

- (a) All accessory structures, including detached garages, sheds, fences and walls, shall be

maintained structurally sound and in good repair.

(b) All accessory structures shall conform in every way with the requirements of the Prince George's County Zoning Ordinance, as may be amended from time to time, except for accessory structures considered legal non-conforming structures, as defined by the Prince George's County Zoning Ordinance. (Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

**Sec. 4-128.5. Portable storage units.**

Portable storage units (PODS) shall conform in every way with the requirements of the Prince George's County Zoning Ordinance, as may be amended from time to time. Portable storage units (PODS) are prohibited on all public property and public rights-of-way unless permitted by the city. (Ord. No. 1291, 9-24-07)

**Sec. 4-129. Gates.**

Gates that are required to be self-closing and self-latching in accordance with the International Building Code shall be maintained such that the gate will positively close and latch when released from a still position of six (6) inches from the gatepost. (Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

**Sec. 4-130. Swimming pools.**

Swimming pools shall be maintained in a clean and sanitary condition and in good repair. (Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

**Sec. 4-130.5. Swimming pool enclosures.**

Private swimming pools, hot tubs and spas containing water more than thirty-six (36) inches in depth shall be completely surrounded by a fence or barrier at least seventy-two (72) inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than fifty-four (54) inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six (6) inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

*Exception:* Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section. (Ord. No. 1291, 9-24-07)

**Sec. 4-131. Motor vehicles.**

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an

approved spray booth.

*Exception:* A vehicle of any type is permitted to undergo major overhaul, including bodywork, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-132. Defacement of property.**

No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving, or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-133. Parking on unpaved/unprepared surfaces.**

The parking or storage of motor vehicles, boats, trailers, motor homes and camping trailers shall be prohibited on any unpaved/ unprepared area in any yard of any residential lot. A surface shall be considered paved and /or prepared should it consist of poured concrete surface completed in a workmanlike fashion; an asphalt surface placed on compacted subgrade, rolled to smooth and level surface; or brick, crushed gravel or like material, pavers, or other structural material, compacted and maintained free of loose materials, dust and infiltration vegetative growth.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-134. Dead and dying trees.**

All dead and dying trees, or parts thereof, which are in danger of falling and are thereby dangerous to life, health, property, or the safety of the public, shall be removed, or otherwise made safe through pruning or removing those portions of the tree in danger of falling, by the owner of the property.

(Ord. No. 1216, 6-10-02)

### **Subdivision 3.**

#### **Exterior Structure**

#### **Sec. 4-135. In general.**

The exterior of a structure shall be maintained in good repair, graffiti-free, structurally sound and sanitary, so as not to pose a threat to the public health, safety or welfare.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-136. Protective treatment.**

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good, clean and sanitary condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other

protective covering or treatment. Peeling, flaking and chipped paint, cracked plaster, decayed wood and other defective surface conditions shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-137. Premises identification.**

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of three and one half (3.5) inches high with a minimum stroke width of zero and one half (0.5) inch.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-138. Structural members.**

All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-139. Foundation walls.**

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-140. Exterior walls.**

All exterior walls shall be free from holes, breaks, and loose or rotting materials and shall be maintained weatherproof and properly surface-coated where required to prevent deterioration.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-141. Roofs and drainage.**

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-142. Decorative features.**

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be

maintained in good repair with proper anchorage and in a safe condition.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-143. Overhang extensions.**

All overhang extensions, including but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts, shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, 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.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-144. Stairways, decks, porches, balconies and walking surfaces.**

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. Balconies and patios on multifamily dwelling units shall not be utilized for storage, or the placement of furniture not intended for outdoor use. Every stair, ramp, balcony, porch, deck or other walking surface must comply with section 4-252.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-145. Chimneys and towers.**

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-146. Handrails and guards.**

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-147. Window, skylight and door frames.**

Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-148. Glazing.**

All glazing materials shall be maintained free from cracks and holes.  
(Ord. No. 1216, 6-10-02)

#### **Sec. 4-149. Openable windows.**

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

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-150. Insect screens.**

During the period from April 15 to October 15, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch and every swinging door shall have a self-closing device in good working condition.

*Exception:* Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-151. Doors.**

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with section 4-244.

(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

#### **Sec. 4-151.5. Building security.**

(a) Doors, windows and hatchways for dwelling units or rooming units shall be provided with devices designed to provide security for the occupants of the premises.

(b) Doors providing access to a dwelling unit or rooming unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be capable of being readily opened from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than one (1) inch. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

(c) Operable windows located in whole or in part within six feet above ground level or a walking surface below, which provide access to a dwelling unit or rooming unit that is rented, leased or let, shall be equipped with a window sash locking device.

(d) Basement hatchways that provide access to a dwelling unit or rooming unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

(Ord. No. 1291, 9-24-07)

#### **Sec. 4-152. Basement hatchways.**

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

(Ord. No. 1216, 6-10-02)

**Sec. 4-153. Guards for basement windows.**

Every basement window that is openable shall be supplied with rodent shields, storm windows, or other approved protection against the entry of rodents.

(Ord. No. 1216, 6-10-02)

**Sec. 4-154. Vacant and damaged or uninhabitable structures.**

Vacant and damaged or uninhabitable structures shall be secured temporarily by having boarding securely placed completely over all openings. All exterior boards must be completely painted in accordance with the predominant tone of the structure. The boards shall not extend beyond the perimeter of the openings. Door openings shall be secured by having the doors locked and inaccessible.

(Ord. No. 1216, 6-10-02)

**Sec. 4-155. Patio, balcony doors and windows.**

All patio and balcony sliding entrance doors, and all windows capable of being opened and accessible from a balcony or located two stories or less above the grade, shall be equipped with a device which locks and secures the door or window within its frame so as to provide reasonable security against unauthorized entry by opening or removal of the security bars and jimmy plates.

(Ord. No. 1216, 6-10-02)

**Subdivision 4.**

**Interior Structure**

**Sec. 4-156. In general.**

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two (2) or more dwelling units or two (2) or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(Ord. No. 1216, 6-10-02)

**Sec. 4-157. Structural members.**

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

(Ord. No. 1216, 6-10-02)

**Sec. 4-158. Interior surfaces.**

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-159. Stairs and walking surfaces.**

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-160. Handrails and guards.**

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-161. Interior doors.**

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers, or tracks as intended by the manufacturer of the attachment hardware.

- (1) *Locking devices.* Any swinging entrance door to an individual apartment/multi-family dwelling unit shall be provided with a deadbolt locking device having a minimum throw of not less than one (1) inch with the deadbolt capable of being activated by key from the outside and by turn-knob from the inside, so as to provide reasonable security against unauthorized entry. The exterior door, door hinge, door lock and door latch for each unit shall be maintained in functional condition.
- (2) *Visual detection device.* Unless a visual detection device (magnifying peephole) is currently provided, all swing entrance doors to any individual apartment/multifamily dwelling unit shall be equipped with a visual detection device that will provide a one hundred eighty (180) degree viewing angle so as to allow the occupant of a dwelling unit to inspect the entrance area outside the door while the door is closed.
- (3) *Auxiliary use doors.* Where exterior entrance doors to buildings are not secured, entrance doors to laundry rooms, storage areas, trash rooms, and similar areas within multifamily dwellings shall be provided with locking hardware, and the respective apartment tenants provided with access keys.

(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

**Sec. 4-162. Interior directional signs.**

All multifamily buildings, except for those originally constructed/designed for one- or two-family use, shall have readily visible signs in interior hallways and stairways that direct users to specific dwelling units or floors within the building as specified by the following:

- (1) All primary entrance doors into an individual dwelling unit shall have permanently affixed thereto readily visible markings that identify that particular unit.
- (2) On the wall directly facing an elevator exit, other than the lobby exit, there shall be permanently affixed a sign that identifies the most direct path of travel to all dwelling units located on that floor. The sign shall have bold lettering with a minimum height of one-half ( 1/2) inch.
- (3) On the wall directly facing any junction of a hallway, there shall be permanently affixed a sign that identifies the most direct path of travel to all dwelling units in hallways leading from that junction. When a sign is placed at any location required under subsection (2), which sign would be visible at the location requiring a sign under subsection (3), only one (1) sign at either location shall be required.
- (4) On the ingress side of any door leading from a stairway to a hallway, there shall be permanently affixed a sign that identifies the particular floor/level entered through that door, or the identification number of dwelling units located on that floor/level. The sign shall have bold lettering with a minimum height of six (6) inches.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-163. Lead paint.**

Interior and exterior painted surfaces of dwellings and of child and day care facilities, including fences and outbuildings, that contain lead levels equal to or greater than one (1.0) milligram per square centimeter or in excess of one half (0.5) percent lead by weight shall be maintained in a condition free from peeling, chipping, and flaking paint or removed or covered in an approved manner. Any surface to be covered shall first be identified by approved warnings as to the lead content of such surface.

(Ord. No. 1216, 6-10-02)

### **Subdivision 5.**

#### **Rubbish and Garbage**

#### **Sec. 4-164. Accumulation of rubbish or garbage.**

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. Properties shall be kept free from the abandonment, storage, or discarding of shopping carts, unless such shopping carts are owned by the property owner or business upon which property the shopping carts are stored. If shopping carts are maintained on a premises by a property owner or business thereon, such shopping carts shall be contained in such areas as to avoid damage to grass, curbs, structures, parked vehicles, or to impede parking spaces or parking drive aisles; or maintained such that the general public may be injured due to the manner in which the shopping carts are kept or stored.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-165. Disposal of rubbish.**

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved garbage containers. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.  
(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

#### **Sec. 4-166. Rubbish storage facilities.**

The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of the rubbish.  
(Ord. No. 1216, 6-10-02)

#### **Sec. 4-167. Disposal of garbage.**

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.  
(Ord. No. 1216, 6-10-02)

#### **Sec. 4-168. Garbage facilities.**

The owner of every dwelling shall supply one of the following: an approved mechanical food waste-grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.  
(Ord. No. 1216, 6-10-02)

#### **Sec. 4-169. Garbage containers.**

The owner or operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal. The term garbage container shall mean any container used or intended to be used for the storage of garbage, waste, litter, refuse and debris until such materials are removed from the premises for disposal. Garbage containers, including dumpsters, shall be emptied, cleaned, and/or deodorized as necessary, to prevent the container from becoming malodorous. Litter, refuse, waste and debris shall not be allowed to accumulate around the dumpster. All litter, refuse, waste and debris shall be deposited in such a manner as to prevent spilling or blowing out of the container. The garbage container must have a closeable top, and doors (if applicable), and shall be maintained so that all openings are able to be closed and secured. All commercial garbage containers, including dumpsters, shall prominently display on the exterior of the container the name of the company responsible for service of the container, as well as a local phone number at which a party responsible for the service and maintenance of the container may be contacted.  
(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

#### **Sec. 4-169.5. Screening requirements.**

All dumpsters, trash pads, and trash collection or storage areas shall be screened from all adjoining

properties except for those on which industrial, warehouse/distribution, or resource recovery uses are permitted; from all public roads; if located within a residential development, from all outdoor living and recreation areas, parking areas, and entrance drives within the development; and if located within a commercial development, from all outdoor recreation areas, retail parking areas, and entrance drives within the development. Screening provided shall conform to the requirements of the Prince George's County Landscape Manual, the requirements of the Prince George's County Zoning Ordinance, and county and city permitting requirements.  
(Ord. No. 1291, 9-24-07)

**Sec. 4-170. Special trash.**

The city shall establish administrative policies that define "special trash" and regulate pick-up.  
(Ord. No. 1216, 6-10-02)

**Subdivision 6.**

**Extermination**

**Sec. 4-171. Infestation.**

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-172. Owner.**

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-173. Single occupant.**

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-174. Multiple occupancy.**

The owner of a structure containing two (2) or more dwelling units, a multiple occupancy, a rooming house, or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-175. Occupant.**

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

*Exception:* Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

(Ord. No. 1216, 6-10-02)

## **DIVISION 4.**

### **LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

#### **Subdivision 1.**

##### **In General**

#### **Sec. 4-176. Scope.**

The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation, and space for occupying a structure.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-177. Responsibility.**

The owner of the structure shall provide and maintain light, ventilation, and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this division.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-178. Alternative devices.**

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

(Ord. No. 1216, 6-10-02)

#### **Subdivision 2.**

##### **Light**

#### **Sec. 4-179. Habitable spaces.**

Every habitable space shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight (8) percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

*Exception:* Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight (8) percent of the floor area of the interior room or space, but not less than twenty-five (25) square feet. The exterior glazing area shall be based on the total floor area being served.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-180. Common halls and stairways.**

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each two hundred (200) square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than thirty (30) feet. In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one (1) footcandle (11 lux) at floors, landings and treads.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-181. Other spaces.**

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(Ord. No. 1216, 6-10-02)

### **Subdivision 3.**

#### **Ventilation**

#### **Sec. 4-182. Habitable spaces.**

Every habitable space shall have at least one (1) operable window. The total operable area of the window in every room shall be equal to at least forty-five (45) percent of the minimum glazed area required in section 4-179.

*Exception:* Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight (8) percent of the floor area of the interior room or space, but not less than twenty-five (25) square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-183. Bathrooms and toilet rooms.**

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by section 4-182, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

(Ord. No. 1216, 6-10-02)

**Sec. 4-184. Cooking facilities.**

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

*Exception:* Devices such as coffee pots and microwave ovens shall not be considered cooking appliances. Other exceptions may specifically be approved in writing by the code official.  
(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

**Sec. 4-185. Process ventilation.**

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

(Ord. No. 1216, 6-10-02)

**Sec. 4-186. Clothes dryer exhaust.**

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the latest edition of the International Mechanical Code.

(Ord. No. 1216, 6-10-02)

**Subdivision 4.**

**Occupancy Limitations**

**Sec. 4-187. Privacy.**

Dwelling units, hotel units, rooming units, and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(Ord. No. 1216, 6-10-02)

**Sec. 4-188. Minimum room widths.**

A habitable room, other than a kitchen, shall not be less than seven (7) feet in any plan dimension. Kitchens shall have a clear passageway of not less than three (3) feet between counter-fronts and appliances or counter-fronts and walls.

(Ord. No. 1216, 6-10-02)

**Sec. 4-189. Minimum ceiling heights.**

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven (7) feet.

*Exceptions:*

- (1) In one- and two-family dwellings, beams or girders spaced not less than four (4) feet on center and projecting not more than six (6) inches below the required ceiling height.
- (2) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six (6) feet eight (8) inches with not less than six (6) feet four (4) inches of clear height under beams, girders, ducts and similar obstructions.
- (3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven (7) feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five (5) feet or more shall be included.

(Ord. No. 1216, 6-10-02)

**Sec. 4-190. Bedroom requirements.**

Every bedroom shall comply with the following requirements:

- (1) *Area for sleeping purposes.* Every bedroom occupied by one (1) person shall contain at least seventy (70) square feet of floor area, and every bedroom occupied by more than one (1) person shall contain at least fifty (50) square feet of floor area for each occupant thereof.
- (2) *Access from bedrooms.* Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces, except for units that contain fewer than two (2) bedrooms.
- (3) *Water closet accessibility.* Every bedroom shall have access to at least one (1) water closet and one (1) lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one (1) water closet and lavatory located in the same story as the bedroom or an adjacent story.
- (4) *Other requirements.* Bedrooms shall comply with the applicable provisions of this Code, including but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this division; the plumbing facilities and water-heating facilities requirements of division 5; the heating facilities and electrical receptacle requirements of division 6; and the smoke detector and emergency escape requirements of division 7.
- (5) Basement bedrooms in one- and two-family dwellings and townhouses shall comply with the minimum requirements for emergency egress as defined in the International Residential Code.

(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

**Sec. 4-191. Overcrowding.**

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 4-191.

Table 4-191: Minimum Area Requirements

Space	Minimum Area in Square Feet		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room <sup>a, b</sup>	No requirements	120	150
Dining room <sup>a, b</sup>	No requirements	80	100
Kitchen <sup>b</sup>	50	50	60
Bedrooms	Shall comply with section 4-190		

For SI: 1 square foot = 0.093m<sup>2</sup>

a. See section 4-193 for combined living room/dining room spaces.

b. See section 4-192 for limitations on determining the minimum occupancy area for sleeping purposes. (Ord. No. 1216, 6-10-02)

**Sec. 4-192. Sleeping area.**

The minimum occupancy area required by Table 4-191 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 4-190. (Ord. No. 1216, 6-10-02)

**Sec. 4-193. Combined spaces.**

Combined living room and dining room spaces shall comply with the requirements of Table 4-191 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room. (Ord. No. 1216, 6-10-02)

**Sec. 4-194. Efficiency unit.**

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

- (1) A unit occupied by not more than two (2) occupants shall have a clear floor area of not less than two hundred twenty (220) square feet. A unit occupied by three (3) occupants shall have a clear floor area of not less than three hundred twenty (320) square feet. These required areas shall be exclusive of the areas required by items (2) and (3).
- (2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty (30) inches in front. Light and ventilation conforming to this Code shall be provided.

(3) The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

(4) The maximum number of occupants shall be three (3).  
(Ord. No. 1216, 6-10-02)

**Sec. 4-195. Prohibited occupancy.**

Kitchens and nonhabitable spaces shall not be used for sleeping purposes.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-196. Food preparation.**

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

**DIVISION 5.**

**PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

**Subdivision 1.**

**In General**

**Sec. 4-197. Scope.**

The provisions of this division shall govern the minimum plumbing systems, facilities, and plumbing fixtures to be provided.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-198. Responsibility.**

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures as are in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this division.  
(Ord. No. 1216, 6-10-02)

**Subdivision 2.**

**Required Facilities**

**Sec. 4-199. Dwelling units.**

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink

which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(Ord. No. 1216, 6-10-02)

**Sec. 4-200. Rooming houses.**

At least one (1) water closet, lavatory, and bathtub or shower shall be supplied for each four (4) rooming units.

(Ord. No. 1216, 6-10-02)

**Sec. 4-201. Hotels.**

Where private water closets, lavatories, and baths are not provided, one (1) water closet, one (1) lavatory, and one (1) bathtub or shower having access from a public hallway shall be provided for each ten (10) occupants.

(Ord. No. 1216, 6-10-02)

**Sec. 4-202. Employees' facilities.**

A minimum of one (1) water closet, one (1) lavatory and one (1) drinking facility shall be available to employees.

(Ord. No. 1216, 6-10-02)

**Sec. 4-203. Drinking facilities.**

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

(Ord. No. 1216, 6-10-02)

**Sec. 4-204. Utilities.**

No owner, operator or occupant shall willfully cause any service, equipment or utility to be removed, shut off or discontinued for any occupied dwelling let or occupied by him/her except for such temporary interruption as may be necessary while actual repairs or alternatives are being made, or during other temporary arrangements.

(Ord. No. 1216, 6-10-02)

**Subdivision 3.**

**Toilet Rooms**

**Sec. 4-205. Privacy.**

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space or to the exterior. A door and interior locking device shall be provided for all common or shared

bathrooms and toilet rooms in a multiple dwelling.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-206. Location.**

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units shall have access by traversing not more than one (1) flight of stairs and shall have access from a common hall or passageway.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-207. Location of employee toilet facilities.**

Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one (1) story above or below the employees' regular working area, and the path of travel to such facilities shall not exceed a distance of five hundred (500) feet. Employee facilities shall either be separate facilities or public customer facilities.

*Exception:* Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of five hundred (500) feet from the employees' regular working area to the facilities.  
(Ord. No. 1216, 6-10-02)

**Subdivision 4.**

**Plumbing Systems and Fixtures**

**Sec. 4-208. In General.**

All plumbing fixtures shall be properly installed and maintained in working order and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-209. Fixture clearances.**

Plumbing fixtures shall have adequate clearances for usage and cleaning.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-210. Plumbing system hazards.**

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.  
(Ord. No. 1216, 6-10-02)

**Subdivision 5.**

## **Water System**

### **Sec. 4-211. In General.**

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

(Ord. No. 1216, 6-10-02)

### **Sec. 4-212. Contamination.**

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(Ord. No. 1216, 6-10-02)

### **Sec. 4-213. Supply.**

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(Ord. No. 1216, 6-10-02)

### **Sec. 4-214. Water heating facilities.**

Water heating facilities shall be properly installed and maintained and shall be capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

## **Subdivision 6.**

### **Sanitary Drainage System**

#### **Sec. 4-215. In general.**

All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

#### **Sec. 4-216. Maintenance.**

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.  
(Ord. No. 1216, 6-10-02)

**Subdivision 7.**

**Storm Drainage**

**Sec. 4-217. In general.**

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.  
(Ord. No. 1216, 6-10-02)

**DIVISION 6.**

**MECHANICAL AND ELECTRICAL REQUIREMENTS**

**Subdivision 1.**

**In General**

**Sec. 4-218. Scope.**

The provisions of this division shall govern the minimum mechanical and electrical facilities and equipment to be provided.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-219. Responsibility.**

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this division.  
(Ord. No. 1216, 6-10-02)

**Subdivision 2.**

**Heating Facilities**

**Sec. 4-220. Facilities required.**

Heating facilities shall be provided in structures as required by this division.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-221. Residential occupancies.**

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F (18°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-222. Heat supply.**

Every owner and operator of any building who rents, leases or lets one (1) or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.

*Exception:* When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the International Plumbing Code.

(Ord. No. 1216, 6-10-02)

**Sec. 4-223. Occupiable work spaces.**

Indoor occupiable workspaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

*Exceptions:*

- (1) Processing, storage and operation areas that require cooling or special temperature conditions.
- (2) Areas in which persons are primarily engaged in vigorous physical activities.

(Ord. No. 1216, 6-10-02)

**Sec. 4-224. Room temperature measurements.**

The required room temperatures shall be measured three (3) feet above the floor near the center of the room and two (2) feet inward from the center of each exterior wall.

(Ord. No. 1216, 6-10-02)

**Subdivision 3.**

**Mechanical Equipment**

**Sec. 4-225. Mechanical appliances.**

All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition and shall be capable

of performing the intended function.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-226. Removal of combustion products.**

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

*Exception:* Fuel-burning equipment and appliances that are labeled for unvented operation.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-227. Clearances.**

All required clearances to combustible materials shall be maintained.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-228. Safety controls.**

All safety controls for fuel-burning equipment shall be maintained in effective operation.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-229. Combustion air.**

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-230. Energy conservation devices.**

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.  
(Ord. No. 1216, 6-10-02)

**Subdivision 4.**

**Electrical Facilities**

**Sec. 4-231. Facilities required.**

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and sections 4-234, 4-235 and 4-236.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-232. Service.**

The size and usage of appliances and equipment shall serve as a basis for determining the need for

additional facilities in accordance with the ICC Electrical Code. Dwelling units shall be served by a three-wire, 120/240-volt, single-phase electrical service having a rating of not less than 60 amperes.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-233. Electrical system hazards.**

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.  
(Ord. No. 1216, 6-10-02)

**Subdivision 5.**

**Electrical Equipment**

**Sec. 4-234. Installation.**

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-235. Receptacles.**

Every habitable space in a dwelling shall contain at least two (2) separate and remote receptacle outlets. Every laundry area shall contain at least one (1) grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one (1) receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-236. Lighting fixtures.**

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one (1) electric lighting fixture.  
(Ord. No. 1216, 6-10-02)

**Subdivision 6.**

**Elevators, Escalators and Dumbwaiters**

**Sec. 4-237. In general.**

Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

(Ord. No. 1216, 6-10-02)

**Sec. 4-238. Elevators.**

In buildings equipped with passenger elevators, at least one (1) elevator shall be maintained in operation at all times when the building is occupied.

*Exception:* Buildings equipped with only one (1) elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

(Ord. No. 1216, 6-10-02)

**Subdivision 7.**

**Duct Systems**

**Sec. 4-239. In general.**

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(Ord. No. 1216, 6-10-02)

**DIVISION 7.**

**FIRE SAFETY REQUIREMENTS**

**Subdivision 1.**

**In General**

**Sec. 4-240. Scope.**

The provisions of this division shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

(Ord. No. 1216, 6-10-02)

**Sec. 4-241. Responsibility.**

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this division. The occupant shall be equally responsible for compliance with requirements of this division.

(Ord. No. 1216, 6-10-02)

**Subdivision 2.**

**Means of Egress**

**Sec. 4-242. In general.**

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.  
(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

**Sec. 4-243. Aisles.**

The required width of aisles in accordance with the International Fire Code shall be unobstructed.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-244. Locked doors.**

All means-of-egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-245. Emergency escape openings.**

Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the International Building Code and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates, or similar devices are installed in existing buildings, smoke detectors shall be installed in accordance with subdivision 4 of this division.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-246. Exit capacity.**

The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the International Building Code.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-247. Number of exits.**

In nonresidential buildings, every occupied story more than six (6) stories above grade shall be provided with not fewer than two (2) independent exits. In residential buildings, every story exceeding two (2) stories above grade shall be provided with not fewer than two (2) independent exits. In stories where more than one (1) exit is required, all occupants shall have access to at least two (2) exits. Every occupied story that is both totally below grade and greater than two thousand (2,000) square feet shall be provided with no fewer than two (2) independent exits.

*Exception:* A single exit is acceptable under one (1) of the following conditions:

- (1) Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
- (2) Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smoke-proof enclosure or pressurized stairway.
- (3) Where an existing fire escape conforming to the International Building Code is provided in addition to the single exit.
- (4) Where permitted by the International Building Code.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-248. Arrangement.**

Exits from dwelling units, rooming units, guestrooms and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-249. Exit signs.**

All means of egress shall be indicated with approved "Exit" signs where required by the International Building Code. All "Exit" signs shall be maintained visible, and all illuminated "Exit" signs shall be illuminated at all times that the building is occupied.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-250. Corridor enclosure.**

All corridors serving an occupant load greater than thirty (30) and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

##### *Exceptions:*

- (1) Corridors in occupancies in other than Use Group H that are equipped throughout with an automatic sprinkler system.
- (2) Patient room doors in corridors in occupancies in Use Group I-2 where smoke barriers are provided in accordance with the International Fire Code are not required to be self-closing.
- (3) Corridors in occupancies in Use Group E where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.
- (4) Corridors that are in compliance with the International Building Code.

(Ord. No. 1216, 6-10-02)

**Sec. 4-251. Dead-end travel distance.**

All corridors that serve more than one (1) exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed thirty-five (35) feet where the building is not equipped throughout with an automatic sprinkler system. The dead-end travel distance limitation shall be increased to seventy (70) feet where the building is equipped throughout with an automatic sprinkler system.

(Ord. No. 1216, 6-10-02)

**Sec. 4-252. Stairways, handrails and guards.**

Every existing exterior and interior flight of stairs having four (4) or more risers, and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than thirty (30) inches above the floor or grade below, shall have guards. Handrails shall be not less than thirty (30) inches nor more than forty-two (42) inches high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than thirty (30) inches high above the floor of the landing, balcony, porch, deck, ramp or other walking surface. New stairways must comply with the latest edition of the International Building Code.

(Ord. No. 1216, 6-10-02)

**Sec. 4-253. Information signs.**

A sign shall be provided at each floor landing in all interior stairways more than three (3) stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels shall be identified by approved signs in accordance with the requirements for new buildings in the International Building Code.

*Exception:* The emergency sign shall not be required for elevators that are part of an accessible means of egress complying with the International Building Code.

(Ord. No. 1216, 6-10-02)

**Subdivision 3.**

**Fire-Resistance Ratings**

**Sec. 4-254. Fire-resistance-rated assemblies.**

The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

(Ord. No. 1216, 6-10-02)

**Sec. 4-255. Opening protectives.**

Required opening protectives shall be maintained in an operative condition. All fire and smoke-stop doors shall be maintained in an operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

(Ord. No. 1216, 6-10-02)

#### **Subdivision 4.**

### **Fire Protection Systems**

#### **Sec. 4-256. In general.**

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be properly installed and maintained at all times in accordance with the International Fire Code.

(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

#### **Sec. 4-257. Fire suppression system.**

Fire suppression systems shall be in proper operating conditions at all times.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-258. Valves.**

Control valves shall be in fully open position.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-259. Sprinklers.**

Sprinklers shall be clean and free of corrosion, paint and damage. Stock shall be at least eighteen (18) inches below sprinkler deflectors.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-260. Piping.**

Piping shall be properly supported and shall not support other loads.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-261. Standpipe systems.**

Standpipe systems shall be in proper operating condition at all times.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-262. Valves.**

Water supply control valves shall be in the fully open position.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-263. Hose connections.**

Hose connections shall be identified and have ready access thereto.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-264. Hose.**

Where provided, the hose shall be properly packed, dry and free from deterioration.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-265. Fire extinguishers.**

All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating manner. Extinguishers shall be of an approved type and installed in accordance with the International Fire Code.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-266. Smoke alarms.**

Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load, at all of the following locations:

- (1) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
- (2) In each room used for sleeping purposes.
- (3) In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one (1) full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code.  
(Ord. No. 1291, 9-24-07)

**Editors Note:** Ord. No. 1291, adopted September 24, 2007, deleted former §§ 4-266 and 4-267, and replaced them with new §§ 4-266 and 4-267 as set forth herein. Former §§ 4-266 and 4-267 pertained to smoke detectors and installation, and derived from Ord. No. 1216, adopted June 10, 2002.

**Sec. 4-267. Interconnection.**

Where more than one (1) smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

*Exceptions:*

- (1) Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
- (2) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

(Ord. No. 1291, 9-24-07)

**Editors Note:** See the editor's note following § 4-266.

**Sec. 4-268. Power source.**

In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

**Sec. 4-269. Tampering.**

Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of the code.

(Ord. No. 1216, 6-10-02)

**Sec. 4-270. Fire alarm systems.**

Fire alarm systems shall be in proper operating condition at all times.

(Ord. No. 1216, 6-10-02)

**Sec. 4-271. Control panel.**

The "power on" indicator shall be lit. Alarm or trouble indicators shall not be illuminated.

(Ord. No. 1216, 6-10-02)

**Sec. 4-272. Manual fire alarm boxes.**

All manual fire alarm boxes shall be operational and unobstructed.

(Ord. No. 1216, 6-10-02)

**Sec. 4-273. Automatic fire detectors.**

All automatic fire detectors shall be operational and free from any obstructions that prevent proper operation, including smoke entry.

(Ord. No. 1216, 6-10-02)

**Sec. 4-274. Records.**

A complete record of all tests and inspections of fire protection systems shall be maintained on the premises by the owner or occupant in charge of said premises.  
(Ord. No. 1216, 6-10-02)

**Subdivision 5.**

**Accumulations and Storage**

**Sec. 4-275. Accumulations.**

Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.  
(Ord. No. 1216, 6-10-02)

**Sec. 4-276. Hazardous material.**

Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the International Fire Code.  
(Ord. No. 1216, 6-10-02)

**Subdivision 6.**

**Elevator Recall**

**Sec. 4-277. Required.**

All elevators having a travel distance of twenty-five (25) feet or more above or below the primary level of elevator access for emergency fire-fighting or rescue personnel shall conform to the requirements of this article.  
(Ord. No. 1216, 6-10-02)

**Subdivision 7.**

**Mechanical Equipment Control**

**Sec. 4-278. Smoke and heat detection.**

Approved smoke or heat detectors shall be installed in return air ducts or plenums in each recirculating air system with a capacity of more than two thousand (2,000) cfm and serving more than one (1) floor in buildings that exceed six (6) stories in height in accordance with the International Mechanical Code. Actuation of the detector shall stop the fan(s) automatically and shall be of the manual-reset type. Automatic fan shutdown is not required where the system is part of an approved smoke control system.

(Ord. No. 1216, 6-10-02)

## **DIVISION 8.**

### **REFERENCED STANDARDS**

#### **Sec. 4-279. In general.**

The following codes and standards, as amended from time to time, shall be hereby adopted by reference:

- (1) American Society of Mechanical Engineers (ASME) Safety Code for Elevators and Escalators.
- (2) International Building Code.
- (3) International Code Council Electrical Code.
- (4) International Fire Code.
- (5) International Fuel Gas Code.
- (6) International Mechanical Code.
- (7) International Plumbing Code.
- (8) International Zoning Code.
- (9) Maryland Building Rehabilitation Code.
- (10) Fire Safety Code of Prince George's County.
- (11) ASTM F1346-91 Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs.

(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

#### **Sec. 4-280. Fire safety laws.**

Division 4 of Subtitle 11 of the Fire Safety Law of Prince George's County, Maryland, as amended from time to time, is incorporated herein and adopted by reference. The appropriate county inspector or a qualified city code official may perform inspections, and violations shall be enforced in accordance with the provisions of this chapter. Nothing herein shall be construed as preventing county personnel from performing inspections and enforcing the county's fire safety laws.

(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

## **ARTICLE IV.**

### **INSPECTIONS, VIOLATIONS, FEES AND PENALTIES\***

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\* **Editors Note:** Ord. No. 1216, June 10, 2002, repealed, ch. 4, art. IV, §§ 4-71--4-76, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, art. IV pertained to Occupancy and Occupancy License and derived from Ord. No. 1101, § 1, adopted Nov. 23, 1992; Ord. No. 1176, adopted Feb. 22, 1999; and Ord. No. 1195, adopted Sept 11, 2000.

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#### **Sec. 4-281. Statement of policy.**

Whereas there are numerous dwellings, dwelling units, and rooming house units within the city which are rented, leased or otherwise let to persons other than the owners thereof; and whereas there are numerous nonresidential (commercial, institutional, retail and industrial) units within the city to which the public has access for the purpose of employment, gathering, and/or transacting business, and within which other activities including the storage of or fabrication of dangerous or potentially dangerous materials occurs; and whereas the city council of the city have the gravest responsibility for the protection of the health, safety, and welfare of all of the citizens of said city and for those visitors and transients seeking accommodations therein; and whereas within this chapter is established the Property Maintenance Code for the City of Greenbelt for the protection of the citizens of said city, and those persons seeking accommodations therein, it is declared to be the policy and intent of the city council that all rental dwelling units, rooming house units and hotel, motel and tourist units and nonresidential premises shall be inspected and licensed and regulated in such a manner as to ensure the protection of the health, welfare, and safety of those persons residing or visiting therein and, further, that said inspections, licensing and enforcement of regulations shall be undertaken in the manner set forth herein below. It is further the intent of the city council that the Property Maintenance Code shall apply to all units, structures, buildings and properties within the city.

(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

#### **Sec. 4-282. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

*Day care facility.* Any unit, structure, building or portion thereof used by a day care provider where care is given to a child under the age of thirteen (13) years or to any developmentally disabled person under the age of twenty-one (21) years, in place of parental care for less than twenty-four (24) hours a day, in a residence other than the child's residence, for which the day care provider is paid.

*Day care provider.* The adult who has primary responsibility for the operation of a day care facility.

*Dwelling.* 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.* Any room or group of rooms located with a structure and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.

*Hotel, motel, rooming house unit, or tourist facility.* Any structure containing rooms to be used for sleeping and/or living facilities for transient persons and rented, leased or otherwise let for purposes other than that of permanent residence.

*Nonresidential premises.* Any structure or portion of a structure used for any type of commercial activity including any public building or structure and eleemosynary institutions including churches and the like, industrial activity, commerce or trade, manufacturing or repairing of any item or thing or the storage of any part or thing used or to be used in any of the activities described above.

*Rental dwelling unit.* Any dwelling where all or a portion of said dwelling unit is rented, or allowed to be occupied, by a third party (not a member of the owner's immediate family) whether or not cooking and eating is included.

(Ord. No. 1216, 6-10-02)

#### **Sec. 4-283. Annual inspections; occupancy license required.**

(a) *Residential.* Before the owner or agent of any rental dwelling unit shall operate, rent, lease or otherwise let said unit and permit it to be occupied by any person or persons other than himself/herself and members of his/her immediate family, he/she must allow such unit to be inspected by a code official, who shall determine that said unit complies with the requirements of this chapter and other requirements as relevant to the health, safety and welfare of the unit and its occupants, prior to the occupancy of said unit. Every such unit shall be reinspected no less frequently than once every twelve (12) months, and the owner of said unit shall maintain such unit in compliance with the requirements of this chapter. Upon a determination by the code official that the dwelling unit complies with all requirements of the city as set forth in the city code, an occupancy license shall be issued which will indicate that the subject premise complies with code requirements as referenced herein. It shall be unlawful to allow occupancy of any rental dwelling unit without first securing from the city an occupancy license. All occupancy licenses shall be issued to the owner of the premises. Occupancy licenses shall be valid for a period of not more than one (1) year.

(b) *Nonresidential, commercial, day care facility, and institutional premises.* Every nonresidential, commercial, day care and institutional building, unit or structure, its associated interior common and service areas and its associated exterior property shall be inspected by the code official no less frequently than once every twelve (12) months to determine that said building, unit or structure and property complies with the requirements of this chapter and all other requirements relevant to the health, safety and welfare of the building, unit or structure and its occupants or users, and that said structure, unit or building and associated interior common and service areas and exterior property shall be determined by the code official to be in compliance with the requirements of this chapter. Upon a determination by the code official that the premises complies with all requirements of the city as set forth in the city Code, an occupancy license shall be issued which will indicate that the subject premise complies with code requirements as referenced herein. It shall be unlawful to allow occupancy of any premises without first securing from the city an occupancy license. All occupancy licenses shall be issued to the owner of the premises. Occupancy licenses shall be valid for a period of not more than one (1) year.

(c) All corporate owners and owners residing outside the state shall have an agent who shall reside within the state, or within fifty (50) miles of the city, and shall certify the name, address and telephone number of such agent and shall keep such information current. Said agent shall be designated to receive and accept notices on behalf of the owner.

(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

**Editors Note:** Ord. No. 1291, adopted September 24, 2007, amended § 4-283, and changed the title of the section to read as set forth herein. Formerly, § 4-283 pertained to the requirement of annual inspections.

**Sec. 4-284. Compliance with chapter; occupancy license issuance and renewal.**

(a) Every residential, day care facility, and non-residential unit, structure, premises or property, whether or not subject to annual licensing and inspection, shall satisfy the following criteria, prior to issuance or renewal of an occupancy license, as determined by the city manager or code official:

- (1) Said unit and/or property complies with all of the applicable laws and ordinances of the State of Maryland, Prince George's County and the City of Greenbelt. At any time that the city manager or the code official shall determine that any such unit and/or property does not comply with the provisions of all applicable law as defined by this chapter, it shall order the owner or agent thereof to render compliance within a reasonable period of time. If such compliance is not provided, the city manager and/or code official may take all actions provided by this chapter to achieve compliance as allowed under applicable provisions of law.
- (2) The owner of said unit has remitted all required fees as established by the city.
- (3) The owner of said unit has submitted a complete, accurate and signed application.
- (4) If a day care facility, the day care provider and owner of the unit have demonstrated that said facility has been licensed by the appropriate authorities and said facility is being operated in conformance with all applicable federal, state, county and local law.

(b) All fees shall be paid prior to the date of the scheduled inspection. Occupancy licenses are renewable only upon payment of required fees and compliance with the provisions of this chapter.

(c) Applications and fees for renewal of occupancy licenses are due sixty (60) days prior to the expiration of the occupancy license. Each application shall contain such information as necessary to identify the location of the subject property, the owner and the owner's address, the tenant (if not the owner), and the owner's agent, if required. Failure to return the completed application and all required fees as set forth in this article shall be a violation, and subject to the issuance of a municipal infraction citation as set forth in this chapter.

(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

**Editors Note:** Ord. No. 1291, adopted September 24, 2007, amended § 4-284, and changed the title of the section to read as set forth herein. Formerly, § 4-284 pertained to compliance with chapter.

**Sec. 4-285. Violations and penalties.**

(a) No unit or units, structure, building or property to which any of the terms of this chapter are applicable shall be occupied by any person or persons (with the exception of a private residential dwelling unit occupied by only the owner thereof and members of his/her family) unless an application has been completed, the required fees paid, the required annual property inspection (if required) completed, the unit and property found by the code official to be in compliance with the requirements of this chapter, and a valid occupancy license issued by the city that remains in full force and effect.

(b) Any such unit or units, structure, building or property for which an application has not been submitted to the city, required fees not paid, annual property inspection (if required) not completed, and the unit, units, structure, building or property not found to be in compliance with the requirements of this chapter and for

which an occupancy license has not been approved or for which an occupancy license has been revoked, suspended or has expired, shall be vacated immediately. Any person violating any of the provisions of this chapter shall be subject to a municipal infraction as established by the city.

(c) Each day that a violation continues shall be deemed a separate offense.  
(Ord. No. 1216, 6-10-02; Ord. No. 1291, 9-24-07)

**Sec. 4-286. Reserved.**

**Sec. 4-287. Fees and penalties.**

(a) Fees, if not otherwise set forth in this chapter, shall be established by resolution of the city council.

(b) For any nonresidential addresses, under the same ownership and utilized for a single business, adjacent to one another and connected by means of door or corridor, fees shall be calculated as if it were a single business address.

(c) Churches, synagogues, parsonages, social halls and church schools shall be exempt from inspection fees.

(d) Violations of this section shall be municipal infractions and are subject to fines as established by resolution of the city council.

(e) Fees and penalties established for violations of this article which are not paid as required shall be included in the nonpayer's real property tax bill and shall be collected as city taxes are collected, and the charges shall be due and payable at the time of payment of the tax bill. In the case of a municipal infraction, the fine shall not be deemed due and owing the city until such time as a judgment or order therefore is issued by a court of competent jurisdiction. Such charges shall constitute a lien on the nonpayer's real property.  
(Ord. No. 1216, 6-10-02; Ord. No. 1246, 6-21-04; Ord. No. 1273, 6-19-06; Ord. No. 1291, 9-24-07)

**Sec. 4-288. Revocation; reinstatement; expiration.**

(a) At any time that the city manager or code official shall determine that any unit, units, structure, building or property does not comply with the provisions of all applicable law, the owner or agent thereof shall be ordered or directed to render compliance within a reasonable period of time. If such compliance is not provided, the city manager or code official may order the revocation of the occupancy license for the unit, units, structure, building or property and proceed with enforcement under applicable provisions of law.

(b) Should the occupancy permit for a unit, units, structure, building or property be revoked because of noncompliance with the provisions of the city Code, such revocation may be appealed to the board of appeals under the provisions of this chapter. If said license shall have been revoked for violations of other laws or ordinances, appeal may be made only to a court of competent jurisdiction of this state.

(c) In the event that an occupancy license is allowed to expire by fault of the property owner due to the failure to pay the required fees by payment due date, or for failure to comply with correction orders or

notices of violation without a reasonable cause, a reinstatement fee of one hundred dollars (\$100.00) per licensed address shall be imposed as established by the city and shall be payable with all other fees. The property may be subject to reinspection prior to reinstatement of an occupancy license, for which a reinspection fee of one hundred twenty-five dollars (\$125.00) will be imposed.

(d) In the event that an occupancy license is revoked for cause, the occupancy license must be reinstated and a reinstatement fee of two hundred dollars (\$200.00) per licensed address paid, and all codes of the city must be met before the property may again be occupied.

(Ord. No. 1291, 9-24-07)