

THE TOWN OF RISING SUN

PROPERTY MAINTENANCE

MINIMUM HOUSING &

QUALITY OF LIFE

CODE

ADOPTED 12-22-15

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## CHAPTER 1 ADMINISTRATION

### SECTION 101 GENERAL

**101.1 Title.** These regulations shall be known as the Property Maintenance Minimum Housing and Quality of Life Code of the Town of Rising Sun, hereinafter referred to as “this code”

**101.2 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; to preserve the peace, harmony and tranquility of the community, and for administration, enforcement and penalties.

**101.3 Intent.** This code shall be construed to secure its expressed 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; and to prevent the decline of property values and to insure a reasonable level of quality of life for all residents. 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. Repairs, alterations, additions to and changes of occupancy in existing buildings shall comply with the *International Existing Building Code*.

**101.4 Severability.** If a 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.

### SECTION 102 APPLICABILITY

**102.1 General.** The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

**102.2 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. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. 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.

**102.3 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 the Maryland Building Performance Standards as adopted and modified by the Town, and all future amendments and insertions thereof. Nothing in this code shall be construed to cancel, modify or

set aside any provision of the *Town's Zoning Code*.

**102.4 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 which is dangerous, unsafe and unsanitary.

**102.5 Workmanship.** Repairs, maintenance work, alterations or installations which 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.

**102.6 Historic buildings.** The provisions of this code dealing with the alteration of the structure, modifications of electrical, mechanical or plumbing systems, shall not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the Code Officer to be safe and in the public interest of health, safety and welfare. However, all such historic structures and or properties shall be properly maintained and repaired in accordance with all Rising Sun Historical Preservation Standards.

**102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 8 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.

**102.8 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, not specifically covered by this code or regulated by the Maryland Building Performance Standards

or the Town of Rising Sun Building Codes., shall be determined by the Code Officer.

### **SECTION 103 DEPARTMENT OF CODE ENFORCEMENT**

**103.1 General.** The Department of Code Enforcement or Code Department, is hereby created and; unless otherwise expressly provided by Board of Commissioners, or applicable law, shall be charged with the administration and enforcement of the provision of this code and the Codified Ordinances of The Town of Rising Sun.

**103.2 Core Values; Vision & Mission Statement.** The Code Department shall exhibit the following core values, vision and strive to meet the following mission.

**103.2.1 Core Values.** The Core Values of the Code Department shall be:

- Professional
- Fair
- Consistent

**103.2.2 Vision Statement.** The code department will provide initiatives and services to enhance public safety, health and welfare for the citizens and businesses of Rising Sun, where all citizens and businesses enjoy the advantages of a prosperous and growing community.

**103.2.3 Mission Statement.** The code department shall keep the Town of Rising Sun the location of choice for residents, businesses, and visitors by:

- Ensuring all licensing, permit, and compliance functions are consistent
- Increasing public understanding through educational outreach
- Investing in the support, training, and development of the code department

- Promoting and enhancing public safety, health, and welfare
- Providing excellence in service to internal and external customers

**103.3 Appointment.** All members of the Code Department shall be employees of The Town of Rising Sun.

**103.4 Code Officers.** The Department of Code Enforcement shall be staffed with administrative clerical staff and various Code Officers. Code Officers shall be charged with the responsibilities as outlined in section 104.

**103.5 Director of Code Enforcement.** The executive code officer in charge of the Code Department shall be known as the Director of Code Enforcement, who shall enforce and administer all of the applicable codes and ordinances which establish the Department of Code Enforcement as their official administration and enforcement authority. The Director of Code Enforcement shall supervise such other employees, code officers or assistants as shall be necessary for the administration and execution of the responsibilities of said office, as appointed and approved by the Commissioners.

**103.6 Liability.** The Director of Code Enforcement, Code Officers, or other employees charged with the enforcement of this code, while acting for the Town, shall not thereby be rendered liable personally, and are 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. 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 jurisdiction until the final termination of the proceedings. Code Officers 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 officer of

the department of property maintenance inspection, 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.

**103.7 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the Town's Fee Schedule as approved by the Town Commissioners from time to time.

## **SECTION 104 ENFORCEMENT; DUTIES AND POWERS OF THE DIRECTOR OF CODE ENFORCEMENT & CODE OFFICERS**

**104.1 General Enforcement.** The Code Officers or recognized designee of the Director of Code Enforcement shall enforce the provisions of this code.

**104.2 Rule-making authority.** The Director of Code Enforcement 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.

**104.3 Inspections.** The Code Officers shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified in accordance with the laws of the Commonwealth of Maryland by a responsible officer of such approved agency or by the responsible individual. The Code Officer is authorized to

engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of Director of Code Enforcement.

**104.4 Right of entry.** The Code Officer 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 Officer is authorized to pursue recourse as provided by law.

**104.5 Identification.** The Code Officer shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**104.6 Notices and orders.** The Code Officer shall issue all necessary notices or orders to ensure compliance with this code.

**104.7 Department records.** The Code Officer shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

**104.8 Coordination of inspections.** Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one Code Officer of the jurisdiction is involved, it shall be the duty of the Code Officers involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the Code Officer having jurisdiction.

## **SECTION 105 COMPLIANCE, PERMITS & APPROVALS**

**105.1 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the Code Officer shall have the authority to grant modifications for individual cases, provided the Code Officer 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.

**105.2 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 Officer 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.

**105.3 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 Officer shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

**105.3.1 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 Officer shall approve the testing procedures.

**105.3.2 Testing agency.** All tests shall be performed by an approved agency.

**105.3.3 Test reports.** Reports of tests shall be retained by the Code Officer for the period required for retention of public records.

**105.4 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.

**105.5 Permit and License Requirements.** Permits and proper licensing will be required for any work or repairs of code issues that are regulated by the Maryland Building Performance Standards and Town of Rising Sun Building Codes. A list of activities regulated by these codes can be found in Chapter 11 of this code.

**105.6 Responsibility for Compliance.** The owner, applicant, contractor or agent thereof will be held liable for the failure to secure any permits, and subject to the violations set forth in this chapter for failing to secure such permits.

## **SECTION 106 NON-COMPLIANCE & VIOLATION PROCESSING**

**106.1 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.

**106.2 Notice of violation.** The Code Officer shall serve a notice of violation or order in accordance with Section 107.

**106.2.1 Time for compliance.** Unless specified elsewhere, all violations shall be corrected in a time period as prescribed by the Code Officer but in no case shall such time for

compliance exceed ninety (90) days, unless approved by the Director of Code Enforcement. Any person affected may appeal such decisions in accordance to section 112.

**Exception: Repairs impacted by weather.** The Town recognizes the period from November 1<sup>st</sup> until April 1<sup>st</sup> of the following calendar year as the period in which exterior projects relative to painting, excavations and structural repairs to walls roofs, concrete, and masonry, may be subject to adverse weather conditions. Any person under orders to make repairs, may request an extension of time from the Code Officer in which to complete such repairs on the basis of adverse weather conditions. Such request shall be in writing. Eligible repairs for such extensions shall be restricted to exterior projects only. No extensions of time shall be granted for any violations that render the property unsafe as described in section 108 unless the Director of Code Enforcement is satisfied that special provisions have been made to minimize the dangers.

**106.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 107; or such persons found to be in violation of any code section which does not require prior notification as indicated in section 106.3.1, shall be deemed guilty of a municipal infraction, and shall result in the issuance of citations as provided for by law and the violation shall be deemed a strict liability offense. If a notice of violation is not complied with, the Code Officer shall institute the appropriate proceeding at law or in equity 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.

**106.3.1 Notice of Violation Exceptions:** Certain violations can easily impact the safety and quality of life for residents. In an effort

to enforce the scope and intent of this code in an efficient and timely manner, with little financial impact to the tax payer, any persons violating the following sections will be cited and fined by way of an Administrative Penalty Fee Ticket.

**106.3.1.1 Administrative Penalty Fee Tickets:** In lieu of issuing violation notices and citations, the code officer may issue Administrative Penalty Fee Tickets for violations of the following sections:

**A. Level I Category:** (following code sections)

**302.2** Stagnate Water, West Nile Virus Issues.

**302.4** Grass over 8" tall...

**302.4.1** Vegetation along the curb and street line.

**302.4.2 (1)** Vegetation overgrowth and obstruction of emergency access ways.

**302.4.2 (2)** Vegetation overgrowth and obstruction of public way canopy height and width.

**302.4.5** Accumulation of dead vegetation on the property...

**302.5** Outside storage and or use of indoor furniture appliances or vehicle seats.

**302.7** Accessory structures not maintained.

**302.8.2** Repair and painting of vehicles in public view.

**302.8.3** Parking of Commercial Vehicles in residentially zoned areas.

**302.8.4** Overnight parking of commercial vehicles in parking lots.

**302.8.5** Vehicles parked on non-suitable surfaces.

**302.8.6** Vehicle tires depositing mud on public places.

**302.9** Failure to remove graffiti.

**302.10** Undesirable accumulations on private property.

**302.11.3** Failure to remove litter from sidewalk.

**302.11.8** Failure to remove litter from property.

**302.14** Outdoor Clothes Drying.

**307.3** Failure to provide and maintain garbage and rubbish containers.

**307.7** Improper placement of vegetation for collection.

**307.8** Construction materials, furniture and other bulk items placed for regular collection.

**307.10** Clean up of container effluent.

**307.17** Trash containers must be stored in garage or in the rear yard next to the house.

**307.19** Retrieval of containers before 9 AM following morning after collection day.

**308.1** Infestation and rodent harborage.

**309.3** Removal of feces from property.

**1002.1** Abandonment of vehicles prohibited.

**1003.1** Vehicle parts, components and or accessories left on property.

**1007.1** Failure to maintain vehicle tarps and covers.

**B. Level II Category:** (following code sections)

**302.4.6** Leaves and clippings upon streets and sidewalks.

**302.4.7** Blockage of storm drains and fire hydrants.

**302.8.7** Trash & debris blowing from vehicle.

**302.11.4** Sweeping litter into public places.

**302.15** Failure to remove snow and or ice.

**305.1** Failure to maintain interior structure and or equipment clean and sanitary.

**307.2** Improper placement of garbage, rubbish and recyclables.

**307.2.2** Refrigerators & similar equipment stored outside with doors intact.

**307.12** Rubbish, garbage or recyclables stacked on top of containers or overflowing containers.

**307.13** Mixing of recyclables, rubbish and garbage.

**307.15** Containers placed for collection prior to 6 PM the night before collection...

**504.1** Failure to maintain plumbing fixtures in safe manner.

**602.1** Failure to provide adequate heating facilities and minimum temperatures.

**603.1** Failure to maintain mechanical & electrical equipment in a safe manner.

**708.1** Improper use or storage of open flame cooking devices.

**708.2** Improper use or storage of LP-Gas burners.

**709.2** Improper use and or storage of kerosene heaters.

**C. Level III Category:** (following code sections)

**102.5** Substandard work performed.

**307.25** Unauthorized trash disposal in private container.

**310.13** Illegal posting of signs and advertisements.

**311.1** Solicitation without an approved license.

**701.3** Failure to maintain means of egress, fire detection and protection systems & equipment operational and in compliance with code.

**106.3.2 Automatic Citations:** Any person failing to pay an Administrative Penalty Fee Ticket within fifteen (15) days of receipt; or anyone issued more than 3 Administrative Penalty Fee Ticket for the same violation section in a ninety (90) day period, shall be subject to the issuance of Citations in accordance to section 106.3 & 106.4, of this code, without prior notice in accordance to section 107.1 (exception)

**106.4 Violation penalties.** Any person who fails to comply with any of the provision of this Property Maintenance and Minimum Housing Code, or any provision of any rule or regulation adopted by the Commissioners or the Code Enforcement Officer pursuant to authority granted by this code, or fails to correct, within the time set by the Code Enforcement Officer, the defects for which a property has been cited, shall be subjected to one of the following penalties:

#### **106.4.1 Administrative Penalty Fee**

**Tickets:** Responsible person(s) receiving an Administrative Penalty Fee Ticket, shall be subject to a fee as follows:

- A. Level I Category: All items listed as Level I Category Violations, as spelled out in section 106.3.1.1 (B), shall pay a \$15 penalty fee to the Town, using forms supplied by the Code Department.
- B. Level II Category: All items listed as Level II Category Violations, as spelled out in section 106.3.1.1 (B), shall pay a \$25 penalty fee to the Town, using forms supplied by the Code Department
- C. Level III Category: All items listed as Level III Category Violations, as spelled out in section 106.3.1.1 (C), shall pay in accordance to Table 106.4(B) below:

**Table 106.4(A)**

Section Number	Fine Amount
102.5	\$50
307.25	\$50
701.3	\$50
310.13	\$40 first 10 signs \$25 each additional block of 10 signs
311.1	Double regular license fee.

**106.4.2 Court Citations.** Responsible person issued a citation; or having received but failed to pay an Administrative Penalty Fee Ticket, shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00) for each citation; plus an administrative charge of seventy five (\$75) for officer court time; plus court fees. A separate offense shall be

deemed committed each day during or on which a violation or noncompliance occurs or continues.

**106.5 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the Town 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.

#### **106.6 Town charges for abatement services.**

Any cost associated with any action taken by the Town on such premises to correct or abate any violations of this Code or to secure the premises, or protect the public or occupants from an unsafe condition shall be charged against the owner of the property, land, building or structure involved, together with a penalty of ten (10) percent of such expense, in a manner provided by law for the collection of municipal claims. Such cost shall include all associated Town employee, engineering and contracted services costs plus an administrative handling charge.

#### **106.6.1 Liens against the property.**

Failure of the owner to pay such cost shall result in a lien upon such real estate, which shall include all associated attorney-filing fees.

**106.6.2 Violations Apply** In addition the charges for abatement services, the offender shall be subject to the penalty & provisions provided in section 106.4

### **SECTION 107**

#### **VIOLATION NOTICES AND ORDERS**

**107.1 Notice to owner or to person or persons responsible.** Whenever the Code Officer determines that there has been a violation of this code or has grounds to believe that a violation

has occurred, a violation notice shall be given, in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code.

**Exception:** Violations of some code sections shall not require prior notice, as spelled out in this code, and may result in the issuance of citations and or Administrative Penalty Fees in accordance to sections 106.3 & 106.4

**107.1.1 Notices for condemnation procedures.** Shall also comply with Section 108.3.

**107.2 Form.** Such notice prescribed in Section 107.1 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 or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the Town's right to file a lien in accordance with Section 106.3.

**107.3 Method of service.** Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or
2. Sent by certified or first-class mail addressed to the last known address; or

3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

**107.4 Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

**107.5 Transfer of ownership and rental conversions.** It shall be unlawful for the owner of any dwelling unit or structure to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another person; or convert any owner occupied property or portion thereof, into a rental or leased unit, until such owner complies with the appropriate provisions of Chapters Eight and Nine of this code.

## **SECTION 108 UNSAFE STRUCTURES EQUIPMENT AND PROPERTY**

**108.1 General.** When a structure, equipment or property is found by the Code Officer to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, the Code Officer shall provide notice to the property owner that such violations shall be repaired within ten (10) days or less as determined by the code officer. The code officer reserves the right to condemn or post any unsafe structure, equipment or property pursuant to the provisions of this code, if persons affected are in imminent danger.

**108.1.1 Unsafe and dangerous structures.** Any building or structure or any individual member with any of the structural conditions or defects described below shall be deemed dangerous to the life, health, property or safety of the public or the occupants of the structure under the following conditions:

- A. The Structure does not provide minimum safeguards to protect or warn occupants in the event of fire.
- B. The structure contains unsafe equipment that jeopardizes the safe occupancy of the structure.
- C. The structure or portions thereof are in risk of partial or complete collapse as a result of:
  - 1. The stress in a member or portion thereof due to all factored dead and live loads is more than one and one third the nominal strength allowed in the International Building Code for new buildings of similar structure, purpose, or location.
  - 2. Any portion, member, or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons.
  - 3. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not anchored, attached, or fastened in place so as to be of risk of falling or not capable of resisting the effects of wind.
  - 4. The building, or any portion thereof, is likely to collapse partially or completely because of dilapidation, deterioration, decay; or faulty construction
  - 5. Portion of the ground necessary for the purpose of supporting such building has been removed, moved or is unstable.
  - 6. The foundation has become deteriorated, decayed or inadequate.
  - 7. The building has been damaged to the point of partial or near collapse

due to fire, explosion, flood, impact, earthquake, wind or other similar event.

- 8. The exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

**108.1.2 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 which 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.

**108.1.3 Structure unfit for human occupancy** A structure is unfit for human occupancy whenever the Code Officer 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.

**108.1.4 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 was erected, altered or occupied contrary to law.

**108.1.5 Unsafe property.** An unsafe property is a property in which dangers are present that could result in serious injury or death to any occupants, or persons within proximity of the violation, such as but not limited to, electrical hazards, public health

issues, trip and slip hazards and the improper storage of combustible and flammable products.

#### **108.1.6 Unsafe Utilities & Excavations.**

Utilities or Excavations which dangers are present that could result in serious injury or death to any persons within proximity of the violation, such as but not limited to, electrical hazards, asphyxiation, public health issues, trip and slip hazards, collapse or other similar dangers and hazards, shall be considered in violation of this code.

**108.2 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 Officer is authorized to post a placard stating “unfit for human habitation and occupancy” on the premises and order the structure closed up so as not to be an attractive nuisance. Failure of the owner to close up the premises within the time specified in the order shall be a violation of this code and the Code Officer 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 shall be a lien upon such real estate and may be collected by any other legal resource.

**108.3 Notice.** Whenever the Code Officer 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 in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

**108.4 Placarding.** Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code

Officer 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.

**108.4.1 Removal of placard.** The Code Officer 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 Officer shall be subject to the penalties provided by this code.

**108.5 Prohibited occupancy or operation.** Any occupied structure condemned and placarded by the Code Officer shall be vacated as ordered by the Code Officer. Any person who shall occupy a placarded premise or shall 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 in section 106.4. Persons responsible for violation of this section shall be deemed guilty of a summary offence in accordance to section 106.3 and shall receive citations without prior notification as provided for in section 107.1

## **SECTION 109 EMERGENCY MEASURES**

**109.1 Imminent danger.** When, in the opinion of the Code Officer, there is imminent danger of failure or collapse of a building or structure which 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 Officer upon approval of the Director of Code Enforcement or his designee, is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Officer 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 Officer." 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.

**109.2 Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the Code Officer, there is imminent danger due to an unsafe condition, the Code Officer 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 Officer deems necessary to meet such emergency.

**109.3 Closing streets.** When necessary for public safety, the Code Officer 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 utilized.

**109.4 Emergency repairs.** For the purposes of this section, the Code Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

**109.5 Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by The Town of Rising Sun. The Town solicitor shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

**109.6 Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the CEAB, be afforded a hearing as described in this code.

## **SECTION 110 DEMOLITION**

**110.1 General.** The Code Officer shall order the owner of any premises upon which is located any structure, which in the Code Officer'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 years, to demolish and remove such structure.

**110.2 Notices and orders.** All notices and orders shall comply with Section 107.

**110.3 Failure to comply.** If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Officer 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 be a lien upon such real estate.

**110.4 Salvage materials.** When any structure has been ordered demolished and removed, the Town 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.

## **SECTION 111 CEASE AND DESIST**

### **111.1 Stop work and cease and desist orders.**

When, in the opinion of the Code Officer, there is an unlawful activity being conducted at a property, or work associated with the abatement of a violation is not being performed properly; or there exists an activity or condition that is detrimental to the peace and good order of the community, or is causing a public nuisance, and the continuation of such activities or conditions will only further exasperate the situation, then the code officer may issue a “Stop Work” or “Cease and Desist” order on those persons responsible for such activities or conditions.

**111.2 Failure to comply.** Any persons responsible for activities or conditions prohibited in a cease and desist order, which fail to obey such orders, shall be subject to the violations and penalties as outlined in section 106.4

**111.2.1 Separate Violations.** Failure to comply with a “Stop Work” and or “Cease and Desist” order, shall be considered a separate violation, where such activities or conditions do not require prior notice as spelled out in this code

## **SECTION 112 MEANS OF APPEAL**

**112.1 Application for appeal.** Any person directly affected by a decision of the Code Officer or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day

the decision, notice or order was served and all fees associated with such appeals are submitted in accordance to the Town’s fee schedule. An application for appeal shall be addressed to the chairperson of the Town’s Code Enforcement CEAB, here forward referred to as the CEAB and shall be limited to claims that the true intent of this code or the rules legally adopted there under 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.

**112.2 Membership of the CEAB.** The CEAB shall consist of a minimum of three members appointed by the Town Commissioners, who are qualified by experience and training to pass on matters pertaining to property maintenance, and general matters involving code enforcement, and who are not employees of the jurisdiction. The Code Officer shall be an ex-officio member but shall have no vote on any matter before the committee. The members shall serve terms as determined by the Town Code.

**112.2.1 Chairperson.** The CEAB shall annually select one of its members to serve as Chairperson.

**112.2.2 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

**112.2.3 Secretary.** The CEAB shall annually appoint an individual to serve as secretary to the CEAB. The secretary shall file a detailed record of all proceedings in the office of the Town Administrator.

**112.2.4 Compensation of members.** Compensation of members shall be at the discretion of Town Commissioners and as permitted by law.

**112.3 Notice of meeting.** The CEAB shall meet upon notice from the Chairperson, within 10 days of the filing of an appeal, or at stated periodic meetings.

**112.4 Open hearing.** All hearings before the CEAB shall be open to the public. The appellant, the appellant's representative, the Code Officer and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the CEAB membership.

**112.4.1 Hearing Procedures.** The CEAB shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**112.5 Postponed hearing.** When the full CEAB is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**112.6 CEAB Decision.** The CEAB shall consider all facts relevant to the appeal. The committee may modify or reverse the decision of the Code Officer only by a concurring vote of a majority of the total number of appointed CEAB members present, but in no case shall the decision deviate from the spirit and intent of the code.

**112.6.1 Records and copies.** The decision of the CEAB shall be recorded. Copies shall be furnished to the appellant and to the Code Officer.

**112.6.2 Administration.** The Code Officer shall take immediate action in accordance with the decision of the CEAB.

**112.7 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.

**112.8 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 CEAB.

## CHAPTER 2 DEFINITIONS

### SECTION 201 GENERAL

**201.1 Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

**201.2 Interchangeability.** 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.

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the *International Building Code*, *International Residential Code*, *International Electrical Code*, *International Energy Conservation Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Performance Code for Buildings and Facilities*, *International Plumbing Code*, *International Urban-Wildland Interface Code* and *NFPA 70*, such terms shall have the meanings ascribed to them as in those codes.

**201.4 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**201.5 Parts.** Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

### SECTION 202 GENERAL DEFINITIONS

**ANCHORED.** Secured in a manner that provides positive connection.

**APPROVED.** Approved by the Code Officer.

**ASHES.** The residue from the burning of wood, coal, coke and other combustible materials for the purpose of heating and cooking in a single-family dwelling unit or a building or group of buildings having a common ownership and containing or comprising multiple-dwelling units not exceeding six units in number.

**BASEMENT.** That portion of a building which is partly or completely below grade.

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

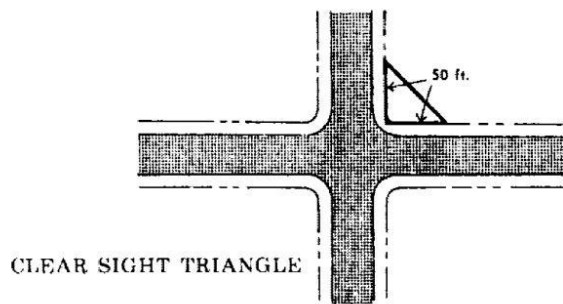
**BEDROOM.** Any room or space used or intended to be used for sleeping purposes.

**BUILDING.** Any structure occupied or intended for supporting or sheltering any occupancy. For application of this code, each portion of a building, which is completely separated from other portions by firewalls complying with the building code, shall be considered as a separate building.

**CANOPY HEIGHT.** The height measured along any public passage way, common alley, parking lot or fire department access road; to the underside of any vegetation, utility lines, aerial wires, cables, banners, ropes or structures, directly over such areas.

**CITATION.** A notice to a person that he or she is in violation of this code and has been charged with a municipal infraction as provided for in section 106

**CLEAR SIGHT TRIANGLE.** A clearance between a plane two feet above curb level and a plane seven feet above curb level within a triangle bounded by two intersecting street lines and a straight line drawn between points on each such line 50 feet from the intersection of said lines or extensions thereof



**CLIPPINGS.** The residual byproduct created when vegetation is chipped, cut, mulched, sawed, trimmed etc. Such byproduct shall include branches, sticks, twigs, grass, leaves etc.

**CODE.** Any code or ordinance adopted, enacted and/or in effect in the Town of Rising Sun concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any buildings, structures, and/or portions of lots of ground or structures regulated by this chapter.

**CODE DEPARTMENT.** The Department of Code Enforcement of the Town of Rising Sun charged with the enforcement of the Town Code of the Town of Rising Sun.

**CODE OFFICER.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**COMMERCIAL SOLID WASTE.** All animal waste, all vegetable waste, all residue from the burning of wood, coal, coke and other combustible material and any other waste materials generated from a source other than a single-family dwelling unit or other than generated from a building or group of buildings containing or comprising multiple-dwelling

units exceeding two units in number. It would include materials from building construction, reconstruction, demolition or repair, street refuse, commercial refuse, industrial refuse, dead animals, abandoned large machinery, automobile parts, dirt, stones, bricks, trees or like material.

**COMMON ALLEY; ALLEY.** A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

**CONDEMN.** To adjudge unfit for occupancy.

**CRACK.** A break, narrow opening or fissure that appears on the surface of an object as a result of a weakness or flaw caused by decay, age, deficiency or stress related to ground or similar type movement, violent contact or impact, pressure exerted by roots, frost or other similar forces of nature.

**DETACHED.** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**DUMPING.** The leaving of rubbish or garbage, as defined in this section, on any private or public property without consent of owner of property.

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

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property by way of a grant by the property owner of an interest in land for use by the public, a corporation, or person(s) for specified

purposes. The easement shall be permitted to be for use under, on or above a said lot or lots.

**EGRESS.** Refers to the act of exiting a building, room space or area. (See “Ingress”)

**EMERGENCY VEHICLE ACCESS PATH.** A minimum passage way required for all streets, highways, common drives; and non-residential driveways or parking areas. Such access path is the minimum distance needed to secure access for emergency vehicles.

**EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

**EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**EXTERMINATION.** 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.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food in a single-family dwelling unit or generated from a building or group of buildings having a common ownership and containing or comprising multiple-dwelling units not exceeding six units in number. It shall not include more than a minimum amount of free liquids.

**GROUND-FAULT CIRCUIT-INTERRUPTER. (GFCI)** A device intended for the protection of personnel that functions to de-energize a circuit or portion thereof within an established period of time when a current to ground exceeds the value for a Class A device.

**GUARD.** 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.** 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.

**HAZARD TREE.** A tree with uncorrectable defects severe enough to pose present danger to people or buildings under normal conditions, as determined by the Town Shade Tree Commission.

**HIGHWAY.** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of a college or university or public or private school or public or historical park.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

**INGRESS.** Refers to the act of entering a building room space or area. (See “Egress”)

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to

being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED.** 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.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who 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.

**LITTER.** Any discarded rubbish or garbage, as defined in this section , and all other waste material which, if thrown or scattered about in a careless manner or lying about in disorder as prohibited in this section, is determined to be a nuisance to the safety, health, cleanliness and comfort of the inhabitants of the Town.

**LUMINAIRE.** A complete lighting unit (lighting fixture) consisting of a lamp or lamps together with parts designed to distribute the light, to position and protect the lamps and ballast, where applicable, and to connect the lamps to the power supply.

**MARYLAND BUILDING PERFORMANCE CODE.** The law and all subsequent amendments that regulate the construction, alteration, repair, renovation and maintenance of all buildings in the state of Maryland.

**MEANS OF EGRESS.** A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a

building or structure to a public way. A means of egress consists of three separate and distinct parts: the exit access, the exit and the exit discharge.

**NEGLECT.** The lack of proper maintenance for a building or structure.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

**OCCUPIABLE SPACE.** A room, deck, porch, enclosed space or other similar area, designed for human occupancy in which individuals congregate for amusement, educational or similar purposes or in which occupants are engaged at labor.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**OPERATOR.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**OUTLET.** A point on the wiring system at which current is taken to supply utilization equipment.

**OWNER.** For the purposes of identifying the person or entity responsible for a structure, property, premise, lot, parcel or piece of equipment regulated by this code, the term owner shall include:

- A) Any person, firm, partnership, association, company, corporation, operator or agent thereof, or other entity whose name appears on the deed or property tax bill for the premises; or
- B) Any person, firm, partnership, association, company, corporation, operator or agent

thereof, or other entity having a legal or equitable interest or control thereof to include a mortgage or lien, or a lease or rental agreement if such agreement spells out responsibilities germane to the specific code section; or

- C) Any person who, alone, jointly or severally, shall have the charge, care, or control as executor, administrator, trustee or guardian of the estate or person of the owner, or ordered to take possession or control by a court; or
- D) Any person who, alone, jointly or severally; or an 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; or
- E) Any person, firm, partnership, association, company, corporation, operator or agent thereof, or other entity which owns or has any ownership interest or control of a premise.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PEST ELIMINATION.** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

**PREMISES.** Any single lot, plot or parcel of land, easement or public way, and all improvements or structures thereon.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or

otherwise permanently appropriated to the public for public use.

**RECEPTACLE OUTLET.** An electrical outlet where one or more receptacles are installed for the connection of an attachment plug to provide electrical current to a devise...

**RECYCLABLES.** Materials that are required to be separated from the solid waste stream at the point of waste generation. Shall include any paper, glass, aluminum and other such materials identified as recyclable in accordance to the Town's Solid Waste collection program as outlined in the Codified Ordinances of the Town of Rising Sun

**ROOMING HOUSE.** 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.** 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.** All waste materials not included in "garbage" and "ashes" that would normally be generated in a single-family dwelling unit or generated from a building or group of buildings having common ownership and containing or comprising multiple-dwelling units not exceeding six units in number. The term "rubbish" would never include materials from building construction, reconstruction, demolition or repair, street refuse, commercial solid waste, industrial refuse, dead animals, abandoned large machinery, parts from automobiles, dirt, stones, bricks, trees or like material.

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

**SPA OR HOT TUB.** A hydro massage pool, or tub for recreational or therapeutic use, not located in health care facilities, designed for immersion of users, and usually having a filter, heater, and motor-driven blower. They are installed indoors or outdoors, on the ground or supporting structure, or in the ground or supporting structure. Generally, a spa or hot tub is not designed or intended to have its contents drained or discharged after each use.

**STORABLE SWIMMING OR WADING POOL.** Those that are constructed on or above the ground and are capable of holding water with a maximum depth of 42 inches (1067 mm), or a pool with nonmetallic, molded polymeric walls or inflatable fabric walls regardless of dimension.

**STRICT LIABILITY OFFENSE.** 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 which was prohibited, or failed to do an act which the defendant was legally required to do.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** 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.** A room containing a water closet or urinal but not a bathtub or shower.

**TOWN.** The Town of Rising Sun of Cecil County, Maryland.

**TOWN CODE or CODIFIED ORDINANCES OF THE TOWN OF RISING SUN.** Shall be the official book of The Town of Rising Sun and shall contain all the local legally binding codes, standards and ordinances governing the Town.

**ULTIMATE DEFORMATION.** The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**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.

**VEGETATION.** Shall include but not be limited to all plant growth, grasses, bushes, trees, ivy, mosses etc.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD.** An open space on the same lot with a structure.



## **CHAPTER 3 GENERAL REQUIREMENTS**

### **SECTION 301 GENERAL**

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

**301.2 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 which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

**301.3 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. Windows and doors shall not be boarded up or covered unless such windows or doors are missing, broken and or do not provide adequate security against unlawful entry.

**301.3.1 Boarded up buildings.** Boards or other similar coverage shall not remain over window and door openings for more than thirty (30) days at which time such openings shall be fitted with replacement windows or doors.

**Exception:** Windows and doors in buildings that have been damaged by fire,

explosion, flood, impact, earthquake, wind or other similar event, shall be permitted to remain boarded up or covered for no more than ninety (90) days.

### **SECTION 302 EXTERIOR PROPERTY AREAS**

**302.1 Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

**302.2 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. All such properties shall be free of ruts and gullies which are man-made or caused by erosion due to improper drainage. Such properties shall not contain any stagnant water that facilitates the harboring of mosquito larvae and the potential for West Nile Virus and or other such health risk.

**Exception:** Approved retention areas and reservoirs.

**302.3 Sidewalks and driveways.** The property owner shall keep all sidewalks, walkways, stairs, driveways, parking spaces and similar areas in their legal control, in a proper state of repair, and maintained free from hazardous conditions as follows:

**302.3.1 Concrete surfaces.** Repairs shall be required for any concrete surfaces as follows:

- A. If such surfaces pose a slip or tripping hazard due to holes, chipped or spalling surfaces; or missing or loose material.
- B. If such surfaces have three (3) or more cracks in any block area bounded by expansion joints, relief cuts or natural edge.
- C. If such surfaces have three (3) or more cracks in any twelve square foot pad area.
- D. If a stretch of curbing has three (3) or more cracks in any twelve linear foot curb run.
- E. If a stretch of curbing has two (2) or more cracks in any curbing that is less than eight (8) linear feet long bounded by expansion joints, relief cuts or natural edge.
- F. If such surfaces have one (1) or more cracks in excess of one sixteenth of an inch (1/16").
- G. If such surfaces have any uneven walking surfaces in excess of one quarter of an inch (1/4").

**302.3.1.1 Repair specifications.**

Any repairs required shall be performed under an approved permit and in accordance to Town specifications.

**302.3.2 Paving and or blacktop surfaces.** Repairs shall be required for any paving or blacktop surfaces as follows:

- A. If such surfaces pose a slip or tripping hazard due to holes, chipped or flaking surfaces or missing or loose material.
- B. If such surfaces have three (3) or more cracks in any block area bounded by expansion joints, relief cuts or natural edge.
- C. If such surfaces have three (3) or more cracks in any twelve square foot pad area.
- D. If a stretch of curbing has three (3) or more cracks in any twelve linear foot curb run.
- E. If a stretch of curbing has two (2) or more cracks in any curbing that is less than eight (8) linear feet long bounded by expansion joints, relief cuts or natural edge.
- F. If such surfaces have one (1) or more cracks in excess of one sixteenth of an inch (1/16").
- G. If such surfaces have any uneven walking surfaces in excess of one quarter of an inch (1/4").

**302.3.1.1 Repair specifications.**

Any repairs required shall be performed under an approved permit and in accordance to Town specifications.

**302.3.3 Prohibited uses of sidewalks.**

Sidewalks are specifically for pedestrian use only. No sidewalk shall be obstructed in any manner by any objects other than a utility pole, a traffic sign or signal, a fire hydrant, parking meter or a rubbish receptacle, which has been placed on the sidewalk for public use by the Town. The

placing of any obstructions, displays, storage, storage containers, signs, private lamppost and lamps, wares, carts, vehicles, dumpsters, other advertising devices, overhead banners, signposts, goods, merchandise, boxes, containers, stands, commodities, or articles of any kind upon a sidewalk are expressly prohibited. However, temporary events conducted upon the sidewalk, or the temporary placement of special banners, flags or other display items are permitted when approved by Town Commissioners. The placement of leaves, vegetation, trash, garbage, rubbish or any other items, for the purposes of collection under guidelines set forth by a collection program established by the Town is permitted, within the guidelines and timeframes as established by such collection programs.

**302.4 Lawn and vegetation care.** All premises and exterior property shall be maintained free from grass, weeds or plant growth in excess of 10 inches (254 mm). This shall also include grass, weeds or plant growth located between the curb and sidewalk areas; around poles, post, signs, trees, fire hydrants etc.

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.

**302.4.1 Vegetation along the curb and street line.** Vegetation growth along the gutter line adjacent to the curb of a public way shall be prohibited and shall be the responsibility of the property owner.

**302.4.2 Vegetation overgrowth and obstruction of public ways.** Trees, bushes or other vegetation shall:

1. Not be permitted to obstruct or reduce the width or height of any emergency vehicle access paths as specified in

section 302.11.

2. Not be permitted to reduce the canopy height of any sidewalks or public passage walks to less than eight (8) feet at any point, nor shall it project out into the width of any sidewalk or public passage by more than one (1) foot, but in no case shall any public passage way be less than thirty-six (36) inches, unless such projection is above the prescribed canopy height.
3. Not be permitted to obstruct the Clear Sight triangle of vehicular access onto a public way as determined by the Chief of Police and defined in Chapter 2.

**Exception:** Vegetation that poses no more of a sight line obstruction than existing buildings or structures previously approved by the Town and sharing the same sight line.

4. Not be permitted to grow in a manner that is unsightly, unkempt or a public nuisance. All such bushes and hedges shall be maintained free of any weeds or mixtures of other vegetation; and shall be routinely trimmed or cut to maintain a uniform shape.

**302.4.3 Lawn care.** No property owner shall permit any ground to become exposed without suitable vegetation or ground cover to prevent erosion or muddy areas, unless such areas are used for gardens or the planting of trees, bushes or other approved shrubbery. Areas covered with intermittent patches of grass; or weeds and other obnoxious growth shall not be considered suitable ground cover.

**302.4.4 Failure to comply.** The owner or agent having charge of a property shall have a minimum of seven (7) days upon service of notice of violation, to cut and or remove any weeds or vegetation found to be in violation of this code. Failure to comply shall result in

prosecution in accordance with Section 106 and/or abatement by the Town in accordance with Section 302.4.8.

**302.4.5 Removal of clippings.** Clippings from trees, brush, grass or other vegetation shall not be left to die or discolor, and shall be swept up, bundled and removed from the property within seven (7) days. Persons responsible for violation of this section shall be deemed guilty of a summary offence in accordance to section 106.3 and shall receive citations without prior notification as provided for in section 107.1

**302.4.6 Leaves and clippings upon streets and sidewalks.** No leaves or clippings from trees, brush, grass or other vegetation shall be left, swept or blown upon any sidewalk, common alley or street unless properly packaged and placed for collection in accordance to the Town Code. Persons responsible for violation of this section shall be deemed guilty of a summary offence in accordance to section 106.3 and shall receive citations without prior notification as provided for in section 107.1

**302.4.7 Blockage of storm drains and fire hydrants.** No leaves, clippings or other items shall be placed in or upon any storm drain openings, or block any fire hydrants or other fire department connections. Persons responsible for violation of this section shall be deemed guilty of a summary offence in accordance to section 106.3 and shall receive citations without prior notification as provided for in section 107.1

**302.4.8 Abatement of violation.** Upon failure to comply with a notice of violation, any duly authorized employee of the Town or contractor hired by the Town shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. Failure to pay

such cost shall result in the Town filing a lien as prescribed in 106.5

**302.5 Outside storage and or use of indoor furniture appliances or vehicle seats.** No indoor furniture such as sofas, chairs, mattresses etc; vehicle seats; and or interior appliances such as stoves, freezers, refrigerators etc, shall be used and or stored outdoors for more than seventy two (72) hours. For the purposes of this section, the term “outdoors” shall include any areas outside the structure and or portions of the structure that are screened, unenclosed and or plainly visible from the public way.

**302.6 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.

**302.7 Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair and in accordance to sections 304 and 305.

**302.8 Vehicles on private property.** As defined in section 1004.1, vehicles on private property shall be regulated as follows:

**302.8.1 Abandoned Vehicles:** Except as provided for in other regulations, no inoperative or unlicensed vehicle shall be parked, kept or stored on any premises. Such vehicles shall be considered abandoned vehicles and shall be regulated in accordance to Chapter 10

**302.8.2 Painting and repair of vehicles.** As defined in Chapter 10, repair of vehicles shall be regulated as follows:

- A. All vehicle repairs performed on residential properties must have the permission of the property owner. All such vehicles must be owned by an occupant of the property or immediate

family member. The repair or maintenance of vehicles for profit shall be prohibited. Such repairs must comply with the following.

1. Normal fluid and minor maintenance repairs must be performed on a paved surface and must be completed and all equipment and residue cleaned up within 24 hours after start of repairs.
2. All other major repairs and painting must be performed inside a structure or similarly enclosed area designed and approved for such purposes.

B. All vehicle repairs and painting performed on non-residential properties must be in conformance with all Town Zoning, Building and Fire Codes.

**302.8.3 Commercial Vehicles in residentially zoned areas.** The parking or storing of any vehicles other than a passenger car, family van, recreational vehicle or motorcycle is prohibited unless such vehicle is owned by the property owner, and the use of such vehicle is incidental to an approved use of the property as regulated by the Town Zoning Code.

**Exception:** The parking or storing of vehicles requiring a commercial operator's license is prohibited.

**302.8.4 Overnight parking in non-residentially zoned areas.** The overnight parking or storing of vehicles requiring a commercial operator's license is prohibited, unless such vehicle is incidental to the legally conforming use of the property.

**302.8.5 Vehicles parked on non-suitable surfaces.** Vehicles shall be parked on surfaces consisting of blacktop, concrete or

crushed stone. Vehicles shall not be parked on a grass, dirt, mud surface, or any other surfaces that cause ruts or the tracking of debris, dirt, mud or other materials onto a paved or concrete surface.

**302.8.6 Vehicle tires depositing mud on public places.** No person shall drive or move any truck or other vehicle within the Town so that the wheels or tires of such vehicle carry onto or deposit on any street, alley or other public place mud, dirt, sticky substances or foreign matter of any kind.

**302.8.7 Vehicles to be constructed and loaded to prevent littering.** No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street or other public place within the Town or upon private premises.

**302.8.7.1 Citation issued notice not required.** Persons responsible for violation of this section shall be deemed guilty of a summary offence in accordance to section 106.3 and shall receive citations without prior notification as provided for in section 107.1

**302.9 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 and to remove any markings, carvings or graffiti within seventy two (72) hours upon notice by the Town.

**302.10 Undesirable accumulations on private property.** No person shall keep or permit to remain on his or her premises, any garbage, rubbish, waste or waste material or any other offensive or unwholesome matter, so as to annoy or be offensive to any other person, or to be

attractive for the harboring of rats or other vermin.

**302.10.1 Dumping.** No person shall dump or permit the dumping thereof, on his or her premises, or on any private property within their control, including any vacant lot, any garbage, rubbish, waste or waste material or any other offensive or unwholesome matter, or cast the same upon any vacant lot, upon any shore or margin of any stream within the Town, or so near the limits thereof as to annoy or be offensive to any other person, or to be attractive for the harboring of rats or other vermin. Persons responsible for violation of this section shall be deemed guilty of a summary offence in accordance to section 106.3 and shall receive citations without prior notification as provided for in section 107.1

**302.11 Littering/Dumping in public places.** No person shall throw, dump, deposit or allow to occur trash or rubbish in or upon any street, sidewalk or other public place within the Town, except that litter may be thrown or deposited in public receptacles or in authorized private receptacles for collection.

**302.11.1 Placing litter in receptacles.** Persons placing litter in public receptacles or in private receptacles shall do so in a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other place or upon private property.

**302.11.2 Litter from vehicles.** No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the Town or upon private premises.

**302.11.3 Responsibility for litter.** Persons owning, leasing or occupying private premises, including places of business, shall keep the sidewalk in front of their premises

free of litter.

**302.11.4 Sweeping litter into public places.** No person shall sweep into or deposit in any gutter, street or other public place within the Town, the accumulation of litter from any building, lot, public or private sidewalk or driveway.

**302.11.5 Littering in any parks.** No person shall throw dump, deposit or allow to occur litter in any park within the Town except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided by this section.

**302.11.6 Bodies of Water.** No person shall throw, deposit or allow to occur litter in any stream, creek, run or any other body of water within the Town.

**302.11.7 Occupied Private Premises.** No person shall throw, deposit, dump or allow to occur litter on any occupied private premises within the Town, whether owned by such person or not, except that the owner or person in control of private premises may maintain authorized private receptacles for the collection of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private premises.

**302.11.8 Duties of Property Owners or Persons in Control.** The owner or person in control of any private premises shall at all times maintain the premises free of litter provided however that this section shall not be so construed as to prohibit the storage of litter in authorized private receptacles for

collection.

**302.11.9 Dumping on vacant private premises.** No person shall throw, dump, deposit or allow littering to occur on any open or vacant property within the Town whether owned by such person or not.

**302.11.10 Citation issued notice not required.** Persons responsible for violation of section 302.11 and all related subsections thereof, shall be deemed guilty of a summary offence in accordance to section 106.3 and shall receive citations without prior notification as provided for in section 107.1

**302.12 Emergency vehicle access path.** A fourteen (14) foot high by twenty (20) foot wide access path shall be maintained for emergency vehicle access, along all public passage ways, non-residential driveways or parking areas. The canopy height and width shall not be obstructed by any, but not limited to vegetation, utility lines, aerial wires, cables, banners, ropes, vehicles, fences, sheds, dumpsters, basketball backboards/stands, buildings or structures. This shall not include the positioning of structures or parking areas that have been approved by the Town.

**Exception:** Garbage and rubbish dumpsters meeting the requirements of section 307.6 may be placed in common alleys if they meet the following conditions;

- A. Their placement shall not reduce the access path to less than fourteen (14) foot high by twelve (12) foot wide.
- B. No more than two (2) dumpster shall be placed on one property.
- C. Dumpsters shall not be placed closer than twelve (12) feet from any intersecting streets or common allies.
- D. Such dumpsters shall be fixed with some type of chain or other approved

attachment that enables the dumpster to be securely fastened to the building at all times and to prevent the unit from inadvertently rolling into the emergency vehicle access path.

- E. Such dumpsters shall be equipped with wheels or castors an can be moved by one or two people, without the use of any keys, special tools or special force.
- F. Any dumpsters that are determined to be a hazard shall be removed.

**302.13 Shopping Carts.** Any shopping carts found abandoned upon the highways, streets, alleys, sidewalk or other private property, shall be deemed to a public nuisance and shall be impounded by the Town. The Town shall notify the owners of such carts, setting forth the number of carts impounded and directing the owner to redeem the same within thirty (30) days and upon payment of impounding fees as specified in the Town Fee Schedule. The Town may sell any unclaimed carts or carts whose owners cannot be clearly identified. Such sale shall be in accordance to the Uniform Commercial Code, governing warehousemen, namely, subsection 2 of an Act of Assembly dated April 6, 1953, P.L. No. 37-210, as amended.

**302.13.1 Users Responsibilities.** Any person who makes use of any shopping cart, belonging to or furnished by the owner of any mercantile or retail store, market or shopping center, for assembling or moving of groceries, foodstuffs or other mercantile items, shall after such use, promptly return the shopping cart to the property from whence taken.

**302.13.2 Owners Responsibilities.** The owner of any mercantile/retail stores, markets or shopping centers, shall collect their discarded shopping carts and return them to an approved cart storage area on a daily basis.

**302.14 Outdoor Clothes Drying.** No person shall throw, place, keep or permit clothing or laundry of any kind to be dried upon a porch, lawn stoop, fence, yard, yard furniture, bush or tree. Laundry may only be hung to dry on clotheslines or manufactured clothes drying trees located in rear yards, of any residence, house apartment, business or institution within the Town.

**302.15 Snow and Ice Removal.** All owners of buildings or land shall be responsible for the removal of any snow and ice as follows:

- A. The owner of any property that abuts any sidewalks on a public highway or common alley shall remove all snow from such sidewalks within twenty four (24) hours after the final snowfall.
- B. Snow shall be removed from all sidewalks and walking surface to provide a pathway of at least thirty-six (36) inches.
- C. The owner of any property that abuts any sidewalks on a public highway or common alley shall not permit ice, upon which it is dangerous to travel, to remain on such sidewalk.
- D. No owner shall permit snow or ice to conceal any fire hydrant, or other fire department connections located on their property.
- E. No owner shall permit snow or ice to remain on any fire department access road located on their property.
- F. No Person shall shovel, plow or move snow out into the public way after it has been plowed, moved or removed, unless authorized by the Town.

**302.16 Keeping of fowl or other non domesticated animals prohibited.**

1. No person shall maintain any building or structure of any kind for the keeping or

housing of fowl or other non-domesticated animals within the Town.

- 2 Subsection (1) above shall not apply to any persons or individuals who have received prior approval from the Town to maintain such fowl or animals. However all such fowl or animals shall be maintained in houses, building and or enclosures that comply in every respect with the provisions of subsection 3 hereof.
- 3 All houses or other buildings or enclosures used for the housing, brooding, breeding or raising of fowl or other animals shall at all times be kept clean and in a sanitary condition, free of all vermin, rodents and lice.
- 4 No garbage, offal, putrid meat or other offensive or unwholesome matter shall be permitted to remain in or about such premises.
- 5 Such building or enclosures shall be kept free of noxious odors and fumes at all times and shall be cleaned regularly.
6. The use of the property or structure shall not be enlarged greater than the current use or size, nor shall such use be permitted after the use is once terminated or discontinued.

**302.17 Town Shade Trees.** Premise owner shall be responsible for compliance with all shade tree regulations as specified in the Town Code.

**302.17.1 Tree maintenance.** Trees shall be properly maintained and free of any defects that could cause the tree or any other parts of the tree to fall down.

**302.17.2 Property owner responsible.** The owner of the property shall be responsible for the proper maintenance, repair or removal of any tree roots, branches,



leaves or any other parts of a tree.

**302.17.3 Actions prohibited.** The following actions shall be prohibited.

- A. No person shall mutilate or injure any tree. Persons responsible for violation of this section shall be deemed guilty of a summary offence in accordance to section 106.3 and shall receive citations without prior notification as provided for in section 107.1
- B. No person shall attach to any tree any wire or rope for the support of poles or radio aerials or for any other purpose.
- C. No person shall open or dig into any street, curb or sidewalk in such a manner as to injure or destroy any street trees, unless such trees are scheduled to be legally removed
- D. Roots, branches, leaves or any other part of a tree on private property shall comply with section 302.4.2 and shall not be permitted to interfere with utility wires, poles or other facilities, sewerage or drainage.
- E. Roots, branches, leaves or any other part of a tree on private property shall not be permitted to extend over into the property of another in a manner that is causing damage to the adjacent property such as damage to sidewalks, fencing, exterior surfaces of structures etc.

**302.18 Sedimentation removal.** All exterior areas of non-owner occupied one and two family dwellings, shall be properly maintained and free of any accumulations of dirt, stones, cinders, salts, granular powders, dust or other similar sedimentations. Such accumulations resulting from winter snow and ice removal activities initiated after November 1<sup>st</sup>, shall be

removed by April 1<sup>st</sup> of the following year.

**302.19 Vehicle and parking lot control devices maintained.** Vehicle and parking lot control devices such as concrete bumpers, poles, post, bollards, guide rails, dividers and parking lot striping, must be properly maintained, painted and or surface protected to prevent rust, decay, deterioration or discoloration. Such items that are damaged, broken, bent, dented color faded or dislodged from their normal location, or incur other similar damages shall be refinished, replaced, relocated or repaired.

**302.20 Signs, post, poles and fences.** Must be properly maintained, painted and or surface protected to prevent rust, decay, deterioration or discoloration. Such items that are damaged, broken, bent, dented, color faded or dislodged from their normal location, or incur other damages shall be refinished, replaced, relocated or repaired.

## **SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS**

**303.1 Swimming pools, hot tubs and spas.** Swimming pools, hot tubs and spas shall be maintained in a clean and sanitary condition, and in good repair and shall comply with the provisions of this section.

**303.1.1 Annual Inspections** All swimming pools containing water more than 24 inches (610 mm) in depth, shall be inspected on an annual basis for compliance with section 303 and any Town health codes.

**Exception:** This shall not include storable swimming or wading pools less than twenty four (24) inches in depth that are not equipped with an electrically operated filter and pump system and are intended for the use of small children.

**303.2 Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) 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 54 inches (1372 mm) 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 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

**303.3 Storable swimming or wading pools. Shall comply with the following:**

1. A cord-connected pool filter pump for use with storable pools shall incorporate an approved system of double insulation or its equivalent and shall be provided with means for grounding only the internal and non-accessible noncurrent-carrying metal parts of the appliance.
2. The means for grounding shall be an equipment grounding conductor run with the power-supply conductors in a flexible cord that is properly terminated in a grounding-type attachment plug having a fixed grounding contact.
3. Electrical equipment, including power-supply cords, used with storable pools shall be protected by ground-fault circuit-interrupters.
4. Luminaires used with the pool or installed within the pool must be properly listed for their use.

**303.4 Receptacle outlets.** Swimming pools required to be inspected on an annual basis and

hot tubs and spas located on properties that are rented, leased, let or offered for sale, shall have receptacle outlets installed and located in accordance with Sections 303.4.1 through 303.4.4. Distances shall be measured as the shortest path that an appliance supply cord connected to the receptacle would follow without penetrating a floor, wall, ceiling, doorway with hinged or sliding door, window opening, or other effective permanent barrier.

**303.4.1 Location.** Receptacles that provide power for water-pump motors or other loads directly related to the circulation and sanitation system shall be permitted to be located between 5 feet and 10 feet (1524 mm and 3048 mm) from the inside walls of pools and outdoor spas and hot tubs, and, where so located, shall be single and of the locking and grounding type with weather proof covers and shall be protected by ground-fault circuit interrupters. Other receptacles on the property shall be located not less than 10 feet (3048 m) from the inside walls of pools and outdoor spas and hot tubs.

**303.4.2 GFCI protection.** All exterior 125-volt receptacles located on a property containing a pool, spa or hot tub shall be protected by a ground-fault circuit-interrupter.

**303.4.3 Indoor locations.** Receptacles shall be located not less than 5 feet (1524 mm) from the inside walls of indoor spas and hot tubs. A minimum of one 125-volt receptacle shall be located between 5 feet (1524 mm) and 10 feet (3048 mm) from the inside walls of indoor spas or hot tubs.

**303.4.4 Indoor GFCI protection.** 125-volt receptacles located within 10 feet (3048 mm) of the inside walls of spas and hot tubs installed indoors shall be protected by ground-fault circuit-interrupters. One hundred twenty-five-volt receptacles located within 5 feet (1524 mm) of the inside walls

of hydro massage bathtubs shall be protected by a ground-fault circuit-interrupter.

**303.5 Switching devices.** Swimming pools required to be inspected on an annual basis and hot tubs and spas located on properties that are rented, leased, let or offered for sale, shall have switching devices located not less than 5 feet (1524 mm) horizontally from the inside walls of pools, spas and hot tubs except where separated from the pool, spa or hot tub by a solid fence, wall, or other permanent barrier.

**303.6 Disconnecting means.** Swimming pools required to be inspected on an annual basis and hot tubs and spas located on properties that are rented, leased, let or offered for sale show have an accessible disconnecting means to disconnect all ungrounded conductors for all utilization equipment, other than lighting, shall be provided and located within sight from all pools, spas, and hot tub equipment, and shall be located not less than 5 feet (1524 mm) from the inside walls of the pool, spa or hot tub.

**303.7 Luminaires and ceiling fans.** Lighting outlets, luminaries, and ceiling-suspended paddle fans for swimming pools required to be inspected on an annual basis and hot tubs and spas located on properties that are rented, leased, let or offered for sale shall be installed and located in accordance with Sections 303.7.1 through 303.7.5

**303.7.1 Outdoor location.** In outdoor pool, outdoor spas and outdoor hot tubs areas, luminaries, lighting outlets, and ceiling-suspended paddle fans shall not be installed over the pool or over the area extending 5 feet (1524 mm) horizontally from the inside walls of a pool except where no part of the luminaire or ceiling-suspended paddle fan is less than 12 feet (3658 mm) above the maximum water level.

**303.7.2 Indoor locations.** In indoor pool areas, the limitations of Section E4103.4.1 shall apply except where the luminaries,

lighting outlets and ceiling-suspended paddle fans comply with all of the following conditions:

1. The luminaries are of a totally enclosed type; and
2. A ground-fault circuit interrupter is installed in the branch circuit supplying the luminaries or ceiling suspended (paddle) fans; and
3. The distance from the bottom of the luminaire or ceiling-suspended (paddle) fan to the maximum water level is not less than 7 feet, 6 inches (2286 mm).

**303.7.3 Existing lighting outlets and Luminaries.** Existing lighting outlets and luminaries that are located within 5 feet (1524 mm) horizontally from the inside walls of pools and outdoor spas and hot tubs shall be permitted to be located not less than 5 feet (1524 mm) vertically above the maximum water level, provided that such luminaries and outlets are rigidly attached to the existing structure and ground-fault circuit-interrupter protection is provided for the branch circuit that supplies such luminaries and outlets.

**303.7.4 Indoor spas and hot tubs.**

1. Luminaires, lighting outlets, and ceiling-suspended paddle fans located over the spa or hot tub or within 5 feet (1524 mm) from the inside walls of the spa or hot tub shall be a minimum of 7 feet, 6 inches (2286 mm) above the maximum water level and shall be protected by a ground-fault circuit interrupter.

Luminaires, lighting outlets, and ceiling-suspended paddle fans that are located 12 feet (3658 mm) or more above the maximum water level shall not require ground-fault circuit interrupter protection.

2. Luminaires protected by a ground-fault

circuit interrupter and complying with Item 2.1. or 2.2. shall be permitted to be installed less than 7 feet, 6 inches (2286 mm) over a spa or hot tub.

2.1. Recessed luminaires shall have a glass or plastic lens and nonmetallic or electrically isolated metal trim, and shall be suitable for use in damp locations.

2.2. Surface-mounted luminaires shall have a glass or plastic globe and a nonmetallic body or a metallic body isolated from contact. Such luminaires shall be suitable for use in damp locations.

**303.7.5 GFCI protection.** Luminaires and outlets that are installed in the area extending between 5 feet (1524 mm) and 10 feet (3048 mm) from the inside walls of pools and outdoor spas and hot tubs shall be protected by ground fault circuit-interrupters except where such fixtures and outlets are installed not less than 5 feet (1524 mm) above the maximum water level and are rigidly attached to the structure.

**303.8 Overhead conductor clearances.** Except where installed with the clearances specified in the International Residential Code, existing service-drop conductors or any other open overhead wiring shall not be permitted to remain over the following parts of pools and outdoor spas and hot tubs; nor shall such wiring be installed above the following:

1. Pools and the areas extending 10 feet (3048 mm) horizontally from the inside of the walls of the pool;
2. Diving structures; or
3. Observation stands, towers, and platforms.

Utility-owned, operated and maintained communications conductors, community

antenna system coaxial cables and the supporting messengers shall be permitted at a height of not less than 10 feet (3048 mm) above swimming and wading pools, diving structures, and observation stands, towers, and platforms.

**303.9 Bonding and grounding of swimming pools.** All in-ground swimming pools shall have proof of a third party electrical certification showing compliance with all swimming pool bonding and grounding requirements as contained in the National Electric Code. Such certification shall be valid for three (3) years.

**303.10 General Electrical Safety.** The Code Officer shall have the right to identify any electrical violations as specified but not limited to Chapter 41 of the International Residential Code, that could render the pool, spas, hot tub or surrounding areas dangerous to persons

## **SECTION 304 EXTERIOR STRUCTURE**

**304.1 General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare, or to detract from area property values.

**304.1.1 Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads

or load effects;

3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal

loads and resisting all load effects;

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

**304.2 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 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 in excess of ten (10) percent of any wall surface area, not to include openings, 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 water tight. 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.

**304.3 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 and from any common alley or public right of way servicing the rear of the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) and must be plainly visible from the highway, street, road or common alley.

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

**304.5 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.

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

**304.7 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.

**304.8 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.

**304.9 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.

**304.10 Stairways, decks, porches and balconies.** 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.

**304.11 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.

**304.12 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.

**304.13 Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. Loose or defective screens, storm windows or window panes shall be properly installed and functioning.

**304.13.1 Glazing.** All glazing materials shall be maintained free from cracks and holes.

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

**304.14 Insect screens.** During the period of April 15<sup>th</sup> to September 30<sup>th</sup> of each year, every door, window and other outside opening required for ventilation of habitable rooms that have been offered for lease or let; food preparation areas; food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self closing device in good working condition.

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

**304.15 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 702.3.

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

**304.17 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.

**304.18 Building security.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

**304.18.1 Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the 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.

**304.18.2 Windows.** Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased, let or offered for sale, shall be equipped with a window sash locking devices.

**304.18.3 Basement hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased, let or offered for sale, shall be equipped with devices that secure the units from unauthorized entry.

**304.18.4 Security Grates.** All security grates must be properly maintained and operational. All surfaces must be free of rust and corrosion, weatherproofed and properly surface coated where required to prevent deterioration.

**304.19 Gates.** All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates. All surfaces must be free of rust and corrosion, weatherproofed and properly surface coated to prevent deterioration.

## **SECTION 305 INTERIOR STRUCTURE**

**305.1 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 which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

**305.1.1 Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and

columns to foundations is not capable of resisting all nominal loads or load effects;

3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

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

**305.3 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.



**Exception:** Owner occupied single family homes and one-and two-family dwellings that are offered for sale, unless such surfaces contain lead based paint and or were caused by leaking roofs, walls or ceilings, or caused by damage due to fire, explosion, flood, impact, earthquake, wind or other similar event.

**305.4 Stairs and walking surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

**305.5 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.

**305.6 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.

**305.7 Windows and human impact loads.** Properties that are rented, leased, let or offered for sale shall be protected by tempered or other approved impact load glass in the following areas:

1. Glazing in doors and enclosures for hot tubs, whirlpools, saunas, steam rooms, bathtubs and showers.
2. Glazing (windows) in any part of a building wall enclosing hot tubs, whirlpools, saunas, steam rooms, bathtubs and showers. Where the bottom exposed edge of the glazing is less than 60 inches (1524 mm) measured vertically above any standing or walking surface.

**305.8 Multiple Cooking Facilities.** For the purposes of this section, any single family dwelling containing multiple cooking facilities shall be viewed as a multiple family dwelling. Such dwelling shall be prohibited unless they

comply with all applicable provisions of the Town Zoning Code and are approved by the Planning Commission and Board of Zoning Appeals.

**EXCEPTION:** Multiple cooking facilities that comply with all applicable Building and Fire Codes may continue if the property owner submits an affidavit and other support information to the CEAB stating the property will not be used as a multiple family occupancy, or rented or used by persons other than the immediate family.

**305.9 Mold.** All properties shall be free of any visible presence of mold.

**305.10 Lead Paint.** All premises or portions thereof, that are rented, leased, let or offered for sale, shall be free of any visible presence of lead paint that poses a health and safety issue to any occupants.

**305.11 Asbestos.** All properties that are rented, leased, let or offered for sale shall be free of any visible presence of Asbestos that poses a health and safety issue to any occupants.

## **SECTION 306 COMPONENT SERVICEABILITY**

**306.1 General.** The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

**306.1.1 Unsafe conditions.** Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:

- 1.1. Collapse of footing or foundation system;
- 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
- 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
- 1.4. Inadequate soil as determined by a geotechnical investigation;
- 1.5. Where the allowable bearing capacity of the soil is in doubt; or
- 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
  - 2.1. Deterioration;
  - 2.2. Ultimate deformation;
  - 2.3. Fractures;
  - 2.4. Fissures;
  - 2.5. Spalling;
  - 2.6. Exposed reinforcement; or
  - 2.7. Detached, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
  - 3.1. Deterioration;
  - 3.2. Corrosion;
  - 3.3. Elastic deformation;
  - 3.4. Ultimate deformation;
  - 3.5. Stress or strain cracks;
  - 3.6. Joint fatigue; or
  - 3.7. Detached, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
  - 4.1. Deterioration;
  - 4.2. Ultimate deformation;
  - 4.3. Fractures in masonry or mortar joints;
  - 4.4. Fissures in masonry or mortar joints;
  - 4.5. Spalling;
  - 4.6. Exposed reinforcement; or
  - 4.7. Detached, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
  - 5.1. Deterioration;
  - 5.2. Elastic deformation;
  - 5.3. Ultimate deformation;
  - 5.4. Metal fatigue; or
  - 5.5. Detached, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
  - 6.1. Ultimate deformation;
  - 6.2. Deterioration;
  - 6.3. Damage from insects, rodents and other vermin;
  - 6.4. Fire damage beyond charring;
  - 6.5. Significant splits and checks;

- 6.6. Horizontal shear cracks;
- 6.7. Vertical shear cracks;
- 6.8. Inadequate support;
- 6.9. Detached, dislodged or failing connections; or
- 6.10. Excessive cutting and notching.

Exceptions:

- 1. When substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted when approved by the code official.

## SECTION 307 HANDRAILS AND GUARDRAILS

**307.1 General.** Every exterior and interior flight of stairs having more than four risers, shall have a handrail on one side of that stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards.

**Exception:** Handrails and Guards shall not be required where none existed previously and physical conditions make it excessively burdensome to install such handrails or guards without significant alterations to the surrounding structure.

**307.2 If handrail and guards installations are required.** Any property that does not comply with section 307.1, shall have handrails and guards installed as follows:

**307.2.1 Handrail details.** Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces and shall be continuous the full length of the stairs, unless interrupted by a newel post at a turn. Handrails adjacent to a wall shall have a space of not less than 1.5 inches (38 mm) between the wall and the handrail.

**307.2.2 Guard details.** Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface and shall not allow the passage of a six (6) inch sphere.

**Exception:** Any residential property that has an occupiable roof area, that is serviced by a door or other walkway opening, in which such roof area can also be used as a deck, porch or other similar gathering spot, shall be permitted to protect such area by installing a self-closing and self-latching device on the door. The self-latching device shall be no less than fifty four (54) inches above the interior floor area. The door shall be maintained such that the door will positively close and latch when released from an open position of six (6) inches from the doorframe.

In addition, a guard of at least twenty four (24) inches in height must also protect the perimeter of the deck.

**307.3 Materials.** All materials, colors and designs incorporated into the repair or replacement of handrails or guards must be consistent with the character of the immediate area and shall be subject to approval by the Code Officer.

## SECTION 308 RUBBISH GARBAGE AND RECYCLABLES

**308.1 Accumulation of rubbish, garbage, or recyclables.** The owner of any premises and or the occupant of any structure, shall be responsible for the exterior property, premises, and the interior of every structure, and shall maintain such areas free from any accumulation of rubbish, garbage or recyclables.

**308.2 Disposal of rubbish, garbage and recyclables.** Every occupant of a structure shall dispose of all rubbish garbage and recyclables in a clean and sanitary manner, using proper containers as prescribed in this section.

**308.2.1 Refrigerators, Freezers, Coolers etc.** Refrigerators, freezers, coolers and similar equipment not in operation shall not be discarded, abandoned or stored on the exterior of a premise without first removing the doors.

**308.3 Placement of rubbish and garbage.** The placement of rubbish, garbage and recyclables shall be as follows:

- A. Properties provided trash collection services by the Town or an agent thereof, as outlined in the Codified Ordinances of the Town of Rising Sun, shall utilize containers specified by the Town as part of the collection program. Containers shall meet the specifications and be properly maintained in accordance to section 308.4. It shall further be the responsibility of the property owner to insure that adequate containers or dumpsters, as outlined in sections 308.4 and 308.5 are provided, for any properties containing two or more dwelling and/or rooming units.
- B. Properties required to provide their own rubbish and garbage collection as outlined in the Codified Ordinances of the Town of Rising Sun, shall do so by providing an approved container and or dumpster. Containers shall meet the specifications and be properly maintained in accordance to section 308.4, while dumpsters shall meet the specifications

and be properly maintained in accordance to section 308.5

**308.4 Approved rubbish and garbage containers.** An approved rubbish and garbage container (trash can) shall meet the following specification and shall be maintained as follows:

- A. Must be a leak proof be metal or plastic container of not more than thirty three (33) gallon capacity which do not, when filled, weigh more than thirty (30) pounds; or
- B. Must be a leak proof plastic cart container with wheels, commonly referred to as a "Toter" of not more than ninety six (96) gallon capacity which does not, when filled, weigh more than seventy (75) pounds. Toters must meet the criteria for use with standard bar lock lifters or automated grabbers (bar must be metal) and must also meet for use with comb lifters or automated grabbers. Furthermore, toters if not secured from the Town, shall have the following minimum specifications:
  - Injection molded for extra strength and durability
  - 0.175-inch minimum or greater wall thickness for durability
  - One-piece high-density polyethylene (HDPE) construction
  - Extra wall thickness in bar area
  - Rotating steel bar for less stress on cart body
  - Non-slip, textured finish on corners for grabber efficiency
  - Smooth surface inside and out for easy cleaning with no protrusions
  - Comfortable ergonomic handles

- Long-lasting integrated lid hinges
  - In-molded bar supports
  - In-molded reinforced sleeve for bar-locking lifter or in-molded reinforced frontal rim for comb lifters
  - In-molded support ribs for reinforcement
  - 7/8-inch solid steel axels
  - 3/8-inch bottom wear strip for longer life
  - 270-degree lid opening
  - In-molded integral hand grips for pushing/pulling the cart
  - Lift bars must be between 17 and 18 inches off the ground
- C. Containers shall be provided with close-fitting covers or lids for the storage of such materials until properly disposed of.
- D. Containers shall effectively prevent the entry of rain, snow, vermin and vectors therein.
- E. Containers shall effectively prevent the escape of noxious odors, effluent, refuse and garbage.
- F. Containers shall be maintained in good condition. Any containers that do not conform to the provision of this section or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced.

**308.4.1 Prohibited rubbish and garbage containers.** Containers prohibited by the Town will include, but not be limited to, galvanized metal, aluminum, plastic or metal drums; fiber or paperboard drums, wire trash burners, barrels, paper shopping

bags, plastic garbage bags, cardboard boxes, receptacle without lids, open plastic bags or receptacles having sharp or jagged exposures.

**308.5 Approved rubbish and garbage dumpsters.** For the purposes of this section rubbish and garbage dumpsters shall be limited to such dumpsters used to collect and remove the rubbish and garbage from facilities, structures or businesses on a daily basis. The placement of these dumpsters shall comply with the following:

- A. Collector must be properly licensed with Cecil County prior to placement.
  - B. Must comply with all applicable Zoning, Health and Fire codes.
  - C. Location of dumpster placement must be approved by the Code Official.
  - D. Must be located on a minimum 4" thick concrete pad or other hard smooth surface that will allow for scrubbing and cleaning as needed and will not trap residue or leave ruts in the earth when the unit is moved.
- Exception.** Dumpster placements that are approved by the Code Official.
- E. Must have operable lids or covers which, when closed, shall effectively prevent the escape of noxious odors, effluent, refuse and garbage, and prevent the entry of rain, snow, vermin and vectors therein.
  - F. Dumpsters shall prominently display the name, address and telephone number of the collector furnishing any such container and shall be labeled with reflective tape, and plainly visible at night.

- G. When feasible and as directed by the Code Officer, dumpsters must be provided with adequate screening to consist of fencing, shrubbery, masonry materials or other such materials approved by the Code Officer. Such screening shall be provided on all four (4) sides. An access gate shall be provided for dumping and removal of dumpster and shall be kept closed at all other times.

### **308.6 Approved construction dumpsters.**

For the purposes of this section construction dumpsters shall be limited to such dumpsters placed on site on a temporary basis and used to collect and remove rubbish, garbage or construction debris from a property that is under construction, renovation or cleanup. The placement of these dumpsters shall comply with the following:

- A. Collector must be properly licensed prior to placement.
- B. Dumpsters shall prominently display the name, address and telephone number of the collector furnishing any such container and shall be labeled with reflective tape, and plainly visible at night.
- C. Property owner must secure a building permit if the dumpster is being used for any construction projects, demolition, salvage or cleanup.
- D. Must comply with all applicable Zoning, Health and Fire codes.
- E. Location of dumpster placement must be approved by the Code Officer.

**308.7 Trees trimmings & vegetation.** Tree limbs, brush, hedge, tree clippings and Christmas trees shall be placed for collection as follows:

- A. Such items shall be placed in bags approved for the disposal of leaf or other

vegetation, or cut to lengths not to exceed three feet and securely tied in bundles not more than 18 inches in diameter before being offered for regular collection. Christmas trees shall be no more than 8 feet in total length.

- B. Such placement for collection shall be limited to no more than three thirty pound bundles of tree limbs, brush, hedge and tree clippings and one Christmas tree for collection.
- C. Items not complying with these specifications will be considered bulk pick up and must comply with section 307.10

**308.8 Construction materials.** The placement of construction materials, such as wood or metal studs, beams, rafters, joist, plywood, sheathing, siding roofing materials, electrical wiring, plumbing materials, cabinets, appliances and other discarded materials of a renovation, repair or construction project shall not be placed out for regular collection. Such items shall be considered bulk pick up and must comply with section 307.9

**308.9 Bulk pickup.** Residents wishing to have bulk items picked up such as furniture appliances etc. should contact the Town Hall at least 48 hours in advance of the scheduled pick up. The Trash collection agent for the Town may access additional charges for the collection of bulk items. These cost will be passed along to the property owner. Bulk pickup shall be in accordance to the Town's solid waste collection program as outlined in the Codified Ordinances of The Town of Rising Sun. Such materials shall be placed as directed by the Town. The Town may refuse to permit the collection of unreasonable amounts and require the producer of the same to dispose of excessive amounts at the producer's expense.

**308.10 Clean up of container effluent.** No property owner shall permit or allow any

effluent or leakage from any containers or dumpster located on the property to remain for more than twenty four (24) hours.

**308.11 Trash bags** With the exception of approved leaf and vegetation bags, the placement of rubbish and or garbage in plastic or paper bags not concealed in an approved container and or dumpster shall be prohibited.

**308.12 Recyclables rubbish or garbage stacked upon containers, dumpsters or overflowing.** No recyclables, rubbish or garbage shall be stacked, placed or stored upon the top or sides of any containers and or dumpsters, nor shall any recyclables, rubbish, garbage or contents be permitted to overflow from any containers and or dumpsters.

**308.13 Mixing of recyclables, rubbish and garbage.** Items covered under the Town's recycling program shall not be placed or mixed in with any containers or dumpster designed for the disposal of rubbish or garbage.

**308.14 Improper disposal of hazardous materials.** Chemicals, fuels, liquids solids and other items consider as hazardous materials shall not be placed in any containers or dumpsters reserved for recyclables, rubbish or garbage.

**308.15 Proper placement for collection.** Rubbish and garbage in containers as specified in this chapter shall be placed along the public street, back driveway or designated collection area, along the curb line, not before 6:00 p.m. on the day preceding the scheduled collection.

**307.15.1 Number of items for collection.**

The placement of more than container or toter could result in additional charges accessed by the trash collection agent for the Town of Rising Sun. Any additional charges for this additional collection will be passed along to the property owner, unless such placement has been arranged through

the Town's Bulk Pick up program in accordance to 307.9.

**308.16 Placement for collection without lids or covers.** Any containers or dumpsters required to have tight fitting covers and or lids, shall have such covers and lids closed when such containers or dumpsters contain rubbish and or garbage.

**308.17 Proper Storage of Containers.** No owner or occupant shall permit the storage of rubbish, garbage or recyclable containers in the front of the property, visible from the public way, unless such containers are properly placed for collection, unless access to the back yard is not possible without passing through the building or if the property does not have a garage or accessory structure to house the containers, otherwise rubbish, garbage and recyclable containers shall be stored in a closed garage or in the rear of the property, up next to the house, but in no case shall such containers be stored in the public way or along an adjacent property line.

**308.18 Public nuisance or offensive storage.** No owner or occupant shall permit such storage of containers or dumpsters to be a public nuisance or offensive to others due to escape of noxious odors, effluent, refuse and garbage, or excessive or overflowing materials, or the presence of vermin and vectors therein.

**308.19 Retrieval of containers after pick up.** Containers must be returned to their required storage area as outlined in section 307.17, no later than 9:00 AM the morning following a scheduled pick up.

**308.20 Rubbish, garbage and recyclables not collected.** Any uncollected rubbish, garbage or recyclables, regardless of non-collection reasons, shall be returned to the normal storage areas for containers in accordance to 307.17.

**Exception:** Items scheduled for bulk or special pickup with the Town.

**308.21 Scavenging prohibited.** No person shall disturb, remove, upset or in any way interfere with any garbage, ashes, refuse matter, rubbish or recyclable material left for collection under this code for the purposes of obtaining, removing or scavenging such materials for personal use and or monetary profit or gain.

**308.22 Open Burning Prohibited.** No person shall ignite or burn any rubbish, trash, refuse, leaves, limbs or waste material outdoors upon any public or private property, unless such burning is in accordance to section 707.3.

**308.23 Citations issued notice not required.** Persons responsible for a violations of sections 308.8, 308.9, 308.10, 308.11, 308.12, 308.13, 308.14, 308.15, 308.15.1, 308.16, 308.17, 308.18, 308.19, 308.20, 308.21 & 308.22 shall be deemed guilty of a municipal infraction in accordance to section 106.3 and shall receive citations without prior notification as specified in section 107.1

**308.24 Recyclable containers.** All containers required under the Town's recycling program shall be present and properly maintained.

## **SECTION 309 EXTERMINATION**

**309.1 Infestation and rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where evidence of rodents and infestations are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

**309.2 Owner.** The owner of any premise shall be responsible for extermination within the structure

or upon the property prior to renting or leasing of the premises.

**309.3 Single occupant.** The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

**309.4 Multiple occupancy.** The owner of a structure containing two 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.

**309.5 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.

## **SECTION 310 ANIMAL DEFECATION**

**310.1 Accumulations of animal defecation and odors.** Every owner or possessor of real property in The Town of Rising Sun shall prevent or remove any and all accumulations of animal waste, feces or excretions on such property if such accumulations are excessive and or create unhealthy conditions, or result in obnoxious odors or unsightly conditions beyond the property.

**310.2 Animal defecation on private property.** No person having possession, custody or control of a household pet shall allow such household pet to defecate upon a gutter, street, driveway, alley, curb or sidewalk in the Town; upon any floor or stairway of any building or place frequented by the public or used in common by the tenants thereof; upon any outside wall, walkway, driveway, alley, curb or stairway of



any building abutting on a public street or park; upon the grounds of a public park or public area; or upon private property other than the property of the owner of the household pet.

**310.3 Removal of feces.** A person having possession, custody or control of a household pet which defecates in any area other than the private property of the owner of such household pet, as prohibited in section 310.2 above, shall immediately remove the feces from such surfaces and either:

1. Place the same in a non-leaking container and carry the same away for deposit in a toilet; or
2. Place the same in a non-leaking container for deposit in a trash or litter receptacle on the property of the owner of such household pet.

**310.4 Citation issued notice not required.** Persons responsible for violation of this section shall be deemed guilty of a summary offence in accordance to section 106.3 and shall receive citations without prior notification as provided for in section 107.1

## **SECTION 311 DISTRIBUTION OF ADVERTISING MATERIAL**

**311.1 General.** For the purposes of this section, the distribution of advertisement material shall include any handbills, signs, posters, stickers, circular, advertising circular, fliers, notices, pictures and similar materials, that are delivered to a premise by way of hand delivery or other similar service not to include the distribution of mail by the United States Postal Service. Materials distributed by the Town and materials used for political candidates running for office shall not be included.

**311.2 Definitions.** The following words and terms shall, for the purposes of this section and

as used elsewhere in this code, have the meanings shown herein.

**COMMERCIAL HANDBILL.** Any printed or written matter, leaflet, pamphlet or any other printed or otherwise reproduced literature or sample which advertises for sale any merchandise, product, commodity or thing or which directs attention to any business or mercantile establishment or which directs attention to or advertises any meeting, theatrical performance or event of any kind for which an admission fee is charged; and any printed or written matter which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

**NONCOMMERCIAL HANDBILL.** Includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, unsubscribed newspaper or magazine, paper booklet or any other printed or otherwise reproduced original or copies of any matter or literature not included in the aforesaid definition of a commercial handbill, or any commercial handbill, as previously defined, used for a charitable or nonprofit purpose within the meaning of Section 501(C)(3) of the Internal Revenue Code.

**NEWSPAPER.** Includes any newspaper of general circulation published or distributed for profit, as defined by general law; any newspaper published or distributed for profit, duly entered with the United States Postal Service in accordance with federal statute or regulation; and any newspaper published or distributed for profit, filed and recorded with any recording officer as provided by general law; and, in addition thereto, includes any periodical or current magazine regularly published and sold to the public.

**311.3 Commercial business advertisement distribution.** Advertisement material may be distributed by a commercial business, or other persons or entities not operating as a non-profit organization provided that such business, person or entity obtains the necessary license and permits required, as set forth in subsection 310.6.

**311.4 Non-profit organizations within the Town.** Advertisement materials may be distributed by non-profit organizations situated wholly or partially in the Town provided that such non-profit organization obtains the necessary license and permits required, as set forth in subsection 311.6.

**311.4.1 Placement of signs and posters.** Signs and posters shall be permitted to be placed upon suitable locations, to include utility poles, but shall not cover up other material. Such signs and posters are limited to no more than 20 per event. Such signs and posters cannot be placed more than 3 weeks before the event and must be removed within 10 days after the event

**311.5 Non-profit organizations outside of the Town.** Advertisement materials may be distributed by non-profit organizations situated outside the Town, provided that such non-profit organization obtains the necessary license and permits required, and makes application to the Commissioners for permission to distribute such material at a public Commissioners meeting. If granted, signs and posters shall comply with 311.4.1, but shall be limited to no more than 10 per event.

**311.6 Licenses permits and fees.** Any business, person or entity required to secure a license or permit shall comply with the following:

- A. Applicant shall pay all application fees as covered in the Town's fee schedule and shall secure either a
  - 1. Annual license to distribute material Monday through Saturday between the

hours of 9:00 AM and 7:00 PM.

- 2. A daily license to distribute material Monday through Saturday between the hours of 9:00 AM and 7:00 PM.
- 3. A one day license to distribute material Monday through Saturday between the hours of 9:00 AM and 7:00 PM.

- B. Must provide a list of properties or areas of which materials will be distributed.
- C. Any business, person or entity found distributing materials without a license or permit shall be charge a double license or permit fee.

**Exception.** Newspapers of general publication, which are subscribed to by those receiving such newspaper, political parties and nonprofit organizations are exempt from all license, license fee and permit fee requirements.

**311.7 Distribution of materials.** The distribution of advertisement materials shall be as follows:

- A. All materials distributed must be placed upon each property of the resident or business to which they are intended and shall be distributed in a manner that will prevent the material from being carried by the wind.
- B. The materials shall not be placed upon lawns, bushes, trees or other vegetation of the property.
- C. The materials shall not be placed upon any property on which two other pieces of advertisement materials have previously been placed.
- D. The materials shall not be placed where they could be hazard to any pedestrian.
- E. The use of glue or adhesives is prohibited.
- F Materials that are legally posted and

become torn, tattered, defaced or damaged shall be removed immediately.

**311.8 Commercial handbills on Private Premises Restricted.** It shall be unlawful for any person, firm or corporation to deposit, fasten, place, throw, scatter or cast any unsubscribed commercial handbill or sample, or cause the same to be done, upon any private premises if a sticker, sign, poster or other device conspicuously lettered **LEAVE NO UNSUBSCRIBED MATERIALS** is conspicuously posted on the front portion of the main dwelling house of such premises or along the main entrance to such premises.

**311.9 Unidentified commercial handbills.** It shall be unlawful for any person, firm or corporation to deposit, fasten, scatter or cast any unsubscribed commercial handbill or sample, or cause the same to be done, which does not have conspicuously printed thereon or therein the name and address of the person, firm or corporation who, in the capacity of distributor, caused the same to be distributed.

**311.10 Commercial handbills placed on parked vehicles.** It shall be unlawful for any person firm or corporation to deposit, fasten, place, throw, scatter or cast any unsubscribed commercial handbill or sample, or cause the same to be done, upon any parked vehicles parked upon any street, highway, common alley, driveway or parking lot.

**311.11 Distribution of advertisements on public property, public areas and public ways.** It shall be unlawful for any person, firm corporation or organization to deposit, fasten, place, throw, scatter or cast any advertisements, or cause the same to be done, upon any public property, public sidewalk, public highway, bridge, railroad, park, bench, post, tree, mailbox, newspaper box, soda machine, street sign, trash receptacle, utility box, utility pole or other outside structure in the public area, unless approved by the Town..

**311.12 Materials for political campaigns.**

Items used by persons running for political office shall be permitted to be placed upon utility poles, but shall not cover up other candidate's material. Such signs and posters are limited to no more than 100 per candidate in the Town. Such signs and posters cannot be placed more than 3 weeks before the election and must be removed within 10 days after the election.

**311.13 Town collection of advertising and campaign materials.**

The Town reserves the right to collect or remove any material that has been illegally distributed, or has blown upon the public way, or collect or remove any signs or posters that have not been removed in the time set forth here within. The Town will charge a \$40 fee for the first 10 items collected or removed and \$25 for every 10 items collected thereafter; plus an administrative handling charge. The collection of these fees shall be in addition to any citations and fines as outlined in section 106.4.

**311.14 Citation issued notice not required.**

Persons responsible for a violations of sections 311.7, 311.8, 311.9, 311.10, & 311.11 shall be deemed guilty of a summary offence in accordance to section 106.3 and shall receive citations without prior notification as provided for in section 107.1

## **SECTION 312 SOLICITATION**

**312.1 Registration and license required.** No person shall engage in any transient retail business, peddling, solicitation, or canvassing in the Town for commercial purposes without first registering with the Police Department and securing a license or permit from the Code Department.

**312.2 Definitions.** The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

**PEDDLING.** The sale of goods, wares or merchandise of any sort or description from house to house or upon any of the streets or sidewalks of the Town.

**SOLICITATION AND CANVASSING.** The taking of orders for goods, wares or merchandise, including subscriptions for magazines or other printed matter and the obtaining of contracts for home and building devices, repairs and improvements or the securing of contributions or of promises to contribute to various causes and organizations from house to house or upon any of the streets or sidewalks of the Town. In no case shall this chapter apply to any religious or political activities or causes.

**MOBIL VENDOR.** A vehicle parked upon or driven through the Town streets for the purpose of transacting business for the sale of goods, wares or merchandise of any sort or description directly from the vehicle to the community.

**312.3. License application; issuance of license.** The application and issuance of any peddling or solicitation license shall be as follows.

A Any person desiring to engage in peddling, solicitation or canvassing shall submit a written application to the Police Department on a form to be furnished by the Town. Such application shall state the following information:

1. Applicant's name, age, sex, home address, business address, name and address of employer.
2. Submit two photographs 2 1/2 inches by three inches of himself taken within six months prior to the date of the application.
3. What he desires to peddle, solicit or canvass.

4. The length of time he wished to engage in such activity.
5. The make, type and registration number of any and all vehicles he will use
6. Whether he has ever been convicted of a felony, misdemeanor or a crime of any kind involving moral turpitude.
7. A list of all other cities, towns and counties where the applicant has obtained a peddlers or solicitation permit or similar permit within the past five years.
8. Such other information as may be required by the Town.

B. Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper.

C. No license issued under this chapter shall be transferable from one person to another.

D. The Town Secretary will issue to the applicant an identification license with one of the applicant's photographs affixed within 10 days from the date of filing of the application, provided that all information required is supplied by the applicant.

E. The term of the license to be issued under this chapter shall be for one day, one month or one calendar year.

**312.4. Reasons for denial of license.** A license will not be issued to any person who has been convicted of a felony, misdemeanor or a crime of any kind involving moral turpitude.

**312.5 Fees.** The license fee for a one-day, one-month and one-calendar-year terms, respectively, shall be as set forth from time to time by resolution of the Town Commissioners.

**312.7 Standards of conduct.** Every person to whom a license has been issued shall in the conduct of his activities comply with the following standards of conduct:

- A. He shall carry his license at all times and exhibit it upon request to any police officer or to any person on whom he shall call, with whom he shall talk or any Town official or citizen.
- B. He shall not permit any other person to have possession of his license and shall immediately report its loss to the Town Secretary. He shall not cause or permit his license to be altered or defaced in any way.
- C. He shall not enter or attempt to enter any dwelling without the invitation or permission of the occupant and shall immediately leave any premises upon request of the occupant.
- D. He shall not peddle, solicit or canvass at any time on Sunday or upon any other day of the week before 9:00 a.m. or after dark.
- E. He shall not be guilty of any false pretense or misrepresentation, and particularly he shall not represent his license to be an endorsement of himself or his goods or services or the goods or services of his employer.
- F. He shall immediately surrender his license to the Town Secretary upon revocation thereof.
- G. He shall not peddle, solicit or canvass except within the limits of activity and goods and services specified on his license.

H. He shall not hawk or cry his wares upon any of the streets or sidewalks of the Town nor shall he use any loudspeaker or horn or any other device for announcing his presence.

I. He shall not place or deposit any refuse upon any of such streets or alleys; nor may any such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Town for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

J. He shall not have any exclusive right to any location in the public streets, nor be permitted a stationary location, nor be permitted to operate in any congested area where operations might impede or inconvenience the public. For the purpose of this Section, the judgment of a police officer, exercised in good faith, shall be conclusive as to whether the area is congested or the public impeded or inconvenienced.

**312.8 Revocation of identification card.** Any license may be revoked by the Town if the holder fails to comply with the standards of conduct contained in 312-7 hereof, or any of them, or upon ascertainment by the Police Department that the holder has made a false statement in his application.

**312.9 Exemptions.** The license fee provisions of this chapter shall not apply to boys or girls under 16 years of age who take orders for and deliver newspapers, greeting cards, candy and the like or who represent the Boy Scout and Girl Scout or similar organizations and take orders for and deliver cookies and the like.

## CHAPTER 4

### LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

#### SECTION 401 GENERAL

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

**401.2 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 chapter.

**401.3 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.

#### SECTION 402 LIGHT

**402.1 Habitable spaces.** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 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 3 feet (914 mm) 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 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

**402.2 Means of egress lighting.** Lighting shall be provided for means of egress as follows:

- A. One- and two-family dwellings. All interior and exterior stairways located in any one- and two- family dwellings rented, leased, let or offered for sale, shall be provided with lighting as follows:
  1. Interior stairways with six (6) or more risers shall provide a 60-watt standard incandescent light bulb, or equivalent illumination, located in the immediate vicinity of each landing of the stairway.
  2. Exterior Stairways shall provide a 60-watt standard incandescent light bulb, or equivalent illumination, located in the immediate vicinity of the top landing of the stairway
  3. The control for activation of the required interior stairway lighting shall be accessible at the top and bottom of each stairway without traversing any steps. The

illumination of exterior stairways shall be controlled from inside the dwelling unit.

**Exception:** Lights that are continuously illuminated or automatically controlled.

B. Residential Occupancies. All common hall and stairways located in residential occupancies, other than one- and two-family dwellings, shall be provided with lighting as follows:

1. Common halls shall be lighted at all times with at least a 60-watt standard incandescent light bulb, or equivalent illumination, for each 200 square feet ( $19 \text{ m}^2$ ) of floor area and shall be sufficient to illuminate change of hallway direction, provided that the spacing between lights shall not be greater than 30 feet (9144 mm).
2. Interior stairways shall be lighted at all times with at least a 60-watt standard incandescent light bulb, or equivalent illumination, for each 200 square feet ( $19 \text{ m}^2$ ) of floor area and shall be sufficient to illuminate treads and landings. At least one such lighting outlet shall be provided for each floor level.
3. Exterior stairways shall be lighted at all times with at least a 60-watt standard incandescent light bulb, or equivalent illumination, located in the immediate vicinity of the top landing of the stairway
4. Exit discharge areas shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent illumination located in the immediate vicinity of the doorway.

C. Non-residential Occupancies. Means of egress lighting shall be provided as follows:

1. All means of egress, including the exit discharge, shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot-candle (11 lux) at floors, landings and treads and shall be sufficient to illuminate change of hallway direction.
2. Exit discharge areas shall be provided with at least one wall-switch-controlled lighting outlet installed to provide illumination on the exterior side of each outdoor egress door having grade level access.
3. At least one wall-switch-controlled lighting outlet shall be installed to provide illumination on the exterior side of each outdoor egress door leading to egress stairs with such lighting outlet to be located in the immediate vicinity of the top landing of the stairway

**402.2.1** The power supply for means of egress illumination shall normally be provided by the premise's electrical supply.

**402.2.2** In the event of power supply failure, an emergency electrical system or power supply consisting of storage batteries, unit equipment or an on-site generator shall be provided. Such system shall automatically illuminate the areas covered

**402.3 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.

**402.4 Storage or equipment spaces.** All attics, under-floor spaces, utility rooms and basements shall be equipped with at least one lighting outlet where these spaces are used for storage or contain equipment requiring servicing. Such lighting outlet shall be controlled by a wall switch or shall have an integral switch. At least one point of control shall be at the usual point of entry to these spaces. The lighting outlet shall be provided at or near the equipment requiring servicing

**402.5 Clothes, linen or storage closet lighting.** All fixtures installed in closets shall be limited to surface-mounted or recessed incandescent fixtures with completely enclosed lamps, and surface-mounted or recessed fluorescent fixtures. Incandescent fixtures with open or partially enclosed lamps and pendant fixtures or lamp-holders shall be prohibited. Fixture installations shall be in accordance with the Building Code.

**Exception:** Non-rental, owner occupied single family dwellings that are not offered for sale.

**402.6 Exterior Property Areas.** In the absence of any existing public lighting, the exterior areas of all structures adjacent to any public highway or common alleys, except one- & two- family dwellings, shall be provided with at least one (1) exterior 60-watt flood or spot light positioned to provide sufficient security lighting to the property, highway or common alley area. Such lighting shall be provided for every forty (40) feet of building and shall not cast directly upon any adjacent residential properties in a manner that causes a nuisance to the occupants.

## **SECTION 403 VENTILATION**

**403.1 Habitable spaces.** Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

**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 8 percent of the floor area of the interior room or space, but not less than 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.

**403.2 Bathrooms and toilet rooms.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, 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.

**403.3 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:** Where specifically approved in writing by the Code Officer.

**403.4 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.

**403.5 Clothes dryer exhaust.** In all but owner occupied one- & two- family dwellings, dryer exhaust systems shall be independent of all other systems, shall convey the moisture to the outdoors and shall terminate on the outside of the building. Exhaust duct terminations shall be in accordance with the dryer manufacturer's installation instructions. Screens shall not be installed at the duct termination. Exhaust ducts shall not be connected with sheet-metal screws or fastening means which extend into the duct.



Exhaust ducts shall not exceed 25 feet (7620 mm) from the dryer location to the wall or roof termination. The maximum length of the duct shall be reduced 2.5 feet (762 mm) for each 45-degree (0.79 rad) bend and 5 feet (1524 mm) for each 90-degree (1.6 rad) bend. Exhaust ducts shall be constructed of minimum 0.016-inch-thick (0.406 mm) rigid metal, having smooth interior surfaces with joints running in the direction of airflow.

**403.5.1** Flexible transition ducts used to connect the dryer to the exhaust duct system shall be limited to single lengths, not to exceed 8 feet (2438 mm) in length and shall be listed and labeled in accordance with UL 2158A. Transition ducts shall not be concealed within construction.

**403.5.2 Dryer and duct maintenance.** Dryers and their ducts shall be properly maintained and properly cleaned of all lint and other debris that could cause a fire.

## **SECTION 404 OCCUPANCY LIMITATIONS**

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

**404.2 Minimum room widths.** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

**404.3 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 7 feet (2134 mm).

### **Exceptions:**

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) 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 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) 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 7 feet (2134 mm) 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 5 feet (1524 mm) or more shall be included.

### **404.4 Bedroom and living room requirements.**

Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

**404.4.1 Room area.** Every living room shall contain at least 120 square feet (11.2 m<sup>2</sup>) and every bedroom shall contain a minimum of 70 square feet (6.5 m<sup>2</sup>) and every bedroom occupied by more than one person shall contain a minimum of 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

**404.4.2 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.

**Exception:** Units that contain fewer than two bedrooms.

**404.4.3 Water closet accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

**404.4.4 Prohibited sleeping areas.** The following areas shall not be used for sleeping purposes if they are located in:

- A. Kitchens
- B. Nonhabitable spaces.
- C. Basements or areas below ground when such areas:
  - 1. Are not properly separated from heater or boiler areas with a minimum one hour fire separation.
  - 2. Where fuel burning heaters or boilers draw combustion make up air from such sleeping areas.
  - 3. Are not provided with emergency egress openings as required in the building code.
  - 4. Are not equipped with hard wired smoke and carbon monoxide detectors.

**404.4.5 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 chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

**404.5 Overcrowding.** Dwelling units shall not be occupied by more occupants than permitted

by the minimum area requirements of Table 404.5.

**Table 404.5  
MINIMUM AREA REQUIREMENTS**

Space	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room a, b	120	120	150
Dining room a, b	No requirements	80	100
Bedrooms	Shall comply with Section 404.4		

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

- a. See Section 404.5.2 for combined living room/dining room spaces.
- b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

**404.5.1 Sleeping area.** The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

**404.5.2 Combined spaces.** Combined living room and dining room spaces shall comply with the requirements of Table 404.5 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.

**404.6 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 one occupant shall have a minimum clear floor area of 120 square feet (11.2 m2). A unit occupied by not more than two

occupants shall have a minimum clear floor area of 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 m<sup>2</sup>). 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 minimum clear working space of 30 inches (762 mm) 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.

**404.7 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.

## CHAPTER 5

### PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

#### SECTION 501 GENERAL

**501.1 Scope.** The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

**501.2 Responsibility.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

#### SECTION 502 REQUIRED FACILITIES

**502.1 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.

**502.2 Rooming houses.** At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

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

**502.4 Employees' facilities.** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

**502.4.1 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.

#### SECTION 503 TOILET ROOMS

**503.1 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.

**503.2 Location.** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

**503.3 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 story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). 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 500 feet (152 m) from the employees' regular working area to the facilities.

**503.4 Floor surface.** In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

## **SECTION 504 PLUMBING SYSTEMS AND FIXTURES**

**504.1 General.** All plumbing fixtures shall be properly installed and maintained in accordance to the Plumbing code, 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.

**504.2 Fixture clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.

**504.3 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, back-siphonage, improper installation, deterioration or damage or for similar reasons, the Code Officer shall require the defects to be corrected to eliminate the hazard.

**504.4 Sump Pumps.** All sump pumps shall be discharged directly into an approved storm water management system. If one is not readily available, the discharge shall be piped to the exterior of the building but in no case shall it violate any provision of the Town Code... Sump pumps connected to the sanitary sewer system shall be prohibited.

**504.5 Backwater valve.** Where the flood level rim of building plumbing fixtures are located below the elevation of the manhole cover of the next upstream manhole in the public sewer, such fixtures shall be protected by a backwater valve installed in the building drain, branch of the building drain or horizontal branch serving such fixtures. Plumbing fixtures having flood level rims above the elevation of the manhole cover of the next upstream manhole in the public sewer shall not discharge through a backwater valve.

**504.6 Interceptors and separators.** Shall be provided to prevent the discharge of oil, grease, sand and other substances harmful or hazardous to the building drainage system, the public sewer, or sewage treatment plant or processes.

**504.7 Grease traps and grease interceptors.** Shall be required to receive the drainage from fixtures and equipment with grease-laden waste located in food preparation areas, such as in restaurants, hotel kitchens, hospitals, school kitchens, bars, factory cafeterias, or restaurants and clubs.

**Exception:** A grease trap or a grease interceptor shall not be required for individual dwelling units or any private living quarters.

## **SECTION 505 WATER SYSTEM**

**505.1 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*.

**505.2 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.

**505.3 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.

**505.4 Water heating facilities.** Water heating facilities shall be properly installed, maintained and 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.

## **SECTION 506 SANITARY DRAINAGE SYSTEM**

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

**506.2 Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

**506.3 Grease interceptors.** Grease interceptors and automatic grease removal devices shall be

maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the code official.

## **SECTION 507 STORM WATER DRAINAGE**

**507.1 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 and shall comply with the Cecil County Storm Water Management Ordinance.

## CHAPTER 6

### MECHANICAL AND ELECTRICAL REQUIREMENTS

#### SECTION 601 GENERAL

##### 601.1 Scope.

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

##### 601.2 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 which does not comply with the requirements of this chapter.

#### SECTION 602 HEATING FACILITIES

**602.1 Facilities required.** Heating facilities shall be provided in structures as required by this section.

**602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

**Exception:** In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall

be maintained.

**602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one 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 during the period from October 1 to May 1 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

##### Exceptions:

1. 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 Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

**602.4 Prohibited Heating Sources.** Cooking appliances, fuel burning heaters, portable electric metal element heaters without protective grills, or heaters not equipped with automatic shut-off that will turn off the portable heater in the event that the unit is tipped over and/or becomes overheated, shall not be used to provide space heating to meet the requirements of sections 602.1, 602.2 & 602.3.

**Exception:** Owner occupied one- & two- family dwellings.

**602.5 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from **October 1 to May 1** 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.

**602.5 Room temperature measurement.** The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

## **SECTION 603 MECHANICAL EQUIPMENT**

**603.1 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.

**603.2 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 which are labeled for unvented operation.

**603.3 Clearances.** All required clearances to combustible materials shall be maintained.

**603.4 Fuel burning equipment locations.** Heaters and other fuel burning equipment shall comply with the following:

- A. All required clearances to combustible

materials shall be maintained.

- B. Such units shall comply with section 404.4.4

**603.5 Safety controls.** All safety controls for fuel-burning equipment shall be maintained in effective operation.

**603.6 Relief valves required.** Appliances and equipment used for heating water or storing hot water shall be protected by:

1. A separate pressure-relief valve and a separate temperature-relief valve; or
2. A combination pressure- and temperature-relief valve.

**603.7 Relief valve discharge pipe.** The outlet of a pressure relief valve, temperature relief valve or combination thereof, shall not be directly connected to the drainage system. The discharge from the relief valve shall be piped full size separately to the floor, to the outside of the building or to an indirect waste receptor located inside the building. In areas subject to freezing, the relief valve shall discharge through an air gap into an indirect waste receptor located within a heated space, or by other approved means. The discharge shall be installed in a manner that does not cause personal injury or property damage and that is readily observable by the building occupants. The discharge from a relief valve shall not be trapped. The diameter of the discharge piping shall not be less than the diameter of the relief valve outlet. The discharge pipe shall be installed so as to drain by gravity flow and shall terminate atmospherically not more than 6 inches (152 mm) above the floor. The outlet end of the discharge pipe shall not have a valve installed.

**603.8 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.



**603.9 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.

**603.10 Combination Smoke and Carbon Monoxide Detectors.** All properties rented let or offered for sale, shall have hard wired combination smoke and carbon monoxide detectors located in all heating and mechanical rooms.

## **SECTION 604 ELECTRICAL FACILITIES**

**604.1 Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

**604.2 Electrical 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.

**Exception:** Existing Knob and Tube wiring systems that are properly maintained and free of any hazards.

**604.2.1 Electrical Service Access.** All service panels, meter boxes and shut offs shall be clearly marked, properly maintained and readily accessible, free of any storage in proximity with a clear access to such service items of no less than six (6') feet in front of the item and eighteen (18') on each side.

**604.3 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.

**604.3.1 Abatement of electrical hazards associated with water exposure.** The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

### **604.3.1.1 Electrical equipment.**

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

**Exception:** The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;

6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

**604.3.2 Abatement of electrical hazards associated with fire exposure.** The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

**604.3.2.1 Electrical equipment.** Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits that have been exposed to fire, shall be replaced in

accordance with the provisions of the International Building Code.

**Exception:** Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

## **SECTION 605 ELECTRICAL EQUIPMENT**

**605.1 Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

**605.2 Receptacles.** Every habitable space in a dwelling that is rented, leased or let shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. All bathroom receptacle outlets shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

**605.2.1 Residential rental and property transfers.** In addition to section 605.2 above, all residential properties that are rented, leased, let or offered for sale shall have ground fault circuit interrupter protection (GFI) installed as follows:

- A. In all unfinished basement areas.
- B. At least one installed on the kitchen counter top adjacent to any kitchen sink.
- C. All existing outlets serving such counter top shall be GFI protected.
- D. All exterior outlets shall be GFI

protected with a weatherproof cover

**605.2.2 Non-residential rentals and property transfers.** All non- residential properties shall have ground fault circuit interrupter protection (GFCI) installed in accordance to the electrical code.

**605.3 Luminaires.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection.

**605.4 Wiring.** Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

## **SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS**

**606.1 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.

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

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

## **SECTION 607 DUCT SYSTEMS**

**607.1 General.** Duct systems shall be

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

## **SECTION 608 NATURAL GAS AND FUEL SUPPLY SYSTEMS**

**608.1 General.** The permitted volumes, usage and storage of gases and other fuels shall be in accordance to the NFPA Life Safety Code and the International Fire Code and Town's Fire Code.

**608.2 Service Equipment.** All service entry points, gauges, meters and shut offs shall be clearly marked, properly maintained and readily accessible.

**608.3 Safety Provisions.** All required safety provisions and physical safety features required for fuel storage delivery and usage shall be properly maintained and readily accessible.

## CHAPTER 7

### FIRE SAFETY REQUIREMENTS

#### SECTION 701 GENERAL

**701.1 Scope.** Scope. This code establishes regulations and minimum conditions affecting or relating to structures, processes, premises and safeguards regarding:

- A. The hazards of fire and explosions arising from the storage, handling or use of structures, materials or devices;
- B. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
- C. Fire hazards in the structure or on the premises from occupancy or operation;
- D. Hazards to occupants of a building resulting from the improper use, maintenance or failure of equipment, utilities and processes;
- E. Hazards to occupants, or hazards associated with the lack of maintenance or failure of fire protection systems, fire detection system, warning devices and general provisions of emergency egress.

**701.2 Owner and occupant 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 and or occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

#### SECTION 702 MEANS OF EGRESS

**702.1 General means of egress.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. The means of egress and all components thereof, shall be properly maintained in accordance with Chapter 14 of this code titled Requirements and Maintenance of Means of Egress,

**[F] 702.2 Aisles.** The required width of aisles in accordance with the *International Fire Code* and *Town's Fire Code* shall be unobstructed.

**[F] 702.3 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*.

**[B] 702.4 Emergency escape openings.** Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following.

- A. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.
- B. 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 code that was in

effect at the time of construction 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.

- C. Emergency escape windows shall not be reduced or blocked by any construction, renovation; or fans, air conditioners and other similar devices.

### [F] SECTION 703 FIRE-RESISTANCE RATINGS

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

**703.1.1 Fire separation semi-detached buildings.** Unless specified elsewhere, all penetrations, holes or cracks found in any party walls between buildings, not undergoing renovations must be restored to their original fire separation rating in accordance to the Fire and Building Codes in place at the time of construction. If no required rating can be determined for the time of construction, than such penetrations, holes or cracks shall be covered with 5/8 fire rated gypsum board with tightly fitting taped seams.

**Exception:** Party walls located in basements or cellars areas subject to moisture, shall have all surface areas recoated with an approved bonding cement or other such approved material to seal all penetrations, holes or cracks.

### SECTION 704 SMOKE DETECTORS

**704.1 General Smoke Detectors.** All systems, devices and equipment to detect a fire or to actuate an alarm, shall be installed and properly maintained in accordance with Town's Fire Prevention and Life Safety Code.

**704.2 Where required.** Single or multiple-station smoke alarms shall be installed and maintained in one- & two- family dwellings, 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 full story below the upper level.

**704.2.1 Other Occupancies.** Single or multiple-station smoke alarms shall be installed in other groups in accordance with the procedures and provisions of Maryland ACT 45 titled *the Uniform Construction Code* as adopted and modified by the Town, and all future amendments and insertions thereof.

**704.3 Power source.** In one- & two- family dwellings, 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 as required for overcurrent protection.

**Exception:** Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that 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 building wiring without the removal of interior finishes.

**704.4 Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling unit in one- & two-family dwellings, 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.

## **SECTION 705 FIRE ALARM SYSTEMS**

**705.1 Fire alarm systems general.** An approved, automatic or manual fire alarm system and all associated equipment therewith, shall be provided, installed and maintained in an operable condition at all times in accordance with Chapter 13 of this code titled Requirements and Maintenance of Fire Protection Systems

## **SECTION 706 FIRE SUPPRESSION SYSTEMS**

**706.1 Fire suppression systems general.** An approved, fire suppression system and all associated equipment therewith, shall be provided, installed and maintained in an operable condition at all times in accordance with Chapter 13 of this code titled Requirements and Maintenance of Fire Protection Systems

**706.2 Fire extinguishers.** The owner of any dwelling unit, rooming unit or housekeeping unit that is rented, leased, let or offered for sale shall install a five (5) pound ABC fire extinguisher in all rooms housing cooking facilities. All other occupancies shall install fire extinguishers as required in 706.1

## **SECTION 707 DANGEROUS ACCUMULATIONS, HAZARDOUS MATERIALS AND DANGEROUS PROCESSES.**

**707.1 Hazardous materials storage.** The storage of hazardous materials must comply with the limits and specifications established in the International Fire Code and the Town's Fire Code.

**707.2 Dangerous Accumulations.** All properties shall be free of any dangerous

accumulations of any hazardous, flammable or combustible materials, which do not comply with 707.1

**707.3 Open Burning; equipment.** Open burning or the equipment necessary for the process of open burning are prohibited unless a permit is issued in accordance to the International Fire Code and the Town's Fire Code.

Open Burning devices that are UL approved shall be permitted upon the approval of a onetime permit issued by the Town to include an inspection.

Open Burning shall be in accordance to applicable state regulations. Burning in open pits shall be prohibited on properties of 1 acre or less. Open pit burning on properties of 1 acre or more shall be by an approved annual permit.

**707.4 Operational Permits.** In accordance to the International Fire Code and the Town's Fire Code, no products, operations or processes shall be permitted on the premise without an approved operational permit.

## **SECTION 708 EXTERIOR COOKING DEVICES**

**708.1 Open flame-cooking devices.** Charcoal burners and other open-flame cooking devices shall not be stored or operated on any combustible decks or balconies, nor shall it be operated within ten (10) feet of any overhead combustible decks or balconies or other combustible construction.

### **Exceptions.**

- A. One & two- family dwellings.
- B. Where buildings and decks are protected by an automatic sprinkler system.

**708.2 Liquefied-petroleum-gas-fueled cooking devices.** LP-gas burners having a LP-gas container with a water capacity greater than

2.5 pounds (1.14 kg) [nominal 1 pound (0454 kg) LP-gas capacity] shall not be stored or operated on any decks or balconies, nor shall it be operated within ten (10) feet of any overhead decks or balconies or other combustible construction.

**Exceptions.** Owner occupied One- & two-family dwellings.

## **SECTION 709 GENERAL FIRE SAFETY**

**709.1 Compliance with applicable codes.** All existing properties shall comply with any and all existing code provisions of the latest versions of the International Fire Code and National Fire Protection Agency's 101 Life Safety Code.

**709.2 Fueled Equipment.** Fueled equipment including, but not limited to, motorcycles, mopeds, lawn-care equipment, portable generators and portable cooking equipment, shall not be stored, operated or repaired within a building.

### **Exceptions:**

1. Buildings or rooms constructed for such use in accordance with the International Building Code.
2. Where allowed by The Town's Fire Prevention and Life Safety Codes.
3. Storage of equipment utilized for maintenance purposes is allowed in approved locations when the aggregate fuel capacity of the stored equipment does not exceed 10 gallons (38 L) and the building is equipped throughout with an automatic sprinkler system installed in accordance the Town's Fire Prevention and Life Safety Codes.
- 4 Kerosene Heaters as provided for in section 709.2.1 below

**709.2.1 Removal.** The Code Officer or their designee is authorized to require removal of fueled equipment from locations where the presence of such equipment is determined by the code official to be hazardous.

**709.3 Kerosene Heaters.** Use of portable kerosene-fueled heaters. Listed portable kerosene heaters may be used in dwellings, provided that they meet the following requirements.

- A The heater must have labeling affixed thereto such as to caution and inform concerning:
  - 1. Provision of an adequate source of ventilation when the heater is in operation;
  - 2. Use of only suitable fuel for the heater;
  - 3. Proper manner of refueling;
  - 4. Proper placement and handling of the heater when in operation; and
  - 5. Proper procedures for lighting, flame regulation and extinguishing the heater.
- B. The heater must be packaged with instructions such as to inform concerning proper maintenance and operation.
- C. The heater must be constructed with a low center of gravity and minimum tipping-angle of 33° from the vertical with an empty reservoir.
- D. The heater must have an automatic safety shutoff device or inherent design feature which eliminates fire hazards in the event of tip over and must otherwise conform to the standards set forth in National Fire Protection Association (NFPA) No. 31.

**Exceptions:** Kerosene Heaters are prohibited in any residential occupancy

other than owner occupied single family dwellings.

## **SECTION 710 EMERGENCY POWER AND STANDBY SYSTEMS**

**710.1 Emergency power and standby systems; general.** Emergency power and standby systems and all associated equipment therewith, shall be provided, installed and maintained in an operable condition at all times in accordance with this code or as regulated by the Maryland Building Performance Standards or the Town of Rising Sun Building Codes.

**710.2 Portable Generators.** Shall not be operated or refueled within buildings, on balconies, or on roofs.

**710.2.1 Approved Operation in a building.** Portable generators shall be permitted to be operated or refueled in a building or room that has been constructed for such use in accordance with the building code.

**710.2.2 Refueling.** Portable generators shall not be fueled from a hand held container or similar temporary fueling supply while running. Only after the engine is shut down and engine surface temperature is below the auto ignition temperature of the fuel, shall fueling from a hand held container or similar temporary fueling supply be permitted

**710.2.3 Exhaust.** Portable generators shall be positioned so that the exhaust is directed as follows:

- (1) At least 5 ft (1.5 m) in any direction away from any openings or air intakes
- (2) Away from the building



## **SECTION 711 RAPID ENTRY KEY SYSTEM**

**711.1 Scope.** The provisions of this section shall govern the minimum requirements required to facilitate the efforts of the Fire Department to effectively provide life saving and fire suppression activities. As a means to these ends, this section provides for a registration, contact information, placement and inspection of such rapid entry key systems. Such program shall be called the “Fire Department Rapid Entry Key System Program”.

**711.2 Program Mission & Objective.** To provide immediate access to all areas specified in this ordinance to which Fire Department personnel would be called upon to provide life saving or fire fighting services. Often entry into a structure during the time of an emergency can be very time consuming and costly if fire department personnel are left to make forcible entry in order to gain access. Although the emergency can be abated by the efforts of such fire department personnel, the damage done during the process can greatly impact the security of such building and or interfere with the activities associated with a business operating from such structure.

**711.3 Definitions.** The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

**Fire department master key.** A limited issue key of special or controlled design to be carried by fire department officials in command and the fire marshal.

**Rapid entry key system.** A system approved by the Code Official, that provides a secure, tamperproof device with a lock operable only by a fire department master key. Such system shall provide emergency access to the fire department only in the event of a fire, rescue or other potentially

life or property threatening situation. The system shall consist of:

**Rapid Entry Key Box:** A key box containing building entry keys, elevator keys, storage room keys or any other keys that the Code Official may determine to be crucial for Fire Department access during an emergency.

**Rapid entry pad lock.** A pad lock or similar locking device that allows the operation of gates, fences or other similar barriers that may impede the Fire Department’s access to a property, building or structure during an emergency.

**711.4 Required rapid entry key box.** All buildings with the exception of 1 & 2 family dwellings shall have a rapid entry key box.

**711.5 Required rapid entry pad lock.** A rapid access padlock shall be provided on any roadway/driveway access gate or other areas which have a locked security gate, fence or other secured system which prohibits fire department personnel or equipment from gaining access to the premise.

**711.6 Rapid entry key system, mounting, locations and type.** Rapid entry systems shall be approved for their intended use by Underwriters Laboratory (UL) and the Town. Brand types, sizes, number and mounting locations must be approved by the Fire Chief.

**711.7 Key Box Contents.** Rapid entry key boxes shall contain the following items:

- A- Key(s) to all locked points of egress whether in interior or exterior of such buildings.
- B- Key (s) to all locked elevator control rooms, mechanical, storage, equipment or utility rooms.
- C- Elevator Keys.

- D- In addition, floor plans or other pertinent life saving information may be required by the Fire Marshal.

**711.8 Time for Compliance.** Any buildings or structures regulated by section 711.4 above, shall comply with this section as follows

- A- **New buildings and or structures.**  
Must have such required systems in place prior to the issuance of any certificates of occupancy.

**Exception:** Owner occupied one & two family dwellings, or such dwellings offered for lease or let.

- B- **Buildings or structures under renovation** All buildings or structures undergoing renovations or upgrades regulated by a building permit, must have such required systems in place prior to issuance of any certificates of occupancy or final approvals for work performed.

**Exception:** Owner occupied one & two family dwellings, or such dwellings offered for lease or let

- C- **Existing buildings and or structures.**  
All existing buildings and or structures not covered in A or B above, must have a rapid entry key system in place within 24 months of the enactment of this ordinance.

**Exception:** Owner occupied one & two family dwellings, or such dwellings offered for lease or let

## **CHAPTER 8**

*RESERVED FOR FUTURE USE*

## **CHAPTER 9**

*RESERVED FOR FUTURE USE*

## CHAPTER 10

### ABANDONED VEHICLE PROGRAM

#### SECTION 1001 GENERAL

**1001.1 Scope.** The provisions of this chapter shall govern abandoned vehicles on private property. As a means to these ends, this chapter provides for the identification, notification, registration, inspection and removal of such vehicles, and penalties for noncompliance.

**1001.2 Responsibility.** The owner of the property and the owner of the vehicle and any persons with lien holder ship on the vehicle shall be responsible for compliance with this chapter. All cost associated with the permitting, maintenance and removal of such vehicle shall be absorbed by such persons. In the absence of identification of vehicle ownership, or lien holder, the owner of the property shall bare all responsibility for compliance with this chapter.

**1001.3 Enforcement.** The Code Officer, Chief of Police or a Police Officer of the Town, are herby authorized to enforce this Chapter

**1001.4 Definitions.** The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein. Furthermore the rules for their use and application shall be as outlined in section 201 of this code.

**Abandoned vehicle.** A vehicle that cannot be legally conveyed or operated upon the highway.

**Antique motor vehicle.** A motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year, which has been maintained in or restored to a condition, which is substantially in conformance with manufacturer specifications.

**Articulated bus.** A bus designed to transport passengers and on which passengers are authorized to be transported, consisting of two or more units or sections permanently assembled in tandem by flexible connections, which permit passenger movement throughout the length of the bus.

**Authorized vehicle.** A vehicle or type of vehicle, other than an emergency vehicle, for which special operating or equipment privileges are given by law or regulation of the department based on design and utility for work within a highway.

**Bus.** Shall be any of the following:

- a. A motor vehicle designed to transport 16 or more passengers, including the driver; or
- b. A motor vehicle, other than a taxicab or limousine, designed to transport not more than 15 passengers, including the driver, and used for the transportation of persons for compensation.

The term does not include a vehicle used in a ridesharing arrangement, as defined in the act of December 14, 1982 (P.L.121 1, No.279), entitled "An act providing for ridesharing arrangements and providing that certain laws shall be inapplicable to ridesharing arrangements," or a school bus.

**Classic motor vehicle.** A motor vehicle, but not a reproduction thereof, manufactured at least 15 years prior to the current year, which has been maintained in or restored to a condition, which is substantially in conformity with manufacturer specifications and appearance. Any classic

motor vehicle properly registered under Maryland Transportation Article 13-936 and 936-1 as it relates to vintage and historical plates on the effective date of the amendment to this definition which fails to qualify as a classic motor vehicle pursuant to these provisions may retain such classic registration unless another type of registration is applied for and issued for the vehicle.

**Collectible motor vehicle.** A reconstructed motor vehicle, but not a reproduction thereof, substantially modified from the manufacturer's original specifications and appearance and maintained in a collectible condition as determined by the Department of Transportation.

**Combination.** Two or more vehicles physically interconnected in tandem.

**Commercial implement of husbandry.** A self-propelled vehicle used commercially to apply nutrients, soil amendments or chemicals for production agriculture and operated or moved upon highways for not more than 180 days in a calendar year.

**Construction truck.** A three or four axle truck engaged in construction operations.

**Converter gear.** A trailer designed and used exclusively to tow a semi-trailer by mounting the semi-trailer on the fifth wheel of the converter gear. The term includes the terms 'auxiliary axle' and "jeep dolly."

**Electric vehicle.** A motor vehicle which operates solely by use of a battery or battery pack and which meets the applicable Federal motor vehicle safety standards. The term includes a motor vehicle which is powered mainly through the use of an electric battery or battery pack but which uses a flywheel that stores energy produced by the electric motor or

through regenerative braking to assist in operation of the motor vehicle.

**Emergency vehicle.** A fire department vehicle, police vehicle, sheriff vehicle, ambulance, blood-delivery vehicle, hazardous material response vehicle, armed forces emergency vehicle, one vehicle operated by a coroner or chief county medical examiner and one vehicle operated by a chief deputy coroner or deputy chief county medical examiner used for answering emergency calls, or any other vehicle designated by Maryland Transportation Article 11-118 Emergency Vehicle, or a privately owned vehicle used in answering an emergency call when used by any of the following:

- A. A police chief and assistant chief.
- B. A fire chief, assistant chief and, when a fire company has three or more fire vehicles, a second or third assistant chief.
- C. A fire police captain and fire police lieutenant.
- D. An ambulance corps commander and assistant commander.
- E. A river rescue commander and assistant commander.
- F. A county emergency management coordinator.
- G. A fire marshal.
- H. A rescue service chief and assistant chief.

**Essential parts.** All integral and body parts of a vehicle of a type required to be registered under this title, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

**Farm equipment.** A vehicle designed or used exclusively for agricultural operations and only incidentally operated or moved upon highways, including, but not limited to, farm tractors, choppers and balers.

**Farm vehicle.** A truck or truck tractor determined by the Department of Transportation to be used exclusively for agricultural purposes.

**Foreign vehicle.** A vehicle of a type required to be registered under this title brought into this Commonwealth from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this Commonwealth.

**Full trailer.** A trailer so constructed that no part of its weight rests upon the towing vehicle. A semi-trailer attached to a towing vehicle by means of an auxiliary front axle or dolly shall be deemed to be a full trailer.

**Highway.** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of a college or university or public or private school or public or historical park.

**House trailer.**

- A. A trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways.
- B. A trailer containing a chassis and exterior shell designed and constructed for use as a house trailer, as defined in paragraph (1), but which is used permanently or temporarily for

advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property.

**Hybrid electric vehicle.** An electric vehicle which allows power to be delivered to the drive wheels solely by a battery-powered electric motor but which also incorporates the use of a combustion engine to provide power to the battery and which meets the applicable Federal motor vehicle safety standards. The primary source of power for the motor must be the electric battery or battery pack and not the combustion engine.

**Implement of husbandry.** A vehicle designed or adapted and determined by the department to be used exclusively for agricultural operations and infrequently operated or moved upon highways.

**Lien holder.** A person holding a security interest in a vehicle.

**Limousine.** A motor vehicle designed for carrying no more than nine passengers, exclusive of the driver, and used for the transportation of persons for compensation.

**Mass transit vehicle.** A self-propelled or electrically propelled device designed for carrying 15 or more passengers exclusive of the driver, other than a taxicab, designed and used for the transportation of persons for compensation, including but not limited to subway cars, buses, trolleys and trackless trolleys but excluding railroad passenger cars.

**Maxi-cube vehicle.** A combination. The truck may have either a detachable or permanently attached cargo box. The cargo box on the trailer shall be designed such that the truck may be loaded and unloaded through the trailer. Both cargo box shall exceed 34 feet in length and the overall length of the combination shall not exceed 65 feet.

**Mobile home.** A trailer designed and used exclusively for living quarters or commercial purposes, which exceeds the maximum size limitations, prescribed by this title for operation on a highway and is only incidentally operated on a highway.

**Modular housing under carriage.** A trailer, which is used to transport a modular housing unit.

**Modular housing unit.** A unit transported on a removable or non-removable frame designed for residential purposes which is wholly or in substantial part fabricated, formed or assembled in manufacturing facilities for assembly and installation on the building site.

**Motor carrier vehicle.** A truck, truck tractor or combination having a gross weight or registered gross weight in excess of 17,000 pounds.

**Motor home.** A motor vehicle designed or adapted for use as a mobile dwelling or office, except a motor vehicle equipped with a truck-camper.

**Motor vehicle.** A vehicle, which is self-propelled, except one, which is propelled solely by human power or by electric power obtained from overhead trolley wires, but not operated upon rails.

**Motorcycle.** A motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

**Motor-driven cycle.** A motorcycle, including a motor scooter, with a motor, which produces not to exceed five brake horsepower.

**Motorized pedal cycle.** A motor-driven cycle equipped with operable pedals, a motor rated no more than 1.5 brake horsepower, a cylinder

capacity not exceeding 50 cubic centimeters, an automatic transmission, and a maximum design speed of no more than 25 miles per hour or an electric motor-driven cycle equipped with operable pedals and an automatic transmission powered by an electric battery or battery-pack-powered electric motor with a maximum design speed of no more than 25 miles per hour.

**Multipurpose agricultural vehicle.** A motor vehicle which is 50 inches or less in width and 600 pounds or less in dry weight and which is used exclusively for agricultural operations and only incidentally operated or moved upon the highways.

**Park or parking.** Shall mean:

- a. When permitted, means the temporary storing of a vehicle, whether occupied or not, off the roadway.
- b. When prohibited, means the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.

**Passenger car.** A motor vehicle, except a motorcycle, designed primarily for the transportation of persons and designed for carrying no more than 15 passengers, including the driver, and primarily used for the transportation of persons. The term includes motor vehicles which are designed with seats that may be readily removed and reinstalled, but does not include such vehicles if used primarily for the transportation of property.

**MDot.** Wherever the phrase MDot is used, it shall be construed to mean the Maryland Department of Transportation and all departmental forms, fact sheets and departmental regulations and or actions as related to the Code of Maryland Regulations Transportation Article.

**Person.** Shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

**Private property.** Means any real property located within the Town but not owned by the Town.

**Private road or driveway.** A way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

**Property Owner.** The person(s) listed as the owner(s) of such real estate property as named on any title, deed, Cecil County tax records or The Town of Rising Sun tax records.

**Reconstructed vehicle.** A vehicle materially altered from its original construction by the removal, addition or substitution of essential parts, new or used, or a vehicle, other than an antique or classic vehicle, for which a certificate of junk was issued and is thereafter, restored to operating condition.

**Recreational trailer.** A trailer designed or adapted and used exclusively for recreational purposes.

**Repair.** Means the reconstruction or renewal of any part of a vehicle, shall include but shall not be limited to, painting, restoration and other bodywork or replacement thereof; engine or transmission replacement, rebuilds or re-assembly.

**School bus.** Means a school vehicle as defined by Maryland Transportation article section 11-173 and article 11-174

**School vehicle.**

- (a) In general.- "School vehicle" means, except as provided in subsection (b) of this section, any motor vehicle that:

- (1) Is used regularly for the exclusive transportation of children, students, or teachers for educational purposes or in connection with a school activity; and

- (2) Is either:

- (i) A Type I school vehicle, as defined in this subtitle; or
- (ii) A Type II school vehicle, as defined in this subtitle.

- (b) Excluded vehicles.- "School vehicle" does not include:

- (1) A privately owned vehicle while it is carrying members of its owner's household and not operated for compensation; or
- (2) A vehicle that is registered as a Class M (multipurpose) vehicle under § 13-937 of this article or a Class A (passenger) vehicle under § 13-912 of this article and used to transport children between one or more schools or licensed child care centers or to and from designated areas that are approved by the Administration if:
  - (i) The vehicle is designed for carrying 15 persons or less, including the driver;
  - (ii) The children are permitted to embark or exit the vehicle only at a school or child care center or a designated area approved by the Administration;

As defined by Maryland Transportation Article 11-154

**Semi-trailer.** A trailer so constructed that some part of its weight rests upon or is carried by the towing vehicle.



### **Special mobile equipment.**

- a. Vehicles not designed or used primarily for the transportation of persons or property, except for tools and parts necessary for the use and maintenance of the vehicle, and only incidentally operated or moved over a highway.
- b. Vehicles which have machinery permanently attached shall not carry a load, except for tools and parts necessary for the use and maintenance of the permanently attached machinery and are only incidentally operated or moved over a highway.

The term includes, but is not limited to: ditch digging apparatus, well boring apparatus; earth moving and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, snowplows, ditchers, graders, finishing machines, road rollers, scarifiers, earth moving carryalls, scrapers, power shovels and drag lines; and self-propelled cranes and tractors, other than truck tractors. The term does not include house trailers; dump trucks; or truck-mounted transit mixers, cranes or shovels.

**Specially constructed vehicle.** A vehicle not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles.

**Streetcar.** Cars other than a railroad train for transporting persons or property and operated upon rails.

**Street rod.** A motor vehicle, or a reproduction thereof, with a model year of 1948 or older which has been materially altered or modified by the removal, addition or substitution of essential parts and with a gross weight or registered gross weight of not more than 9,000 pounds.

**Taxi.** A motor vehicle designed for carrying no more than eight passengers, exclusive of the driver, on a call and demand service, and used for the transportation of persons for compensation.

**Tow dolly.** A trailer designed and used exclusively to tow another vehicle by mounting its front or rear wheels on the tow dolly while the other wheels of the towed vehicle remain in contact with the ground.

**Trailer.** A vehicle designed to be towed by a motor vehicle.

**Truck.** A motor vehicle designed, used or maintained primarily for the transportation of property. The term includes motor vehicles designed with seats that may be readily removed and reinstalled if those vehicles are primarily used for the transportation of property.

**Truck-camper.** A structure designed, used or maintained primarily to be loaded or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

**Truck tractor.** A motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

**Utility trailer.** A trailer, except a recreational trailer, which does not have air brakes.

**Vehicle.** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheel chair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability. "Vehicle" includes, but is not limited to, automobiles, trucks,

trailers, motorcycles, tractors, snowmobiles, construction equipment and all other devices listed in the above definitions.

**Vehicle Owner.** A person, other than a lien holder, having the property rights in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

## **SECTION 1002 ABANDONED VEHICLES**

### **1002.1 Abandonment of vehicles prohibited.**

Except as provided for in other regulations, no person shall permit, park, keep, store or maintain an abandoned vehicle on private property in the Town for a period of more than seven (7) days.

#### **Exceptions.**

- A. An abandoned vehicle not otherwise a nuisance, does not include a vehicle in an enclosed building approved for the use there of, provided that the building is in compliance with all housing, maintenance and building codes, nor does it include a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business, provided that it is in compliance with all applicable Town Ordinances.
- B. A vehicle of any type is permitted to undergo repairs provided that the vehicle is registered with the Town and a permit is secured as outlined in subsection 1008 below.

**1002.2 Abandoned vehicles; description.** A vehicle located on private property that meets

one or more of the following conditions shall be considered an abandoned vehicle:

- A. Absence of a current registration sticker.
- B. Absence of a current inspection sticker.
- C. Absence of a vehicle identification plate or license plate.
- D. Absence of an ascertainable vehicle identification number.
- E. Current and up to date insurance; where required by State Law.
- F. The vehicle is damaged, in a state of major/partial disassembly, disrepair, or in the process of being stripped or dismantled.
- G. One or more of the vehicle tires are deflated or missing for more than 7 days.
- H. The vehicle is unable to move on its own power and or is located on the property in a manner that makes it unable to move.
- I. Vegetation has overtaken the vehicle and or based upon other conditions surrounding the vehicle, it appears to have been disregarded and or has become a public nuisance and or eyesore.
- J. Vehicles that meet any or all of the criteria of (a) through (i) above, that are under a tarp or other such cover, shall also be considered abandoned.

## **SECTION 1003 ABANDONED VEHICLE PARTS**

**1003.1 Vehicle parts, components and or accessories.** Except as provided for in other regulations, no person shall permit, keep, store

or maintain the exterior storage of or presence of any vehicle parts, components and or accessories thereof, unless they are incidental to the current repairs of a vehicle covered under this section, and shall be removed from the property as soon as they are no longer needed.

## **SECTION 1004 CLASSIC, ANTIQUE AND COLLECTIBLE VEHICLES**

**1004.1 Classic, Antique, Collectible and other types of vehicles.** Classic, collectibles or antique vehicles may remain upon a premise, with permission of the owner of the premise, if such vehicles comply with the following provisions based upon recognized MDot regulations:

- A. Classic, Antique, Collectible and all other types of vehicles must be properly registered with MDot and must have registration plates attached to the vehicles at all times.
- B. Classic and Collectible vehicles must have an annual state vehicle safety inspection; but are exempt from annual state vehicle emissions testing.
- C. Antique vehicles are exempt from all annual state vehicle safety and emissions inspections.
- D. Abandoned vehicles are prohibited on the property.
- E. As per MDot Regulations, Classic, Antique and Collectible vehicles must be maintained in a condition that is essentially the same as that which a vehicle of that particular year and model would have been in at the time it was originally manufactured.

- F. At no time shall any Classic, Antique, Collectible or any other types of vehicles be a public nuisance, or a menace to public health and safety or in violation of any Town Ordinance.
- G. All Classic, Antique, Collectible and all other types of vehicles must have current liability insurance as required by Federal and or State law.
- H. Classic, Antique, Collectible and all other types of vehicles shall comply with any and all provisions of this ordinance.

## **SECTION 1005 ENFORCEMENT ACTIONS**

**1005.1 Enforcement Action Proceedings.** Any violations of this chapter shall be just cause for the Code Officer to initiate Enforcement action proceedings. Such proceedings shall consist of the following:

- A. Notification as specified in 1005.2
- B. Follow up inspection for compliance in accordance to 1005.3
- C. Issuance of citations and impounding of vehicle in accordance to 1009.

**1005.2 Notification of responsible parties.** Notice shall be given to persons responsible for the disposition of any abandoned vehicles or vehicle parts. Such notice shall be in the form of an Abandoned Vehicle placard left on the vehicle or upon the property in a conspicuous place or certified mail sent to the responsible parties as specified in section 1001.2.

**1005.3 Time for compliance.** Notice shall give the parties involved, seventy-two (72) hours to remove the vehicle. Failure to remove such

vehicle within the seventy-two (72) hour period shall be a violation of this chapter.

**1005.3.1 Impounding.** Vehicles that have not been removed after seventy-two (72) hours, shall result in the issuance of citations and the impoundment of the vehicle in accordance to section 1009.

**1005.4 Removal of placards prohibited.** Removal of any Abandoned Vehicle Placards shall be a violation of this section and citations will be issued automatically without any further notice. Penalties shall be as specified in section 106.4.

**1005.5 Minimum notification required.** Notification of vehicle owner by way of placard left on the vehicle shall be sufficient for the issuance of citations and impounding of the vehicle as specified in section 1009. Notification of owner of the premise shall be sufficient in cases where vehicle owner cannot be clearly identified.

## **SECTION 1006 DANGEROUS VEHICLES**

**1006.1 Immediate removal by the Town.** Vehicles which, due to their condition and/or location, present an imminent danger to the health and safety of the general public, may be removed in accordance with section 1009.

## **SECTION 1007 TARPS AND COVERS; PUBLIC NUISANCE**

**1007.1 Tarps and covers; public nuisance.** Any vehicles covered by a tarp or other similar cover, must be properly maintained and shall be kept clean and free of any rips, tears, excessive discoloration or the accumulation of any debris that may collect on the cover. Failure to do so shall be considered a public nuisance and a violation of this chapter. Citations and penalties shall be handled as provided for in section 106.

## **SECTION 1008 ABANDONED VEHICLE PERMITS**

**1008.1 Permit required; extenuating circumstances.** A resident of the Town, who has legal title to an abandoned vehicle or title to the real estate property in which the abandoned vehicle is located, may apply for an abandoned vehicle permit to keep and maintain such vehicle, if the abandonment is due to extenuating circumstances such as illness, death of vehicle owner(s), loss of employment, and or financial difficulties. Loss or suspension of driving privileges, insurance coverage or vehicle registration; as a result of any motor vehicle moving violations, orders of a judicial court or actions from MDot, shall not qualify as an extenuating circumstance. Such request must comply with the following conditions:

- A. A completed permit application, with all required information and fees paid, shall be submitted to the CEAB for review and approval.
- B. No property shall have more than 1 abandoned vehicle at any time.
- C. Applicant must show proof of legal title to the abandoned vehicle.
- D. Applicant must have legal title to the real estate property where the vehicle will be located or notarized approval from the owner of the property to park, keep, store or maintain the abandoned vehicle.
- E. Applicant must provide photo ID as proof of identification.
- F. Applicant must provide a plot plan of the property to include the location of where the vehicle will be or is located, and its proximity to the property lines and all structures located on the property.

- G. Vehicle shall comply with section 302.8
- H. Applicant must provide current, up to date pictures of the abandoned vehicle, showing the front, both sides and rear.
- I. Applicant must provide a detailed description of the circumstances surrounding the abandoned vehicle and the reason why the vehicle should be allowed to remain and a projected timetable of when the vehicle will be removed or ready for legal conveyance upon the highway.

**1008.2 Permit Required, repairs and restoration.** A resident of the Town, who has legal title to an abandoned vehicle, or title to the real estate property in which the abandoned vehicle is located, may apply for an abandoned vehicle permit to keep and maintain such vehicle, for the purpose of repairing and restoring the vehicle to legal conveyance upon the highway. Applicant must comply with section 1008.1 above and the following additional procedures and conditions:

- A. No property shall have more than 1 abandoned vehicle at any time. However, if an applicant proposes to significantly consolidate the essential parts of two separate vehicles of the same make or model into one vehicle; they may request 2 separate permits for each vehicle.
- B. Applicant must provide a detailed description of the repairs to be performed and the projected timetable for completion of such repairs; and when the vehicle will be removed or ready for legal conveyance upon the highway.
- C. All repairs must be performed inside a structure or similarly enclosed area

designed and approved for such purposes.

**1008.3 Permit required; armed services and military personnel.** A member of the United States Armed Forces or an agent of an owner currently serving on active duty may apply for an abandoned vehicle permit, to keep and maintain a vehicle on private property in the Town, while owner is on active duty outside of the state. Applicant must comply with section 1008.1 above, and the vehicle must be removed or be ready for legal conveyance upon the highway within 20 days of the owner(s) return to the state from active duty.

**1008.4 Permit Conditions.** The following conditions shall apply to all abandoned vehicle permits:

- A. Approved abandoned vehicles shall display an approval permit placard issued by the Town.
- B. Removal of permit placard shall be a considered a violation of this chapter. Citations and penalties shall be handled as provided for in section 107
- C. The property where the vehicle is located must be maintained in a neat and orderly manner and the abandoned vehicle shall not be an eyesore, public hazard or public nuisance.
- D. The vehicle shall be subject to inspection by Town representatives at any reasonable time.
- E. The permit applicant, premise owner and vehicle owner shall be responsible for compliance with section 1008.
- F. No person shall have more than 1 abandoned vehicle in the Town, or be responsible for more than 1 open

abandoned vehicle permit at a time; except as provided for in subsection 1008.2(A) above.

- G. Any applicant wishing for an extension of time shall pay all required fees and apply for a new permit, which shall be reviewed by the CEAB.

**1008.5 Permit approval, denials** The issuance of an abandoned vehicle permit shall be at the discretion of the CEAB and shall be valid for a period of time not to exceed One hundred and eighty (180) days. Any permit application that is denied shall subject the vehicle to enforcement action proceedings as per 1005.1

**1008.6 Revocation of permit.** Any permit issued under the guidelines of this section may be revoked or suspended by the Town for any misrepresentation of facts and or non compliance with the permit conditions. Any permit that is revoked shall subject the vehicle to enforcement action proceedings as per 1005.1

**1008.7 Permit expiration.** A permit shall be considered expired and null and void:

- A. The permit has been revoked by the Town for any violations of this Chapter
- B. The permit has expired, which shall subject the vehicle to enforcement action proceedings as per 1005.1
- C. The owner has secured legal title, valid registration, inspection and current liability insurance insofar as are required by Federal and State Law; and the vehicle is ready for legal conveyance and operation upon the highway.

**1008.8 Appeals.** Anyone wishing to appeal the decision of the CEAB may make such appeal to the Town Commissioners provided that a

written application for appeal is filed within 10 days after the day the decision was served.

**1008.9 Stays of enforcement.** Appeals of permit denials, revocations and expirations (other than Imminent Danger notices) shall stay any enforcement action proceedings until the appeal is heard by the Town Commissioners.

**1008.10 Commissioners decision.** The Commissioners shall hear and render a decision upon the appeal within Thirty (30) days of notice of appeal.

**1008.10 Commissioners denial.** Denial of any appeals before Commissioners shall subject the vehicle to enforcement action proceedings as per 1005.1

## **SECTION 1009 ABATEMENT IMPOUNDING AND VIOLATIONS**

**1109.1 Abatement.** Upon failure to comply with a notice of violation, any duly authorized employee of the Town or contractor hired by the Town shall be authorized to enter upon the property in violation and remove such abandoned vehicles. The costs of such removal shall be the responsibility of all person responsible as specified in section 1001.2. Failure to pay such cost shall result in the Town filing a lien as prescribed in 106.5

**1009.2 Impounding.** The Code Officer, Chief of Police or a Police Officer of the Town, are hereby authorized to remove any abandoned vehicle that is in violation of this chapter. Such vehicle shall be impounded for storage in a facility approved by the Town Commissioners. The owner may lawfully claim any impounded vehicle. The owner or operator of the impounded vehicle must obtain a certificate of release from the Code Officer or person designated by him/her. The property owner and/or tenant and/or vehicle owner shall be responsible for all costs of having the vehicle removed and stored under this

subsection. The towing company as allowed for under MDot regulations may claim any vehicles not claimed within the time period specified under state statutes.

**1109.2 Notice of Removal and Impounding.**

A notice in accordance to section 107 shall be sent within 10 days from the time of removal of any vehicle under authority granted by this section. The notice shall designate the location from which the vehicle was removed, the reason for its removal and the storage facility in which it was impounded.

**1009.3 Violations.** Failure to comply with this chapter shall be considered a violation and citations and possible fines shall be issued as per section 106

## **CHAPTER 11**

### **PERMIT REQUIREMENTS**

#### **SECTION 1101 GENERAL**

**1101.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

- (5) Move, remove or add walls.
- (6) Build a stairway.
- (7) Build a retaining wall more than four feet high or supporting a surcharge.
- (8) Build a deck or install a concrete patio that is attached to a house or building and serving an exit discharge.
- (9) Install, replace or repair 50% of any roofing, stucco or siding.
- (10) Replace or repair any public sidewalks, driveway aprons or service entry walks leading to the property.

#### **SECTION 1102 TYPICAL WORK NEEDING A PERMIT**

**1102.1 Example of work requiring a permit.** The following list of examples of the type of repairs or renovations that would require a building permit are provided, however the list is not all inclusive of all the work that could require a permit. Contact the Rising Sun Code Department with any questions. Note these items may also require a zoning permit from the Town of Rising Sun.

- (1) Adding a room
- (2) Build, demolish, or move a carport, garage, or shed of more than 120 square feet and/or greater than 10' in height.
- (3) Finish and attic, garage, or basement to make additional living space.
- (4) Cut a new window or door opening, or widen existing openings.

#### **SECTION 1103 WORK EXEMPT FROM PERMITS**

**1103.1 Work exempt from permit.** Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Note some of these activities may still require a zoning permit. Contact the Rising Sun Code Department with any questions.

##### **1103.1.1 Building:**

- (1) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m<sup>2</sup>). (Zoning approval still required)



- (2) Fences not over 6 feet (1829 mm) high. (Zoning approval still required)
- (3) Oil derricks. (Zoning approval still required)
- (4) Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
- (5) Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
- (6) Driveways not more than 30 inches (762 mm) above adjacent grade.
- (7) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- (8) Temporary motion picture, television and theater stage sets and scenery.
- (9) Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground. (Zoning approval still required)
- (11) Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- (12) Swings and other playground equipment accessory to detached one- and two-family dwellings.
- (13) Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require

additional support of Group R-3 and U occupancies.

- (14) Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
- (15) Blow insulation into existing homes
- (16) Installation of storm windows.
- (17) Replace doors or windows if the existing openings aren't widened
- (18) Decks or concrete or block patios not exceeding 200 square feet (18.58 m<sup>2</sup>) in area, that are not more than 15 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Building Code

#### **1103.1.2 Electrical:**

- (1) Listed cord-and-plug connected temporary decorative lighting.
- (2) Reinstallation of attachment plug receptacles but not the outlets therefor.
- (3) Replacement of branch circuit overcurrent devices of the required capacity in the same location.
- (4) Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
- (5) Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

#### **1103.1.3 Gas:**

- (1) Portable heating, cooking or

clothes drying appliances.

- (2) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- (3) Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

#### **1103.1.4 Mechanical:**

- (1) Portable heating appliances.
- (2) Portable ventilation appliances.
- (3) Portable cooling units.
- (4) Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
- (5) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- (6) Portable evaporative coolers.
- (7) Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
- (8) Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

#### **1103.1.5 Plumbing leaks.** The stopping of

leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material,

such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

#### **1103.1.6 Plumbing Fixture Replacements.**

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets or sinks provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**CHAPTER 12**  
**PROVISIONAL CERTIFICATES OF OCCUPANCY**  
**& TIMES FOR COMPLIANCE**

**SECTION 1201**  
**GENERAL**

**1201.1 Corrective Measures, Compliance and Time for Completion.** As detailed in section 106 of this code, all violations shall be corrected in a time period as prescribed by the Code Officer but in no case shall such time for compliance exceed ninety (90) days, unless approved by the Director of Code Enforcement. Any person affected may appeal such decisions in accordance to section 112.

**Exception: Repairs impacted by weather.**

The Town recognizes the period from November 1<sup>st</sup> until April 1<sup>st</sup> of the following calendar year as the period in which exterior projects relative to painting, excavations and structural repairs to walls roofs, concrete, and masonry, may be subject to adverse weather conditions. Any person under orders to make repairs, may request an extension of time from the Code Officer in which to complete such repairs on the basis of adverse weather conditions. Such request shall be in writing. Eligible repairs for such extensions shall be restricted to exterior projects only. No extensions of time shall be granted for any violations that render the property unsafe as described in section 108 unless the Director of Code Enforcement is satisfied that special provisions have been made to minimize the dangers.

**SECTION 1202**  
**PROVISIONAL CERTIFICATE OF**  
**OCCUPANCY**

**1202.1 Provisional certificate process.** The owner, applicant or agent thereof that is unable

to correct violations as outlined in section 1201.1 may receive a Provisional Certificate of Occupancy upon completion of the following:

- A. Payment of Provisional Certificate fees as required under the Town's Fee Schedule.
- B. Property must be inspected by the code department.
- C. All required certifications and other documentation must be received in the code office no less than seventy-two (72) hours of settlement or intent to occupy; unless the payment of an accelerated fee has been forwarded to the Town as per the Town's Fee Schedule.

**1202.2 Provisional certificate types.** Based upon the estimated time of repairs and compliance, the applicant may pay the appropriate provisional fee and request one of the below provisional certificates. Such request must be approved by the Code officer.

Ten (10) day	\$20
Twenty (20) day	\$30
Thirty (30) day	\$40
Forty-five (45) day	\$55
Sixty (60) day	\$70
Ninety (90) day	\$100
One hundred & twenty day (120) day	\$130
One hundred & eighty (180) day	\$190
Two hundred & seventy (270) day	\$280

Three hundred & sixty five (365) day        \$375

Five hundred & forty five (545) day        \$555

**1202.3 Scope of provisional certificate.** The issuance of a provisional certificate shall allow a seller/buyer to proceed to settlement or proceed with the transaction. The code officer shall determine the conditions to be placed on the provisional certificate. Occupancy shall be prohibited in accordance with section 805.1.

**1202.4 Valid provisional certificate.** A Property Transfer Certificate of Occupancy shall only be valid for the duration specified on the certificate. If the applicant is unable to correct all violations and secure a final certificate, then the applicant must purchase an additional provisional certificate at a cost of \$100. The applicant shall bring the property into compliance within thirty (30) days following the date of the additional provisional certificate. No more than two (2) successive provisional certificates shall be issued per property. The code officer reserves the right to refuse the issuance of a 2<sup>nd</sup> provisional certificate and proceed with enforcement action proceedings in accordance with section 106.

## **SECTION 1203 FAILURE TO COMPLY**

**1203.1 Failure to comply with Provisional Certificate.** Any applicant who fails to correct the violations in the time specified by the provisional certificate, or who fails to secure any necessary provisional certificate shall be considered in violation of this chapter and subject to the violations and penalties specified in section 106.

## CHAPTER 13

### VACANT PROPERTY REGISTRATION PROGRAM

#### SECTION 1301 GENERAL

**1301.1 Purpose.** The purpose of this chapter is to promote and assure public safety, health and welfare, to prevent deterioration of vacant residential structures in the Town of Rising Sun, to support property values, and to encourage responsible management and use of vacant residential structures through licensing and inspections.

**1301.2 Definitions.** The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein. Furthermore the rules for their use and application shall be as outlined in section 201 of this code.

**VACANT STRUCTURE.** Any buildings or structures, or portions thereof, that are not currently occupied or functioning under their intended use for more than 6 month period, or has been placarded by the Town as uninhabitable or unsafe for more than 10 days. For calculation of the continuous six-month period required to satisfy the definition of "vacant structure," the following periods of time shall not be included:

- A. The one-year period immediately following the issuance of a use and occupancy permit for new construction; or
- B. Any period of time during which active work is being legally performed pursuant to a valid building permit issued by the Town.

#### SECTION 1302 REGISTRATION AND CERTIFICATE

**1302.1 Vacant Property registration required.** The owner or possessor of any Vacant Structure located in the Town of Rising Sun must apply for and be issued a Vacant Structure Permit for any structures declared to be vacant as defined in this Chapter.

**1302.2 Registration and Application Process.** Application for a Vacant Structure Certificate shall be made in writing on a form provided by the Town upon request. The application shall be completed, signed and delivered by the owner, possessor or agent to the Code Department, along with such application fee as may be established by the Town from time to time.

The application shall state:

- A. The names addresses and a phone number of all owners of the premises.
- B. Forwarding address of all owners of the premises.
- C. The name, local address and telephone numbers, business, home cell and pager if available, of the realtor or agent representing the seller if applicable.
- D. The address of the premises.
- E. The type of premises.
- F. The use of the structure prior to vacancy

**1302.3 Timing of Application.** The written application for the Vacant Property Certification shall be submitted to the Town:

- A. at least thirty (30) days prior to the proposed date of deed, conveyance or transfer of title; and or
- B. upon installation of a lock box or keypad entry box; and or
- C. Upon placard notification by the owner that the property has been winterized or cleaned out; and or
- D. Upon owners' efforts to terminate Town water sewer or trash collection

By filing the application with the Town, the owner, possessor or agent of the property involved shall authorize such inspections of the real property, buildings and structures by the Code Officer.

**1302.4 Additional Items to be provided.** In addition to the application and all applicable application fees, the owner, possessor or agent of any property subject hereto shall be required to submit the certifications and inspection reports required by Sections 803.5 and 803.6 hereof as well as any additional certifications that the Code Officer may deem necessary pursuant to Section 104.3 hereof as a condition to the issuance of a Certificate of Property Transfer.

**1302.5 Annual Registration required. Annual license required.** It shall be unlawful for the owner(s) of any vacant residential structure to fail to apply for and obtain a vacant residential structure license and abide by the inspection requirements contained in this chapter.

**1302.6 Application; license fee.** In addition to the inspection requirements of 1402.6 of this chapter, an applicant for a vacant residential structure license shall provide the following information for each vacant residential structure

on the appropriate application form provided by the Town:

- A. The address of the vacant structure.
- B. The number of dwelling units contained in the structure.
- C. The name, street, address, and telephone number of all owners of the vacant structure.
- D. If the owner of the vacant residential structure is not an individual, the applicant shall provide the name, street address, resident agent, resident agent address and telephone number.
- E. The name, street address and telephone number of a designated contact person for the owner(s).
- F. A nonrefundable annual license fee of \$100 for each vacant residential structure.

#### **1302.7 Inspection.**

- A. In connection with the application requirements contained in **1402.5** of this chapter, the exterior and interior of the vacant structure shall be inspected on an annual basis. Required re-inspections for noted conditions shall be as directed by the Town.
- B. All inspections conducted hereunder shall be conducted by the Town and shall be performed pursuant to the standards then currently adopted. Interior inspections shall be limited to the vacant portion(s) of the structure for compliance with all applicable property maintenance, fire and other Town codes for vacant, unoccupied structures.

**1302.8 Issuance of license; renewal.** Upon receipt of a completed application form and full payment of the appropriate fee, the Town shall, within 30 days, issue a license for the subject vacant residential structure, unless such license is or was denied, suspended or revoked pursuant to 1402.8 hereof. Said license shall expire on its anniversary date, and shall be renewable annually, with application for said renewal being made at least 60 days prior to the expiration date of the then-current license. License renewal shall be made on the form provided by the Town.

**1302.9 Denial; revocation or suspension.** A vacant residential structure license may be denied, revoked or suspended at any time by the department if, after receipt of a notice of violation, the owner shall fail to eliminate violations of the applicable Code sections identified during any inspection within the time ordered in the notice. Denial, revocation or suspension of a vacant residential structure license shall be in addition to, and not in substitution of the penalties provided in **1302.10** of this chapter. Said denial, revocation or suspension may be appealed within 20 days pursuant to the Code to the Board of Technical Appeals.

**1302.10 Severability.** The provisions of this chapter are severable. If any provision of this chapter or its application to any person or circumstance is held to be invalid, such invalidity shall not affect the other provisions or applications of this chapter which can be given effect without the invalid provision or application.

**1302.11 Violations and penalties.** In addition to the sanctions outlined in **1302.8** hereof, any owner violating the provisions of this chapter shall be guilty of a municipal infraction and subject to a fine of up to \$500. Each day a structure is not in compliance with this chapter shall be deemed a separate and distinct violation.

## **SECTION 1303 VACANT COMMERCIAL STRUCTURES**

### **1303.1 Purpose.**

The purpose of this chapter is to promote and assure public safety, health and welfare, to prevent deterioration of vacant commercial structures in the C-3 Zoning Districts of the Town of Rising Sun, to support property values, and to encourage responsible management and use of vacant commercial structures through licensing and inspections.

### **1303.2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**COMMERCIAL STRUCTURE.** Any structure in a C-3 Zoning District that contains one or more street-level commercial spaces, including any such structure that contains other space(s) on upper level(s) used for any purpose.

### **OWNER**

A. Any person, partnership, association, company, corporation or other entity having a legal or equitable interest in or control of a vacant commercial structure, excluding a mortgagee or lien holder.

B. Any person who, alone, jointly or severally, shall have the charge, care, or control of any vacant commercial structure as executor, administrator, trustee or guardian of the estate or person of the owner.

C. Any person having any interest in a partnership, association, company, corporation, or other entity which owns or has any ownership interest or control of a vacant commercial structure.

D. Any person, firm, partnership, association, company, corporation or other entity whose name appears on the deed or property tax bill for the premises of a vacant commercial structure.

**PREMISES.** Any single parcel or lot of real property in the Town, including the land and all improvements or structures, upon which a vacant commercial structure is located.

**VACANT COMMERCIAL STRUCTURE.** Any commercial structure that contains one or more vacant street level spaces that have not been occupied for a commercial purpose for a continuous six-month period. "Vacant commercial structure" shall also mean a structure with a vacant upper level as defined herein. For calculation of the continuous six-month period required to satisfy the definition of "vacant commercial structure," the following periods of time shall not be included: the one-year period immediately following the issuance of a use and occupancy permit for new construction; and any period of time during which active work is being legally performed pursuant to a valid permit issued by the Town.

**VACANT UPPER LEVEL.** Any commercial structure that does not contain street-level vacancies pursuant to the definition of "vacant commercial structure," but in which at least 50% of the upper-level spaces have been vacant for a continuous six-month period.

### **1303.3 Vacant commercial structure license required.**

It shall be unlawful for the owner(s) of any vacant commercial structure to fail to apply for and obtain a vacant commercial structure license and abide by the inspection requirements contained in this chapter.

### **1303.4 Application; license fee.**

In addition to the inspection requirements of **1303.5** of this chapter, an applicant for a vacant commercial structure license shall provide the following information for each vacant commercial structure on the appropriate application form provided by the Town:

- A. The address of the vacant structure.
- B. The number and location of the spaces contained in the structure.
- C. The name, street, address, and telephone number of all owners of the vacant structure.
- D. If the owner of the vacant commercial structure is not an individual, the applicant shall provide the name, street address, resident agent, resident agent address and telephone number.
- E. The name, street address and telephone number of a designated contact person for the owner(s).
- F. Except for vacant commercial structures which are deemed so solely by virtue of having a vacant upper level, a nonrefundable annual license fee pursuant to the following schedule for each vacant commercial structure:

<b>License Period</b>	<b>Fee</b>
6 months to 12 Months	\$1000
Every Month Thereafter	\$150

### **1403.5 Inspection.**

- A. In connection with the application requirements contained in **1303.4** of this chapter, the exterior and interior of the vacant structure shall be inspected in accordance with the following schedule:



<b>License Period</b>	<b>No. of l Inspections</b>
6 months to 12 Months	1 Per month
Every Month Thereafter	1 Per month

B. All inspections conducted hereunder shall be conducted by the Town and shall be performed pursuant to the standards then currently adopted. Interior inspections shall be limited to the vacant portion(s) of the structure for compliance with all applicable property maintenance, fire and other Town codes for vacant, unoccupied structures.

### **1303.6 Issuance of license; renewal.**

Upon receipt of a completed application form and full payment of the appropriate fee, the Town shall, within 30 days, issue a license for the subject vacant commercial structure, unless such license is or was denied, suspended or revoked pursuant to **1303.7** hereof. Said license shall expire on its anniversary date, and shall be renewable annually, with application for said renewal being made at least 60 days prior to the expiration date of the then-current license. License renewal shall be made on the form provided by the Town.

### **1303.7 Denial; revocation or suspension.**

A vacant commercial structure license may be denied, revoked or suspended at any time by the department if, after receipt of a notice of violation, the owner fails to eliminate the violation of the applicable Code section identified during any inspection within the time ordered in the notice. Denial, revocation or suspension of a vacant commercial structure license shall be in addition to, and not in substitution of the penalties provided in **1403.9** of this chapter. Said denial, revocation or suspension may be appealed within 20 days pursuant of the Code to the Board of Technical Appeals.

### **103.8 Severability.**

The provisions of this chapter are severable. If any provision of this chapter or its application to any person or circumstance is held to be invalid, such invalidity shall not affect the other provisions or applications of this chapter which can be given effect without the invalid provision or application.

### **1303.9 Violations and penalties.**

In addition to the sanctions outlined in **1303.7** hereof, any owner violating the provisions of this chapter shall be guilty of a municipal infraction and subject to a fine of up to \$1,000. Each day a structure is not in compliance with this chapter shall be deemed a separate and distinct violation.

#### **What properties need to be licensed?**

Per the Code of the Town of Rising Sun, any residential structure, single or multi-unit, that has been completely vacant for a continuous six (6) month period; or is vacant with pending action to foreclose on a mortgage or deed of trust; or is vacant with blighted conditions; or has been placarded by the Town as uninhabitable is deemed to be a vacant residential structure and must be licensed.

#### **Why is licensing required?**

In order to ensure the safety of first responders and emergency personnel, as well as the health and safety of the general public and to support property values within the City, vacant structures within the corporate limits of the City of Hagerstown must be licensed and regularly inspected.

#### **How long is the license valid?**

Vacant residential structure licenses are good for one year. We will send you a license renewal form each year before the anniversary date, as long as you own the structure and it remains vacant. Please contact the town hall if you sell

the unit or it is no longer vacant.

**Are any vacant residential structures exempt from being licensed?**

Yes. For the calculation of the continuous six (6) month period required to satisfy the definition of Vacant Residential Structure, the following periods of time shall not be included:

1. The one (1) year period immediately following the issuance of a Certificate of Occupancy for new construction.
2. Any time period during which active work is being legally performed pursuant to a valid permit issued by the City.
3. Also, a structure that falls within the definition of a Vacant Non-Residential Structure pursuant of the Town Code.

**What is included in the inspection?**

The exterior and interior of the vacant structure shall be inspected on an annual basis. The interior inspection is limited to the vacant portion(s) of the structure to assure compliance with all applicable property maintenance, fire and other Town codes for unoccupied structures. Inspectors will be examining the general interior, attic & basement, plumbing, mechanical systems and fire protection, with a focus on ensuring the structure is safe and sound and will not present a danger to any responding emergency personnel. The exterior will be checked to ensure that doors and windows of a vacant structure are securely closed to prevent unauthorized entry and that the owner maintains the structure enough to ensure there is minimal negative economic effect on the neighborhood. A complete checklist of items to be inspected is available from Planning and Code Administration.

**Are there any additional maintenance requirements?**

Yes. In addition to meeting the inspection requirements noted above, an owner of a Vacant Residential Structure or Vacant Blighted Residential Structure shall maintain the

structure to the following standards, which are based on the Crime Prevention through Environmental Design.

**A. Exterior lighting at all entry doors.**

1. Shall be illuminated from dusk to dawn
2. Shall be directed downward and away from adjoining premises
3. Shall maintain one foot-candle of light measured at one foot above the ground to a minimum distance of twenty feet from the center of any entry door.
4. Exterior lighting is not required at any entry door where street lighting meets the minimum illumination level of this section.

**B. All entry doors shall have engaged deadbolt locks.**

1. Doors not capable of deadbolt locks shall be secured in an approved manner

**C. All exterior sliding doors shall have lift and slide protection.**

**D. All windows shall have lift and slide protection.**

**E. All shrubbery, hedges, trees, or similar vegetation shall be maintained so that a clear view of the entry doors from the public sidewalk or street is not impeded.**

**What happens if I fail to register my vacant residential structure?**

Any owner violating the provisions of this Town Code shall be guilty of a municipal infraction and subject to a fine of up to \$500.00. Each day a structure is not in compliance with the code shall be deemed a separate and distinct violation.

**How often are inspections conducted?**

The exterior will be inspected annually. The interior of a vacant residential structure will be inspected in accordance with the following schedule:

Vacant Residential Structures - At first renewal and annually thereafter.

Vacant Blighted Residential Structures - At initial application and on an annual basis thereafter.

