

FIRST EDITION **1964**

as amended through 1968

BOCA Basic
HOUSING CODE

89

CITY OF TAKOMA PARK
8 COLUMBIA AVENUE
TAKOMA PARK, MARYLAND



FOUNDED 1915

BUILDING OFFICIALS
CONFERENCE of AMERICA, Inc.

EXECUTIVE OFFICE: 1313 EAST 60TH STREET • CHICAGO, ILLINOIS 60637

About this Organization

BOCA BASIC HOUSING CODE

The purpose of this organization is to provide a model housing code for the use of local governments. The code is designed to be comprehensive and to cover all aspects of housing, including health, safety, and general appearance. It is intended to be a minimum standard and to be adopted by local governments as a basis for their own codes. The code is intended to be a model and to be adapted to the needs of local governments. It is intended to be a minimum standard and to be adopted by local governments as a basis for their own codes.

The code is intended to be a minimum standard and to be adopted by local governments as a basis for their own codes. It is intended to be a model and to be adapted to the needs of local governments. It is intended to be a minimum standard and to be adopted by local governments as a basis for their own codes.

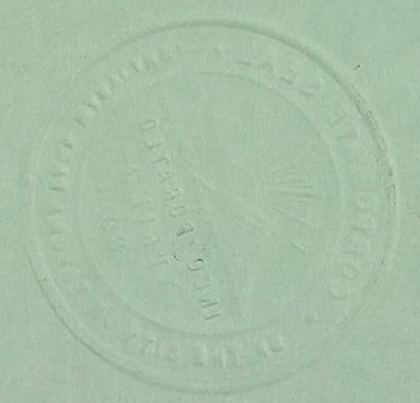
The code is intended to be a minimum standard and to be adopted by local governments as a basis for their own codes. It is intended to be a model and to be adapted to the needs of local governments. It is intended to be a minimum standard and to be adopted by local governments as a basis for their own codes.

The code is intended to be a minimum standard and to be adopted by local governments as a basis for their own codes. It is intended to be a model and to be adapted to the needs of local governments. It is intended to be a minimum standard and to be adopted by local governments as a basis for their own codes.

CITY OF TAKOMA PARK
8 COLUMBIA AVENUE
TAKOMA PARK, MARYLAND

The code is intended to be a minimum standard and to be adopted by local governments as a basis for their own codes. It is intended to be a model and to be adapted to the needs of local governments. It is intended to be a minimum standard and to be adopted by local governments as a basis for their own codes.

The code is intended to be a minimum standard and to be adopted by local governments as a basis for their own codes. It is intended to be a model and to be adapted to the needs of local governments. It is intended to be a minimum standard and to be adopted by local governments as a basis for their own codes.



About the Organization

The Building Officials Conference of America is a national non-profit municipal service organization of public officials who regulate new and existing construction through municipal codes. The purpose of the conference is to promote the improvement of building regulations and the administrative organization techniques and methods of their enforcement by local governments. It seeks to make possible the use by the public of new materials and construction techniques that have been proven safe, and to increase the knowledge and understanding of its members in their proper application.

To accomplish this, the organization publishes model codes (building, housing, fire prevention and plumbing) which can be adopted by local communities without obligation. These codes are kept abreast of industry research and development by the systematic review of requirements which provides thorough study, public hearing and open discussion of proposed changes before final approval. Recommended changes are published annually in convenient form for local adoption.

In connection with this, the organization maintains close contact with recognized standards authorities so that the public may benefit from the standardization of products throughout the industry. The adoption by local governments of BOCA codes produces congruity of regulations in neighboring communities with further benefits to the public.

To assist local officials in recognizing new materials and identifying their proper installation, reports of detail data and tests of construction products are reviewed to evaluate the acceptability of the performance of the products under the requirements of the codes. Reports of this review are distributed to building officials after approval by a committee.

Consultation and advisory services are available at nominal fees to assist local communities in establishing or executing programs of building code reform or adopting a new code.

Administrative surveys of code enforcement agencies are made on a firm contract basis. Examination of plans for compliance with requirements of the codes and information on specific problems are also provided on a fee basis.

The organization collects, maintains and disseminates information on a variety of subjects related to the field of building regulation via a monthly magazine and other publications. Through close cooperation with other government service organizations, it furnishes many additional services.

BOCA's executive offices are in the center for Public Administration on the campus of the University of Chicago.

BOCA *Basic* HOUSING CODE

Adopted by

FIRST EDITION

1964

as amended through 1968

Containing

APPROVED CHANGES 1966-1967-1968

Recommended by the membership of the

BUILDING OFFICIALS CONFERENCE OF AMERICA, INC.
1313 East 60th Street, Chicago, Illinois 60637



FOUNDED 1915

Printed in the U.S.A.

Copyright, 1968
BUILDING OFFICIALS CONFERENCE OF AMERICA, INC.

First Printing—August, 1964
Second Printing—January, 1968
Third Printing—October, 1968

The following sections were changed by vote of active membership of the Building Officials Conference of America subsequent to the third printing:

Section H-112.0 (Change H3-66 pt. 2)
Section H-141.0 (Change H2-66 pt. 1)
Section H-324.2 (Change H1-67)

PREFACE

Recognizing the need of communities that have adopted the *Basic Building Code*, and in accord with the wishes of the membership at the annual business meeting in 1961, this *Basic Housing Code* has been prepared as an addition to the BOCA Code program to augment the *Basic Building Code*. This code prescribes the minimum requirements for buildings used for human habitation.

The *Basic Housing Code* is intended to establish the minimum acceptable standards for places of human habitation in the municipality. Therefore it applies to all buildings for such occupancy except as specifically exempted by reference therein. The concept of this code is that all repairs, alterations, extensions or other construction required by the *Basic Building Code* are to be made in accordance with the applicable requirements of the *Basic Building Code*, or such other building regulations as are legally in force in the municipality. Similarly, the installation of all plumbing, electrical, heating, air conditioning, ventilating or similar systems installed as required by this code are to be installed in accordance with the requirements of such laws, ordinances or codes applicable thereto legally in force in the municipality.

For proper coordination the Housing Code should be administered by a division of the building code administrative department. The function of the Housing Authority of the municipality is primarily related to urban renewal and redevelopment which involves the rejuvenation or replacement of run down or substandard housing. It also involves determining the areas to be included in renewal or redevelopment projects, in cooperation with the building, fire, and health departments; and the sociological and economic problems involved in such operations. The determination of buildings which should be demolished or vacated, and those which may be repaired; and the enforcement of the regulations governing the demolition and repair activities, is a function of the Building Department.

The *Basic Housing Code* is one of the "instruments" required for a "workable program" of urban renewal or redevelopment. If such a program is to be effective and to provide lasting benefits to the community the *Basic Building Code* should also be adopted. Together these codes provide adequate authority for the up-grading of sub-standard housing and the construction of new housing and other buildings to safeguard the public against the hazards incident to the planning, construction and use of buildings and structures. Adequate plumbing, electrical and similar codes are also required.

For orderly, sound growth of the municipality, adequate planning is required to fix the overall master plan of the city. This must be supported by suitable zoning laws and subdivision requirements.

Although all of these laws, ordinances and codes are necessary for the healthful development of the community, their effectiveness will be greatly diminished unless adequate well qualified administration is provided. The administrative staff should be carefully selected and well organized to serve the public effectively and efficiently.

ACKNOWLEDGMENT

The development of this code is the result of the combined efforts of many members of the *Building Officials Conference of America* who submitted information and comments in regard thereto. These were reviewed by the Housing Code Committee listed below and correlated by the Chairman of the Committee and the BOCA Staff. The efforts of those who have contributed to this, and especially the untiring work of the Chairman of the Committee, is gratefully acknowledged.

ALFRED H. SCHROEDER, Chairman
Consultant
St. Paul Housing and Redevelopment Authority
2172 Carroll Avenue
St. Paul 4, Minnesota

JOHN A. GRABARZ, JR.
Dir. Div. Sub-Standard Buildings
City Hall
South Bend 1, Indiana

DONALD F. HUNTER
Commissioner of Building
228 City Hall
Cincinnati 2, Ohio

JAMES OWENS
Director of Inspection
City Hall Building
419 Fulton Street
Peoria, Illinois

CARL T. VIOLA
Superintendent of Building
Town Hall
Milford, Connecticut

TABLE OF CONTENTS

ARTICLE 1—ADMINISTRATION AND ENFORCEMENT

<i>Section</i>	<i>Section</i>
H-100.0 Scope	H-130.0 Condemnation
H-101.0 Title	H-130.1 Dangerous Structures
H-101.1 Purpose	H-130.2 Structures Unfit for Human Occupancy
H-102.0 Matters Covered	H-130.3 Notice
H-102.1 Travel Trailers and Mobile Homes	H-130.31 Posting of Notice
	H-130.32 Form of Notice
H-110.0 Applicability	H-130.33 Service of Notice
H-110.1 Application of Building Code	H-130.34 Removal of Placard or Notice
H-110.2 Application of Zoning Law	H-130.4 Vacating of Declared Building
H-111.0 Conflict with Other Ordinances	H-130.41 Occupancy of Building
H-112.0 Existing Buildings	H-130.5 Report of Notice to Vacate
H-112.1 Existing Remedies	H-140.0 Violations
	H-140.1 Service of Notice
H-120.0 Enforcement Authority	H-140.2 Prosecution of Violation
H-120.1 Enforcement Officer	H-140.3 Penalty for Violations
H-120.11 Coordination of Enforcement	H-141.0 Right of Appeal
H-120.12 Administrative Liability	H-150.0 Validity
H-121.0 Inspections	H-150.1 Severability
H-121.1 Access by Owner or Operator	H-150.2 Saving Clause

ARTICLE 2—DEFINITIONS

<i>Section</i>	<i>Section</i>
H-200.0 Scope	H-200.3 Terms Not Defined
H-200.1 Interchangeability	H-210.0 Applied Meaning of Words and Terms
H-200.2 Terms Defined in Building Code	

ARTICLE 3—ENVIRONMENTAL REQUIREMENTS

<i>Section</i>	<i>Section</i>
H-300.0 Scope	H-323.6 Window and Door Frames to Fit in Wall
H-310.0 Exterior Property Areas	H-323.7 Basement Hatchways
H-310.1 Sanitation	H-323.8 Exit Doors
H-310.2 Grading and Drainage	H-324.0 Screening
H-310.3 Noxious Weeds	H-324.1 Guards for Basement Windows
H-310.4 Insect and Rodent Harborage	H-324.2 Insect Screens
H-310.5 Accessory Structures	H-330.0 Interior Structure
H-320.0 Exterior Structure	H-331.0 Free from Dampness
H-321.0 Foundations, Walls and Roofs	H-332.0 Structural Members
H-321.1 Foundations	H-333.0 Interior Stairs and Railings
H-321.2 Exterior Walls	H-333.1 Maintained in Good Repair
H-321.3 Roofs	H-333.2 Handrails
H-322.0 Stairs, Porches and Railings	H-334.0 Bathroom Floors
H-322.1 Structural Safety	H-335.0 Sanitation
H-322.2 Handrails	H-336.0 Insect and Rodent Harborage
H-323.0 Windows, Doors and Hatchways	H-336.1 Extermination from Buildings
H-323.1 Windows to be Glazed	H-336.2 Extermination from Single Dwelling Units
H-323.2 Windows to be Tight	H-336.3 Responsibility of Owner
H-323.3 Windows to be Openable	
H-323.4 Door Hardware	
H-323.5 Doors to Fit in Frame	

ARTICLE 4—SPACE AND OCCUPANCY REQUIREMENTS

<i>Section</i>	<i>Section</i>
H-400.0 Basic Facilities	H-423.0 Required Space in Sleeping Rooms
H-401.0 Sanitary Facilities	H-424.0 Access Limitation of Dwelling Unit to Commercial Uses
H-401.1 Water Closet	H-425.0 Location of Bath and Second Sleeping Room
H-401.2 Lavatory	H-426.0 Occupancy of Dwelling Units Below Grade
H-401.3 Bathtub or Shower	H-430.0 Light and Ventilation
H-401.4 Kitchen Sink	H-431.0 Natural Light in Habitable Rooms
H-402.0 Water and Sewer System	H-432.0 Light in Non-Habitable Work Space
H-402.1 Water Heating Facilities	H-433.0 Light in Public Halls and Stairways
H-403.0 Heating Facilities	H-434.0 Electric Outlets Required
H-403.1 Operation of Heating Facilities and Incinerators	H-435.0 Adequate Ventilation
H-404.0 Rubbish Storage Facilities	H-436.0 Ventilation and Light in Bathroom and Water Closet
H-405.0 Garbage Storage or Disposal Facilities	H-440.0 Minimum Requirements for Safety from Fire
H-410.0 Installation and Maintenance	H-441.0 Storage of Flammable Liquids Prohibited
H-410.1 Facilities and Equipment	H-442.0 Cooking and Heating Equipment
H-410.2 Maintained Clean and Sanitary	
H-411.0 Plumbing Fixtures	
H-412.0 Plumbing Systems	
H-413.0 Heating Equipment	
H-414.0 Electrical Outlets and Fixtures	
H-414.1 Correction of Defective Systems	
H-420.0 Occupancy Requirements	
H-421.0 Minimum Ceiling Heights	
H-422.0 Required Space in Dwelling Units	

ARTICLE 5—RESPONSIBILITY OF PERSONS

<i>Section</i>	<i>Section</i>
H-500.0 Scope	H-510.0 Rooming Houses
H-501.0 Cleanliness	H-511.0 Water Closet, Hand Lavatory, and Bath Facilities
H-502.0 Disposal of Rubbish	H-512.0 Minimum Floor Area for Sleeping Purposes
H-503.0 Disposal of Garbage	H-513.0 Bed Linen and Towels
H-504.0 Use and Operation of Supplied Plumbing Fixtures	H-514.0 Shades, Drapes, etc.
H-505.0 Installation and Care of Plumbing Fixtures Furnished by Occupant	H-515.0 Sanitary Conditions
	H-516.0 Sanitary Facilities

BOCA BASIC HOUSING CODE

ARTICLE 1 ADMINISTRATION AND ENFORCEMENT

SECTION H-100.0. SCOPE

H-101.0. Title.—This code shall be known as the Minimum Housing Standards Code for dwellings and multi-family dwellings and is herein referred to as the Housing Code or “this code”.

H-101.1. Purpose.—The purpose of this code is to protect the public health, safety and welfare in buildings used for dwelling purposes as hereinafter provided by:

- 1 — Establishing minimum standards for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; and for safe and sanitary maintenance; for cooking equipment in all dwellings and multi-family dwellings now in existence;
- 2 — Fixing the responsibilities of owners, operators and occupants of dwellings and multi-family dwellings;
- 3 — Providing for administration, enforcement and penalties.

H-102.0. Matters Covered.—The provisions of the Housing Code shall apply to all structures used for human habitation, which are now, or may become in the future, sub-standard with respect to structure, protection against fire hazard, equipment or maintenance, inadequate provisions for light and air, lack of proper heating, unsanitary conditions, and overcrowding, or otherwise may be deemed to constitute a menace to the safety, health or welfare of their occupants; except as provided in section H-112. The existence of such conditions, factors or characteristics adversely affect public safety, health and welfare and lead to the continuation, extension and aggravation of urban blight. Adequate protection of the public, therefore, requires the establishment and enforcement of these minimum housing standards.

H-102.1. Travel Trailers and Mobile Homes.—All moveable units used for human habitation, and the areas, grounds or parcels on which they are located, as provided in section 425 of the Basic Building Code, or such other codes, laws or ordinances of the municipality applicable thereto, shall comply with the requirements of this Housing Code.

SECTION H-110.0. APPLICABILITY

Every portion of a building or premise used or intended to be used for residential purposes, except hotels and motels serving transient guests only, rest homes, convalescent homes, and nursing homes, shall comply with the provisions of this code, irrespective of when such building shall have been constructed, altered, or repaired, except as hereinafter provided.

H-110.1. Application of Building Code.—Any alterations to buildings, or changes of use therein, which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with applicable sections of the building code of the municipality.

H-110.2. Application of Zoning Law.—Nothing in this code shall permit the establishment or conversion of a multi-family dwelling in any zone except where permitted by the zoning law; nor the continuation of such nonconforming use in any zone except as provided therein.

H-111.0. Conflict with Other Ordinances.—Except as provided in section H-112.0, in any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of this municipality existing on the effective date of this code, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail. In any case where a provision of this code is found to be in conflict with a provision of any other ordinance or code of this municipality existing on the effective date of this code which establishes a lower standard for the promotion, and protection of the safety and health of the people, the provisions of this code shall prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this code.

H-112.0. Existing Buildings.—This code establishes minimum requirements for the initial and continued occupancy of all buildings used for human habitation and does not replace or modify requirements otherwise established for the construction, repair, alteration, or use of buildings, equipment or facilities except as provided in this section.

H-112.1. Existing Remedies.—Nothing in this code shall be deemed to abolish or impair existing remedies of the municipality or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or unsanitary.

SECTION H-120.0. ENFORCEMENT AUTHORITY

H-120.1. Enforcement Officer.—It shall be the duty and responsibility of the building official of the municipality to enforce the provisions of the Housing Code as herein provided.

H-120.11. Coordination of Enforcement.—Inspection of premises and the issuing of orders in connection therewith under the provisions of this code shall be the exclusive responsibility of the building department of the municipality. Wherever, in the opinion of the building official it is necessary or desirable to have inspections of any condition by any other department he shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders. No order for correction of any violation under this code shall be issued without the approval of the building official, and it shall be the responsibility of that official before issuing any such order to determine that it has the concurrence of any other department or official of the government concerned with any matter involved on the case in question.

H-120.12. Administrative Liability.—Except as may otherwise be provided by statute or local law or ordinance, no officer, agent or employee of the municipality charged with the enforcement of the Housing Code shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this code. No person who institutes, or assists in the prosecution of, a criminal proceeding under this code shall be liable to damages hereunder unless he acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any suit brought against any officer, agent, or employee of the municipality, as a result of any act required or permitted in the discharge of his duties under this code, shall be defended by the legal representative of the municipality until the final determination of the proceedings therein.

H-121.0. Inspections.—The building official shall make or cause to be made inspections to determine the conditions of dwellings, multi-family dwellings, dwelling units, rooming houses, rooming units, and premises in order to safeguard the safety, morals, and welfare of the public under the provisions of this code. The building official is authorized to enter any dwelling, dwelling unit, multi-family dwelling, rooming house, or premises at any reasonable time for the purpose of performing his duties under this code. The owner, operator, or occupant of every dwelling, multi-family dwelling, dwelling unit, rooming unit, or the person in charge thereof, shall give the building official free access thereto and to all parts thereof and to the premises on which it is located at all reasonable times for the purpose of such inspection, examination and survey.

It shall be unlawful for any person to refuse entrance or impede an inspector or officer authorized under this code in the performance of his duties and every such inspector or officer shall have the right to enter, examine, and survey all premises, grounds, structures, dwellings, and multi-family dwellings and every part thereof at all reasonable times upon display of proper identification.

H-121.1. Access by Owner or Operator.—Every occupant of a dwelling unit or rooming unit, shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling unit, rooming unit, or its premises, at reasonable times for the purpose of making such inspections, maintenance, repairs, or alterations as are necessary to comply with the provisions of this code.

SECTION H-130.0. CONDEMNATION

Dwellings or multi-family dwellings shall be condemned as dangerous structures or unsafe for human habitation as herein provided.

H-130.1. Dangerous Structures.—If all or part of any building or structure (including among others a fence, billboard or sign) or the equipment for the operation thereof (including among others the heating plant, plumbing, electric wiring, moving stairways, elevators and fire extinguishing apparatus) shall be found, in the opinion of the building official, to be in an unsafe condition—dangerous to life, limb, or property, he shall proceed to have the same condemned pursuant to the applicable provisions of section 125 of the Basic Building Code or such other code or codes of the municipality pertaining to unsafe structures.

H-130.2. Structures Unfit for Human Occupancy.—Whenever the building official finds that any dwelling or multi-family dwelling constitutes a hazard to the safety, health, or welfare of the occupants or to the public because it lacks maintenance; or is in disrepair, unsanitary, vermin-infested or rodent-infested; or because it lacks the sanitary facilities or equipment, or otherwise fails to comply with the minimum provisions of this code, but has not yet reached such state of complete disrepair as to be condemned as a dangerous structure as hereinbefore provided, he may declare such dwelling or multi-family dwelling as UNFIT FOR HUMAN HABITATION and order it to be vacated.

If any dwelling or multi-family dwelling or any part thereof is occupied by more occupants than permitted under this code, or was erected, altered or occupied contrary to law, such dwelling or multi-family dwelling shall be deemed an unlawful structure and the building official may cause such dwelling to be vacated. It shall be unlawful to again occupy such dwelling until it or its occupation, as the case may be, has been made to conform to the law.

H-130.3. Notice.—Notice of the declaration of any building under the Housing Code as unfit for human habitation and order to vacate it shall be served as provided in the following sections. When the condition requires the removal or demolition of the building such notice shall be given as provided in section 125 of the Basic Building Code and the building official shall have authority for emergency measures as provided in section 126, subject to the provisions of section 127 of the Basic Building Code or such other codes or ordinances of the municipality pertaining to unsafe buildings.

H-130.31. Posting of Notice.—Any dwelling or multi-family dwelling declared as UNFIT FOR HUMAN HABITATION shall be posted with a placard by the building official. The placard shall include the following:

- 1 — Name of city;
- 2 — The name of the authorized department having jurisdiction;
- 3 — The chapter and section of the code under which it is issued;
- 4 — An order that the dwelling or multi-family dwelling when vacated must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn;
- 5 — The date that the placard is posted;
- 6 — A statement of the penalty for defacing or removal of the placard.

H-130.32. Form of Notice.—Whenever the building official has declared a dwelling or multi-family dwelling as unfit for human habitation, he shall give notice to the owner of such declaration and placarding of the dwelling or multi-family dwelling as unfit for human habitation. Such notice shall:

- 1 — Be in writing;
- 2 — Include a description of the real estate sufficient for identification;
- 3 — Include a statement of the reason or reasons why it is being issued;
- 4 — State the time to correct the conditions;
- 5 — State the time occupants must vacate the dwelling units.

H-130.33. Service of Notice.—Service of notice to vacate shall be as follows:

- 1 — By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
- 2 — By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon; or
- 3 — By posting and keeping posted for twenty-four (24) hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated.

H-130.34. Removal of Placard or Notice.—No person shall deface or remove the placard from any dwelling or multi-family dwelling which has been declared or placarded as unfit for human habitation except by authority in writing from the building official.

H-130.4. Vacating of Declared Building.—Any dwelling or multi-family dwelling which has been declared and placarded as unfit for human habitation by the building official shall be vacated within a reasonable time as required by the building official, and it shall be unlawful for any owner or operator to let to any person for human habitation said dwelling, multi-family dwelling or dwelling unit; and no person shall occupy any dwelling or multi-family unit which has been declared or placarded by the building official as unfit for human habitation after the date set forth in the placard.

H-130.41. Occupancy of Building.—No dwelling or multi-family dwelling which has been declared or placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from the building official. The building official shall remove such placard whenever the defect or defects upon which the declaration and placarding action were based have been eliminated.

H-130.5. Report of Notice to Vacate.—The building official shall furnish a copy of each notice to vacate a building to the health officer and the chief of the fire prevention bureau, and any other designated official of the municipality concerned therewith.

SECTION H-140.0. VIOLATIONS

Notice of violation shall be served upon the owner of record; provided that such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to him personally, or if not found, by leaving a copy thereof at his usual place of abode with a person of suitable age and discretion who shall be informed of the contents thereof, or by sending a copy thereof by mail to his last known address, or, if the letter with the copy is returned showing it has not been delivered to him, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice.

H-140.1. Service of Notice.—Whenever the building official determines that there has been or is a violation, or that there are reasonable grounds to believe that there has been or is a violation of any provision of this code, he shall give notice of such violation or alleged violation to the person or persons responsible therefor. Such notice shall:

- 1— Be in writing;
- 2— Include a description of the real estate sufficient for identification;
- 3— Specify the violation which exists and the remedial action required;
- 4— Allow a reasonable time for the performance of any act it requires.

H-140.2. Prosecution of Violation.—In case any violation order is not promptly complied with, the building official may request the legal representative to institute an appropriate action or proceeding at law or in equity against the person responsible for the violation, ordering him:

- 1— To restrain, correct or remove the violation or refrain from any further execution of work;
- 2— To restrain or correct the erection, installation, or alteration of such building;
- 3— To require the removal of work in violation;
- 4— To prevent the occupation or use of the building, structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued; or
- 5— To enforce the penalty provisions of this code.

H-140.3. Penalty for Violations.—Every person, firm, or corporation who shall violate any provision of this code shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or by imprisonment as provided in the laws of the municipality for such misdemeanor. Each day that a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense.

SECTION H-141.0. RIGHT OF APPEAL

Any owner or person who is aggrieved with the ruling or decision of the enforcing officer, in any matter relative to the interpretation or enforcement of any of the provisions of the Housing Code may appeal the decision or interpretation.

This appeal must be filed with the appropriate authority, in writing, within thirty (30) days of the date of the rendition of the decision or interpretation.

The appeal may be decided by one of the following methods of procedure:

The municipality may appoint and establish an appeal board of five (5) persons, qualified by education and experience in the building profession who shall have the duty, responsibility and authority to decide the matter referred to them.

The matter may be resolved by the normal procedure for appeals by the appropriate courts of the various governmental units.

The decisions of either body shall be subject to the appeal provisions as established by the appropriate courts of the various governmental units.

SECTION H-150.0. VALIDITY

H-150.1. Severability.—If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect; and to this end the provisions of this code are hereby declared to be severable.

H-150.2. Saving Clause.—This code shall not affect violations of any other ordinance, code or regulation of the municipality existing prior to the effective date hereof and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

ARTICLE 2

DEFINITIONS

SECTION H-200.0. SCOPE

Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this section.

H-200.1. Interchangeability.—Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

H-200.2. Terms Defined in Building Code.—Where terms are not defined in this section and are defined in the Basic Building Code, they shall have the meanings ascribed to them as in the building code.

H-200.3. Terms Not Defined.—Where terms are not defined under the provisions of this code or under the provisions of the building code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

SECTION H-210.0. APPLIED MEANING OF WORDS AND TERMS

approved. Approved as applied to a material, device, or method of construction shall mean approved by the building official under the provisions of this code, or approved by other authority designated by law to give approval in the matter in question.

basement. A portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground. (See cellar.)

Basic Building Code. The Basic Building Code, latest edition and accumulative supplement issued by the Building Officials Conference of America; or such earlier edition and supplement thereof officially adopted by the legislative body of the municipality.

boarding house, lodging house, tourist house. (See dwellings.)

building code. The Basic Building Code, latest edition and current accumulative supplement officially adopted by the municipality; or such other code as may be officially designated by the legislative body of the municipality for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

building official. The official designated by the municipality to enforce building, zoning or similar laws and this code, or his duly authorized representative.

cellar. The portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

dwellings.

—**one-family dwelling.** A building containing one dwelling unit with not more than five (5) lodgers or boarders.

—**two-family dwelling.** A building containing two (2) dwelling units with not more than five (5) lodgers or boarders per family but not more than twenty (20) individuals.

—**multi-family—apartment house.** A building containing more than two (2) dwelling units.*

—**boarding house, lodging house, tourist house.** A building arranged or used for lodging with or without meals, for compensation, more than five (5) and not more than twenty (20) individuals.

—**dormitory.** A building arranged or used for lodging six (6) but not more than twenty (20) individuals and having common toilet and bath-room facilities.

—**hotel.** A building arranged or used for sheltering, sleeping, or feeding, for compensation, of more than twenty (20) individuals.

dwelling unit. One or more rooms arranged for the use of one (1) or more individuals living together as a single house-keeping unit, with cooking, living, sanitary and sleeping facilities.*

enforcement officer. The official designated herein or otherwise charged with the responsibilities of administering this code, or his authorized representatives.

exterior property areas. 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, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

family. A group of persons related by blood, marriage, or adoption within and including the degree of first cousins.

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

gross floor area. The total area of all habitable space in a building or structure.

habitable room. A room or enclosed floor space arranged for living, eating, and sleeping purposes (not including bathrooms, water closet compartment, laundries, pantries, foyers, hallways and other accessory floor spaces.)

hotel. (See dwellings.)

infestation. The presence, within or contiguous to a multi-family dwelling, dwelling unit, rooming house, rooming unit, or premises, of insects, rodents, vermin or other pests.

motel. For purposes of this code, a motel shall be defined the same as a hotel.

**Whenever the words "multi-family dwelling", "residence building", "dwelling unit", "rooming house", "rooming unit", or "premises" are used in this code, they shall be construed as though they were followed by the words "or any part thereof".*

multi-family (multiple) dwelling. (See dwellings.)

occupant. Any person over one year of age (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

openable area. That part of a window 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 multi-family dwelling or rooming house, in which dwelling units or rooming units are let or offered for occupancy.

owner. The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possessions, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building; or their duly authorized agents.

person. An individual, firm, corporation, association or partnership.

plumbing or plumbing fixtures. Water heating facilities, water pipes, gas pipes, garbage and disposal units, waste lavatories, bathtubs, shower baths, installed clothes washing machines, or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer or vent lines.

premises. A lot, plot or parcel of land including the buildings or structures thereon.*

residence building. A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided; except when classified as an institution under the building code.*

rooming house. Any residence building, or any part thereof, containing one or more rooming units, in which space is let by the owner or operator to more than five (5) persons who are not members of the family. (See dwellings.—boarding house.)*

rooming unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.*

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

supplied. Installed, furnished or provided by the owner or operator.

ventilation. The process of supplying and removing air by natural or mechanical means to or from any space.

—**mechanical.** Ventilation by power-driven devices.

—**natural.** Ventilation by opening to outer air through windows, skylights, doors, louvres, or stacks without wind driven devices.

workmanlike. Whenever the words "workmanlike state of maintenance and repair" are used in this code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

yard. An open unoccupied space on the same lot with a building extending along the entire length of a street, or rear, or interior lot line.

**Whenever the words "multi-family dwelling", "residence building", "dwelling unit", "rooming house", "rooming unit", or "premises" are used in this code, they shall be construed as though they were followed by the words "or any part thereof".*

ARTICLE 3

ENVIRONMENTAL REQUIREMENTS

SECTION H-300.0. SCOPE

The provisions of this article shall govern the minimum conditions of property and buildings to be used for human occupancy. Every building or structure occupied by humans, except as exempted by section H-112.0, and the premises on which it stands, shall comply with the conditions herein prescribed as they may apply thereto.

SECTION H-310.0. EXTERIOR PROPERTY AREAS

No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit for the purpose of living therein, or premises, which does not comply with the following requirements. The building official of the municipality shall cause periodic inspections to be made of dwelling premises to secure compliance with these requirements.

H-310.1. Sanitation.—All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.

H-310.2. Grading and Drainage.—All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon.

H-310.3. Noxious Weeds.—All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health.

H-310.4. Insect and Rodent Harborage.—Every owner of a dwelling or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests in all exterior areas of the premises; except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

H-310.5. Accessory Structures.—All accessory structures including detached garages shall be maintained structurally sound and in good repair.

SECTION H-320.0. EXTERIOR STRUCTURE

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or multi-family dwelling, dwelling unit, rooming house, rooming unit, or portion thereof for the purpose of living therein; which does not comply with the following requirements.

H-321.0. Foundations, Walls and Roof.—Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents.

H-321.1. Foundations.—The foundation elements shall adequately support the building at all points.

H-321.2. Exterior Walls.—Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building.

H-321.3. Roofs.—The roof shall be structurally sound, tight, and have no defects which might admit rain; and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.

H-322.0. Stairs, Porches and Railings.—Stairs and other exit facilities shall be adequate for safety as provided in section 606 of the Basic Building Code, and shall comply with the following subsections.

H-322.1. Structural Safety.—Every outside stair, every porch, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code; and shall be kept in sound condition and good repair.

H-322.2. Handrails.—Where the building official deems it necessary for safety, every flight of stairs, which is more than two (2) risers high shall have handrails which shall be located as required by the building code; and every porch which is more than two (2) risers high shall have handrails so located and of such design as required by the building code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.

H-323.0. Windows, Doors and Hatchways.—Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

H-323.1. Windows to be Glazed.—Every window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes.

H-323.2. Windows to be Tight.—Every window sash shall be in good condition and fit reasonably tight within its frame.

H-323.3. Windows to be Openable.—Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

H-323.4. Door Hardware.—Every exterior door, door hinge, and door latch shall be maintained in good condition.

H-323.5. Doors to Fit in Frame.—Every exterior door, when closed, shall fit reasonably well within its frame.

H-323.6. Window and Door Frames to Fit in Wall.—Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or multi-family dwelling.

H-323.7. Basement Hatchways.—Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage water into the dwelling or multi-family dwelling.

H-323.8. Exit Doors.—Every door available as an exit shall be capable of being opened from the inside, easily and without the use of a key.

H-324.0. Screening.—Guards and screens shall be supplied for protection against rodents and insects in accordance with the following requirements.

H-324.1. Guards for Basement Windows.—Every basement or cellar window which is openable shall be supplied with corrosion-resistive rodent-proof shields of not less than No. 22 U.S. gage perforated steel sheets, or No. 20 B&S gage aluminum, or No. 16 U.S. gage expanded metal or wire mesh screens, with not more than one-half ($\frac{1}{2}$) inch mesh openings; or with other material affording equivalent protection against the entry of rodents, including storm windows.

H-324.2. Insect Screens.—From June 1st to October 15th of each year every door opening directly from any dwelling or multi-family dwelling to the outdoors, and every window or other outside opening used for ventilation purposes, shall be supplied with a screen of not less than sixteen (16) mesh per inch and every swinging screen door shall have a self-closing device in good working condition; except that no such screens shall be required for a dwelling unit on a floor above the fifth floor.

SECTION H-330.0. INTERIOR STRUCTURE

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house, rooming unit, or portion thereof, for the purpose of living therein which does not comply with the following requirements.

H-331.0. Free from Dampness.—In every dwelling, multi-family dwelling, dwelling unit, rooming house, and rooming unit, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure as required by the building code.

H-332.0. Structural Members.—The supporting structural members of every dwelling and multi-family dwelling used for human habitation shall be maintained structurally sound; showing no evidence of deterioration which would render them incapable of carrying the imposed loads in accordance with the provisions of the building code.

H-333.0. Interior Stairs and Railings.—Stairs shall be provided in every dwelling, multi-family dwelling, rooming and boarding house as required by the building code.

H-333.1. Maintained in Good Repair.—All interior stairs of every structure used for human habitation shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load as required by the provisions of the building code.

H-333.2. Handrails.—Every stairwell and every flight of stairs, which is more than two (2) risers high, shall have handrails or railings located in accordance with the provisions of the building code. Every handrail or railing shall be firmly fastened and must be maintained in good condition. Properly balustraded railings, capable of bearing normally imposed loads as required by the building code, shall be placed on the open portions of stairs, balconies, landings and stairwells.

H-334.0. Bathroom Floors.—Every toilet and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

H-335.0. Sanitation.—The interior of every dwelling and multi-family dwelling used for human habitation shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities as required under section H-404.0 and H-405.0 of this code.

H-336.0. Insect and Rodent Harborage.—Buildings used for human habitation shall be kept free from insect and rodent infestation, and where insects or rodents are found they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

H-336.1. Extermination from Buildings.—Every owner of a dwelling or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests whenever infestation exists in two (2) or more of the dwelling units, or in the shared or public parts of the structure.

H-336.2. Extermination from Single Dwelling Units.—The occupant of a dwelling unit in a dwelling or multi-family dwelling shall be responsible for such extermination within the unit occupied by him whenever his dwelling unit is the only unit in the building that is infested.

H-336.3. Responsibility of Owner.—Notwithstanding the foregoing provisions, whenever infestation of rodents is caused by failure of the owner to maintain any dwelling or multi-family dwelling in a rodent-proof condition, extermination of such rodents shall be the responsibility of the owner.

ARTICLE 4

SPACE AND OCCUPANCY REQUIREMENTS

SECTION H-400.0. BASIC FACILITIES

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

H-401.0. Sanitary Facilities.—The following minimum sanitary facilities shall be supplied and maintained in sanitary, safe working condition.

H-401.1. Water Closet.—Every dwelling unit shall contain within its walls, a room, separate from the habitable rooms, which affords privacy and which is equipped with a water closet.

H-401.2. Lavatory.—Every dwelling unit shall contain a lavatory, which, when a closet is required, shall be in the same room with said water closet.

H-401.3. Bathtub or Shower.—Every dwelling unit shall contain a room which affords privacy to a person in said room and which is equipped with a bathtub or shower.

H-401.4. Kitchen Sink.—Every dwelling unit shall contain a kitchen sink apart from the lavatory required under section H-401.2.

H-402.0. Water and Sewer System.—Every kitchen sink, lavatory basin, bathtub or shower and water closet required under the provisions of section H-401 shall be properly connected to either a public water and sewer system or to an approved private water and sewer system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.

H-402.1. Water Heating Facilities.—Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with hot water under section H-402. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, and laundry facility or other similar units, at a temperature of not less than one hundred thirty (130) degrees Fahrenheit at any time needed.

H-403.0. Heating Facilities.—Every dwelling and multi-family dwelling shall have heating facilities and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained and in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature of at least an average of seventy (70) degrees Fahrenheit with an outside temperature of ten (10) degrees below zero (0). The owner shall maintain a minimum average room temperature of seventy (70) degrees Fahrenheit in all habitable rooms including bathrooms and toilet rooms when rented, at all times on the basis of ten (10) degrees below zero (0) outside.

H-403.1. Operation of Heating Facilities and Incinerators.—Every heating or water heating facility and incinerator shall be installed and shall operate in accordance with the requirements of the building code or the air pollution control ordinances of the municipality.

H-404.0. Rubbish Storage Facilities.—Every dwelling, multi-family dwelling and dwelling unit shall be supplied with approved containers and covers for storage of rubbish, and the owner, operator or agent in control of such dwelling or multi-family dwelling shall be responsible for the removal of such rubbish.

H-405.0. Garbage Storage or Disposal Facilities.—Every dwelling or multi-family dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility; which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit; or an incinerator unit, to be approved by the building official, in the structure for the use of the occupants of each dwelling unit; or an approved outside garbage can.

SECTION H-410.0. INSTALLATION AND MAINTENANCE

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

H-410.1. Facilities and Equipment.—All required equipment and all building space and parts in every dwelling and multi-family dwelling shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of the building code.

H-410.2. Maintained Clean and Sanitary.—All housing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rodents or produce dangerous or offensive gases or odors.

H-411.0. Plumbing Fixtures.—In buildings and structures used for human habitation, water lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the municipality.

H-412.0. Plumbing Systems.—In buildings and structures used for human habitation, every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the municipality.

H-413.0. Heating Equipment.—Every space heating, cooking, and water heating device located in a dwelling or multi-family dwelling shall be properly installed, connected, and maintained, and shall be capable of performing the function for which it was designed in accordance with the provisions of the building code.

H-414.0. Electrical Outlets and Fixtures.—Every electrical outlet and fixture, as required in section H-430.0 shall be installed, maintained and connected to the source of electric power in accordance with the provisions of the building code or electrical code of the municipality.

H-414.1. Correction of Defective System.—Where it is found, in the opinion of the building official, that the electrical system in a building constitutes a hazard to the occupants or the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, he shall require the defects to be corrected to eliminate the hazard.

SECTION H-420.0. OCCUPANCY REQUIREMENTS

No person shall occupy or let to another for occupancy, any dwelling unit for the purpose of living therein which does not comply with the following requirements.

H-421.0. Minimum Ceiling Heights.—Habitable rooms in existing buildings, except as provided in section H-112, shall have a clear ceiling height of not less than seven and one-third ($7\frac{1}{3}$) feet, except that in attics or top half-stories the ceiling height shall be not less than seven (7) feet over not less than one-third ($\frac{1}{3}$) of the area when used for sleeping, study or similar activity. In calculating the floor area of such rooms only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included.

H-422.0. Required Space in Dwelling Units.—Every dwelling unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant, and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

H-423.0. Required Space in Sleeping Rooms.—In every dwelling unit, every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of at least seventy (70) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant thereof.

H-424.0. Access Limitation of Dwelling Unit to Commercial Uses.—No habitable room, bathroom or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room, or similar room used for public purposes.

H-425.0. Location of Bath and Second Sleeping Room.—No residence building or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall the room arrangement be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. No bathroom shall be so located that access thereto is solely through a kitchen.

H-426.0. Occupancy of Dwelling Units Below Grade.—No dwelling unit partially below grade shall be used for living purposes unless:

- 1 — Floors and walls are watertight;
- 2 — Total window area, total openable area and ceiling height are in accordance with this code; and
- 3 — Required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area.

SECTION H-430.0. LIGHT AND VENTILATION

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house or rooming unit for the purpose of living therein which does not comply with the following requirements.

H-431.0. Natural Light in Habitable Rooms.—Every habitable room shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be ten (10) percent of the floor area of such room, except in kitchens when artificial light may be provided in accordance with the provisions of the Basic Building Code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a 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.

H-432.0. Light in Non-Habitable Work Space.—Every laundry, furnace room, and all similar non-habitable work spaces located in a dwelling or multi-family dwelling shall have one (1) supplied electric light fixture available at all times.

H-433.0. Light in Public Halls and Stairways.—Every public hall and inside stairway in every dwelling or multi-family dwelling shall be adequately lighted at all times with an illumination of at least five (5) lumens per square foot in the darkest portion of the normally traveled stairs and passageways.

H-434.0. Electric Outlets Required.—Where there is electric service available to the building or structure, every habitable room of a dwelling or multi-family dwelling shall contain at least two (2) separate and remote outlets, one (1) of which may be a ceiling or wall-type electric light fixture. In kitchens three (3) separate and remote wall-type electric convenience outlets or two (2) such convenience outlets and one (1) ceiling or wall-type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one (1) electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one (1) electric outlet.

H-435.0. Adequate Ventilation.—Every habitable room shall have at least one (1) window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area size required in section H-431, except where mechanical ventilation is provided in accordance with the provisions of the Basic Building Code.

H-436.0. Ventilation and Light in Bathroom and Water Closet.—Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by sections H-431 and H-434, except that no window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system.

SECTION H-440.0. MINIMUM REQUIREMENTS FOR SAFETY FROM FIRE

No person shall occupy as owner-occupant, or shall let to another for occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house, rooming unit, lodging house or lodging unit which does not comply with the applicable provisions of the fire prevention sections of the Basic Building Code ordinances of the municipality and the following additional requirements for safety from fire.

H-441.0. Storage of Flammable Liquids Prohibited.—No dwelling, multi-family dwelling, dwelling unit, or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids with a flash point of one hundred ten (110) degrees Fahrenheit or lower.

H-442.0. Cooking and Heating Equipment.—All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code, or other laws or ordinances of the municipality applicable thereto. Portable cooking equipment employing flame is prohibited.

ARTICLE 5
RESPONSIBILITIES OF PERSONS

SECTION H-500.0. SCOPE

Occupants of dwellings, multi-family dwellings, and dwelling units, and owners or operators of rooming houses shall be responsible for maintenance thereof as provided in this article.

H-501.0. Cleanliness.—Every occupant of a dwelling unit shall keep that part of the dwelling unit and premises thereof which he occupies, controls, or uses in a clean and sanitary condition.

H-502.0. Disposal of Rubbish.—Every occupant of a dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by section H-404 of this code.

H-503.0. Disposal of Garbage.—Every occupant of a dwelling unit shall dispose of his garbage in a clean and sanitary manner by placing it in the garbage disposal facilities, or if such facilities are not available, by removing all non-burnable matter and securely wrapping such garbage and placing it in tight metal garbage storage containers as required by section H-405 of this code; or by such other disposal method as may be required by applicable laws or ordinances of the municipality.

H-504.0. Use and Operation of Supplied Plumbing Fixtures.—Every occupant of a dwelling unit shall keep the supplied plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.

H-505.0. Installation and Care of Plumbing Fixtures Furnished by Occupant.—Every plumbing fixture furnished by the occupant of a dwelling unit shall be properly installed and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

SECTION H-510.0. ROOMING HOUSES

Every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, shall comply with the provisions of every section of this code, except as provided in the following sections.

H-511.0. Water Closet, Hand Lavatory, and Bath Facilities.—At least one (1) water closet, lavatory basin, and bathtub or shower properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever said facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

H-512.0. Minimum Floor Area for Sleeping Purposes.—Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than three (3) persons shall contain at least fifty (50) square feet of floor area for each occupant thereof.

H-513.0. Bed Linen and Towels.—The operator of every rooming house shall supply bed linen and towels therein at least once each week, and prior to the letting of any room to another occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

H-514.0. Shades, Drapes, etc.—Every window of every rooming unit shall be supplied with shades, drawn drapes, or other devices or material which, when properly used, will afford privacy to the occupant of the rooming unit.

H-515.0. Sanitary Conditions.—The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

H-516.0. Sanitary Facilities.—Every water closet, flush urinal, lavatory basin and bathtub or shower required by section H-511.0 shall be located within the rooming house and within a room or rooms which:

- 1—Afford privacy and are separate from the habitable rooms;
- 2—Are accessible from a common hall and without going outside the rooming house or through any other room therein.

SECTION 4. THAT nothing in this Ordinance or in the Housing Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquitted, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance, AND

SECTION 5. Enforcement.

The Director of Public Works and Inspections is hereby designated the City Official responsible for the enforcement and administration of the Housing Code. The Director of Public Works and Inspections with the approval of the Mayor and Council, shall appoint such number of officials designated as Code Enforcement Officers, and other employees as shall be necessary for the administration of the Housing Code and, further, may designate an employee as his deputy who shall exercise all his powers and responsibilities during his temporary absence or disability. Administration and enforcement of the Housing Code will be coordinated to the maximum extent feasible with other City and County departments, boards, commissions, agencies and the Mayor and City Council in order that corrective actions and resources may be efficiently and effectively applied to the common goal of attainment of improved housing conditions, AND

SECTION 6. Modifications.

The following sections, numbered in accordance with the Basic Housing Code are hereby added, or shall be inserted, deleted or changed, as appropriate, and the provisions herein shall be deemed to supercede the text of the Basic Housing Code in any case wherein the provisions of this Ordinance are interpreted:

SECTION 7. Section H-120.111:(Page 3) A new section numbered H-120.111 is hereby added and reads as follows:

"H-120.111 Fire Safety. The Building Official shall coordinate specifically with the Assistant Fire Marshal in the enforcement of Section H-440 on minimum requirements for fire safety."

SECTION 8. Section H-120.13:(Page 3) A new section numbered H-120.13 is hereby added and reads as follows:

"H-120.13 Conflict of Interest. No officer or employee who has an official duty in connection with the administration and enforcement of this Ordinance shall be financially interested in the furnishing of labor, materials or appliances for the construction, alteration, or maintenance of a building, or in making the plans or specifications therefor, unless he is the owner of such building. No such officer or employee shall engage in any activity which is inconsistent with the public interest and his official duties."

SECTION 9. Section H-120.14:(Page 3) A new section numbered H-120.14 is hereby added and reads as follows:

"H-120.14 Records. The Building Official shall keep, or cause to be kept, a record of the business of the Department. The records of the Department shall be open to public inspection."

SECTION 10. Section H-121.0:(Page 3) The entire Section H-121.0 is hereby amended to read as follows:

"H-121.0 Inspections.

a. Subject to the limitation and conditions as hereinafter stated in this Section, it shall be the duty of the Building Official to make or cause to be made inspections as often as necessary to determine the conditions of dwellings, multi-family dwellings, dwelling units, rooming houses, rooming units, and premises in order to safeguard the safety, morals and welfare of the public under the provisions of this code. Such inspections shall be made in response to citizen or official complaints or other reliable information or allegations of existing violations of this Code. Further, inspections of dwellings, dwelling units, rooming houses, rooming units and premises shall be made on a systematic basis (house-by-house, block-by-block) during daylight hours, only, in areas, communities, or neighborhoods when it is determined by the Building Official that such action is necessary to properly apply and enforce the provisions of this Code.

b. The following limitations and conditions shall be observed by the Building Official in the performance of such duties as said, requiring entry and access:

(1) Proof of credentials and identity shall be exhibited to the occupant or person in charge, stating the purpose for which entry is requested. If permission is granted, the inspection or other authorized activity shall be conducted in the normal manner.

(2) Permission need not be obtained for entry to spaces and areas to which the public is ordinarily invited.

(3) If entry is denied, or access to interior, non-public areas is restricted so as to limit or impair a housing inspection or other authorized function, then, and in that event, no forced entry shall be attempted or made. Instead, application shall be made to a judicial officer for a warrant authorizing entry and the performance of such inspection or other authorized function.

(4) Notwithstanding the foregoing, all licensing, registration and permit inspections authorized and required by this Code shall be processed without the necessity for obtaining permission or obtaining a judicial warrant authorizing entry; failure to allow entry for such inspections shall constitute sufficient reason for the denial or revocation of the license or permit involved."

SECTION 11. Section H-140.0:(Page 6) The first, full paragraph of Section H-140.0 is hereby amended to read as follows:

"H-140.0 Violations. Notice of Violation shall be served upon the owner or occupant (as defined in Article 2); provided that such notice shall be deemed to be properly served upon such owner or occupant if a copy thereof is delivered to him personally, or if not found, by leaving a copy thereof at his usual place of abode with a person of suitable age and discretion who shall be informed of the contents thereof, or by sending a copy thereof by mail to his last known address, or if the notice is returned showing that it has not yet been delivered to him, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice."

SECTION 12. Section H-140.11:(Page 6) A new Section numbered H-140.11 is hereby added and reads as follows:

"H-140.11 Second Notice. At the end of the period of time allowed for the correction of any violation alleged, the Building Official shall reinspect the dwelling, dwelling unit or rooming unit described in the notice. If upon reinspection of violations alleged, they are determined by the Building Official not to have been corrected, he shall issue a second notice of violation which shall constitute an order requiring that the then existing failures to meet the requirements of this Ordinance or of applicable existing rules or regulations issued pursuant thereto, shall be corrected within a reasonable time allowed, but not to exceed sixty (60) days after the date of such reinspection. The Building Official shall cause a copy of the second notice to be posted in a conspicuous place in or about the dwelling, dwelling unit, or rooming unit where the violations are alleged to exist, and shall serve it in the manner provided in Section H-140.0."

SECTION 13. Section H-140.12:(Page 6) A new Section numbered H-140.12 is hereby added and reads as follows:

"H-140.12 Transfer of Liability. The Building Official, after the expiration of the time granted the person served with such second notice to appeal the notice in the manner hereinafter provided by this Ordinance, or after a final decision adverse to such person served has been rendered, shall cause the second notice to be recorded in the tax records to be maintained by the City Clerk. All subsequent transferees of the dwelling, dwelling unit or rooming unit in connection with which a second notice has been so recorded shall be deemed to have notice of the continuing existence of the violations alleged and shall be liable to all penalties and procedures provided by this Ordinance and by applicable rules and regulations issued pursuant thereto to the same degree as was their transferor."

SECTION 14. Section H-140.3:(Page 6) The entire Section is hereby amended to read as follows:

"H-140.3 Penalty for Violations. Every person, firm or corporation who shall violate any provision of the Housing Code shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) or by imprisonment from one (1) to ninety (90) days or both such fine and imprisonment. Each day that a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense. The application of the foregoing penalty shall not preclude application to a court of equity for appropriate injunctive relief."

SECTION 15. Section H-141.1:(Page 7) A new Section numbered H-141.1 is hereby added and reads as follows:

"H-141.1 Hardships. When the literal application of the requirements of this Code would cause undue hardship, an exception may be granted by the Building Official upon written application therefor. Such application shall state the reasons therefor. Such exception shall be made in writing and only when it is clearly evident that reasonable safety and sanitary conditions are assured and such exception shall be conditioned in such a manner to achieve those ends."

Section H-141.1, continued:

In granting an exception the Building Official may specify conditions and restrictions not generally specified by this Ordinance and Code. Exceptions granted in accordance with this Section shall be reviewed by the Mayor and City Council."

SECTION 16. Section H-141.2:(Page 7) A new Section numbered H-141.2 is hereby added and reads as follows:

"H-141.2 Appeals by Owner or Occupant. Whenever it is claimed that the true intent and meaning of the Housing Code have been misconstrued or wrongly interpreted, the owner or occupants or his duly authorized agent, may appeal from the decision of the Code Enforcement Officer to the Mayor and Council of the City of Takoma Park, Maryland. Notice of such appeal shall be in writing and filed within thirty (30) days after the decision is rendered by the Code Enforcement Officer. In case of a structure or dwelling unit which, in the opinion of the Code Enforcement Officer is unsafe or dangerous, the Code Enforcement Officer may in his order, limit the time for such appeal to a shorter period. Appeals hereunder shall be on forms provided by the Code Enforcement Officer and shall be filed with the Code Enforcement Officer who will notify the appellant in writing of the time and place set for the Hearing."

SECTION 17. Section H-141.3:(Page 7) A new Section numbered H-141.3 is hereby added and reads as follows:

"H-141.3 Decisions of the Mayor and Council. The Mayor and Council of the City of Takoma Park when so appealed to and after a hearing, may vary the application of any provision of the Housing Code to any particular case when, in their opinion, the enforcement thereof would do manifest injustice, and/or would be contrary to the spirit and purpose of the Code or the public interest, or when, in their opinion the interpretation of the Code Enforcement Officer should be modified or reversed. A decision to vary the application of any provision of the Code or to modify an order of the Code Enforcement Officer shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor. Every decision of the Mayor and Council of the City of Takoma Park, Maryland, shall be final, subject, however, to such remedies as any aggrieved party might have at law or equity. It shall be in writing, and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Code Enforcement Officer and shall be open to public inspection; a certified copy shall be sent by mail or otherwise delivered to the appellant."

SECTION 18. Section H-210.0:(Pages 8,9,10) APPLIED MEANING OF WORDS AND TERMS as contained in the BOCA Basic Housing Code shall remain in full force and effect with the following additions, deletions and amendments:

1. Dwelling: ADD to read as follows: "Any building which is wholly or in part used or intended to be used for living or sleeping by human occupants."
2. Dwellings:
 - a.) One-family dwelling: AMEND to read as follows: "A building containing one dwelling unit."
 - b.) Two-family dwelling: DELETE definition in its entirety:
 - c.) Multi-family - apartment house: AMEND to read as follows: "Any building occupied at any time during the calendar year as the dwelling place of more than one (1) family unit, each of which occupies a portion of such building, which portion contains either a kitchen sink or cooking accomodations or both."
 - d.) Boarding house, lodging house, tourist home: AMEND to read as follows: "A building arranged or used for lodging with or without meals for more than two (2) and no more than nine (9) individuals."
 - e.) Dormitory: AMEND to read as follows: "A building or portion thereof used for sleeping purposes in connection with a school, college, or other institution."
 - f.) Hotel: AMEND to read as follows: "Any building containing guest rooms, where, for compensation, lodging, meals, or both are provided for ten or more guests."
3. Motel: AMEND to read as follows: "Any group of dwelling units combined or separate, used for the purpose of housing transient guests, each unit of which is provided with its own toilet, wash room and off-street parking facilities."
4. Residence Building: AMEND to read as follows: "A building in which sleeping accomodations and cooking facilities as a unit are provided; except when classified as an institution under the building code. When any portion thereof is completely separated from all other portions by a division wall from the ground up to the roof and without any door or other openings, such portion shall be deemed a separate building."
5. Rooming House: AMEND to read as follows: "Any building occupied for more than thirty (30) days consecutively during any calendar year as the dwelling place of three (3) or more persons not included in the family of the owner or lessee of such building, and in which the owner or lessee provides common or separate services, but not including cooking and/or eating facilities."

Section 19. Section H-310.5:(Page 11) The entire Section H-310.5 is hereby amended to read as follows:

"H-310.5 Accessory Structures. All accessory structures on dwelling premises such as, but not limited to, the following: detached garages, storage sheds or buildings, driveways, exterior walkways and steps, fences, or other constructed appurtenances and facilities, shall be maintained structurally safe and sound and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions."

SECTION 20. Section H-310.51:(Page 11) A new Section numbered H-310.51 is hereby added and reads as follows:

"H-310.51 Preservation. The exterior surfaces of such structures shall be made weather resistant through the use of decay-resistant materials or the use of paint or other preservatives. In the case of paved parking areas associated with multi-family dwellings or commercial establishments, painted separation lines and suitable car stops to protect adjacent structures and property will be provided and maintained by the owner."

SECTION 21. Section H-321.2:(Page 12) The entire Section H-321.2 is hereby amended to read as follows:

"H-321.2 Exterior Walls and Exposed Surfaces. Every exterior wall and weather-exposed exterior surface or appurtenance shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building. All exterior wood surfaces shall be made substantially impervious to the adverse affects of weather by periodic application of an approve protective coating of weather-resistant preservative, and maintained in good condition. Exterior metal surfaces subject to rust or corrosion shall likewise be protected."

SECTION 22. Section H-323.4:(Page 12) The entire section is hereby amended to read as follows:

"H-323.4 Door Hardware. Entrance doors to every apartment dwelling unit shall be provided with approved locking devices so as to provide security against unauthorized entry. Said locking devices on main entrance doors must include a deadbolt with not less that 5/8" minimum throw, with the deadbolt capable of being activated by key from the outside and by turn knob from the inside. Door locks and the manner of installation shall be subject to the specific approval of the Building Official. Every exterior door, door hinge, door lock and door latch shall be maintained in functional condition. The requirements of this section apply to all existing apartment dwelling units and apartment dwelling units hereafter constructed in the City."

SECTION 23. Section H-324.21:(Page 13) A new section numbered H-324.21 is hereby added and reads as follows:

"H-324.21 Maintenance of Screens. In the absence of a written agreement to the contrary between the owner and occupant, maintenance or replacement of screen and screen doors, once installed in any one season, shall become the responsibility of the occupant."

SECTION 24. Section H-337.0:(Page 14) A new Section numbered H-337.0 is hereby added and reads as follows:

"H-337.0 Interior Walls, Floors and Ceilings. Every interior wall, floor and ceiling shall be maintained in a clean and sanitary, safe and structurally sound condition, free of holes and cracks, loose plaster and wallpaper, flaking or scaling paint, and shall be substantially insect and rodent proof. When paint is applied to the interior surfaces of habitable spaces, it must be lead free."

SECTION 25. Section H-401.5:(Page 15) A new Section numbered H-401.5 is hereby added and reads as follows:

"H-401.5 Cooking Facilities. Every dwelling unit shall contain cooking and baking facilities for the purpose of preparation of food and such facilities shall be properly installed and operated and kept in a clean and sanitary condition."

SECTION 26. Section H-401.6:(Page 15) A new Section numbered H-406.6 is hereby added and reads as follows:

"H-401.6 Refrigeration for Food Preservation. Every dwelling unit shall contain a refrigeration unit adequate for the temporary preservation of perishable foods. Such unit shall be capable of maintaining an average temperature below 45° fahrenheit, shall be properly installed and operated, and kept in a clean and sanitary condition."

SECTION 27. Section H-401.7:(Page 15) A new Section numbered H-401.7 is hereby added and reads as follows:

"H-401.7 Cabinets and/or Shelves. Every dwelling unit shall contain cabinets and/or shelves for the storage of eating, cooking and drinking equipment and utensils and of food that does not under ordinary summer conditions require refrigeration for safe-keeping; and a counter or table for food preparation; said cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food."

SECTION 28. Section H-404.1:(Page 16) A new Section numbered H-404.1 is hereby added and reads as follows:

"H-404.1 Containers. Every owner of a dwelling containing three (3) or more dwelling units shall supply containers or facilities for the sanitary and safe storage and/or disposal of rubbish. In the case of single or two-family dwellings, it shall be the responsibility of the occupant to furnish such facilities or containers."

SECTION 29. Section H-405.1:(Page 16) A new Section numbered H-405.1 is hereby added and reads as follows:

"H-405.1 Containers. Every owner of a dwelling containing three (3) or more dwelling units shall supply containers or facilities for the sanitary and safe storage and/or disposal of garbage. In the case of single or two-family dwelling, it shall be the responsibility of the occupant to furnish such facilities or containers."

SECTION 30. Section H-406.0:(Page 16) A new Section numbered H-406.0 is hereby added and reads as follows:

"H-406.0 Drug and Poison Storage. Each dwelling unit shall have a suitable facility for the safe storage of drugs and household poisons."

SECTION 31. Section H-442.0:(Page 19) Section H-442.0 is hereby amended to read as follows:

"H-442.0 Cooking and Heating Equipment. All cooking and heating equipment, components, and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code, or other laws or ordinances of the municipality applicable thereto. Portable cooking and heating equipment employing flame are prohibited!"

SECTION 32. Section H-504.0:(Page 20) The entire section H-504.0 is hereby amended to read as follows:

"H-504.0 Use and Operation of Supplied Plumbing Fixtures and Basic Facilities. Every occupant of a dwelling unit shall keep all supplied basic facilities, including plumbing fixtures, cooking and refrigeration equipment, electrical fixtures, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation."

SECTION 33. Section H-505.0:(Page 20) The entire section H-505.0 is hereby amended to read as follows:

"H-505.0 Installation and Care of Plumbing Fixtures and Other Basic Facilities by Occupant. Every plumbing or electrical fixture or other basic facilities furnished by the occupant of a dwelling unit shall be properly installed and operated and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions."

SECTION 34. Section H-506.0:(Page 20) A new section numbered H-506.0 is hereby added and reads as follows:

"H-506.0 Care of Facilities, Equipment, and Structure. Except for impairment owing to normal deterioration, use and wear, any occupant who shall willfully destroy, deface, or impair any of the facilities, equipment, or any part of the structure of a dwelling unit, or dwelling shall be guilty of a misdemeanor and subject to the penalties of this Code."

SECTION 35. Section H-507.0:(Page 20) A new section numbered H-507.0 is hereby added and reads as follows:

"H-507.0 Care of Premises. It shall be unlawful for the owner or occupant of a structure used for human habitation to utilize or allow to be utilized the premises of such residential property in whole or in part for the open storage of any motor vehicle for a period in excess of one (1) month when such vehicle is in a state of disrepair; that is, incapable of being moved under its own automotive power, and is more than five (5) years old based on its year of manufacture. The open storage for any period of time on residential property of any ice box, refrigerator, stove, glass, building materials, building

Section H-507.0, continued

rubbish or refuse, furniture or similar items or materials is also prohibited, irrespective of age or condition. It is the duty of the owner or occupant to maintain the outside premises of residential property free of all such listed items, including but not limited to weeds, dead trees, trash, garbage and the like, and to remove such items from their prohibited location upon notice from the Building Official."

SECTION 36. Section H-508.0:(Page 20) A new section numbered H-508.0 is hereby added and reads as follows:

"H-508.0 Utilities. No owner, operator, or occupant shall willfully cause any service, equipment, or utility, as required by this Code to be removed, shut-off or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are being made, or during other temporary emergencies."

SECTION 37. Section H-509.0:(Page 20) A new section numbered H-509.0 is hereby added and reads as follows:

"H-509.0 Transfer of Responsibility. A contract, lease or other agreement effective as between owner and operator, operator and occupant, or owner and occupant, with regard to matters covered hereunder shall not relieve any party of his direct responsibility under provisions of this Code."

SECTION 38. Section H-510.1:(Page 20) A new section numbered H-510.1 is hereby added and reads as follows:

"H-510.1 Registration. The owner or lessee of a rental dwelling, every rooming house, and of every multiple family dwelling located in the City shall, in person or by agent, on or before the first day on which the building is used for rental purposes, file with the City Clerk an application for registration of the rental dwelling, rooming house or multiple family dwelling, in accordance with Article 14 of the Municipal Code (1961) as amended."

SECTION 39. This Ordinance and the Housing Code for the City of Takoma Park, Maryland, will become effective on October 1, 1969.

APPROVED: George M. Miller
Mayor

ATTEST: B. [Signature]
Dep. City Clerk

THE CITY OF TAKOMA PARK, MARYLAND

REGULAR MEETING OF THE MAYOR AND CITY COUNCIL

SEPTEMBER 22, 1969

CITY OFFICIALS PRESENT

Mayor Miller	Deputy City Clerk Levine
Councilman Forshee	Corporation Counsel Gingerich
Councilman Geib	Asst. Corporation Counsel Culpepper
Councilman Hutmire	Chief LaScola, Fire Department
Councilman Kennedy	Chief Foster, Police Department
Councilman Roth	Code Enforcement Officer Thorowgood
Councilman Turner	Code Enforcement Officer Wollner
	Recreation Director Ziegler
	Asst. Fire Marshal Williams

EXCUSED

Councilman Jones

The Mayor and Council for the City of Takoma Park convened in Regular Session in the Council Room, 8 Columbia Avenue, Takoma Park, Maryland, at 8:02 p.m., September 22, 1969. Chaplain Marple of the Washington Sanitarium and Hospital rendered the Invocation. Mayor Miller led in the Pledge of Allegiance to the Flag. Mayor Miller requested that the Deputy City Clerk present the correspondence to come before the Mayor and Council.

CORRESPONDENCE RECEIVED:

1. M's Shirley T. Moore, 1007 Elm Avenue, Takoma Park, Maryland: Letter of appreciation and inquiry regarding the band concerts sponsored by the City during the summer months. Parks and Recreation Committee.
2. Petition of Residents of Manor Circle area: Request for study and recommendations to eliminate speeding around Manor Circle. Law Enforcement Committee.
3. Dr. Homer O. Elseroad, Superintendent of Schools, Montgomery County Public Schools, Rockville, Maryland: Transmittal of Resolution adopted by the Board of Education authorizing acceptance of a parcel of land from the City of Takoma Park. Council Files.
4. Mr. Irving W. Johnson, Sr., Takoma Park Volunteer Fire Department, Inc.: Clarification of some points raised in previous correspondence pertaining to retirement by unsalaried employee of the Fire Department. Fire Protection Committee.
5. Mr. J. R. Bachtler, Director, University of Maryland Fire Service Extension Department: Letter of appreciation for cooperation of Fire Department during Annual Short Course for Firemen held recently. Fire Protection Committee.
6. Pastor George E. Digel, Interim Secretary, Community Counseling Clinic, Sligo Seventh Day Adventist Church, Takoma Park, Maryland: Request for appointment of representative to serve on the Executive Board of the proposed Community Counseling Clinic. Public Welfare.
7. Mrs. Martha M. Olson, 801 Jackson Avenue, Takoma Park, Maryland: Letter of appreciation for granting of tax credit as a homeowner over the age of 65. Council Files.

- 8. Board of Appeals, Prince George's County, County Service Building, Hyattsville, Maryland: Notice of Hearing regarding variance relating to the construction of a radio tower within 32 feet of nearest property line. Civic Improvements Committee.
- 9. Reverend R. L. Odom, 6611 Westmoreland Avenue, Takoma Park, Maryland: Request that consideration be given to housing senior citizens who cannot afford to pay the rental likely to be charged at apartment building authorized for construction on Carroll Avenue. Public Welfare Committee.
- 10. Dr. Winton H. Beaven, President, Columbia Union College, Takoma Park, Maryland: Letter of Invitation to attend lyceum programs to be presented at the College. Council Files.
- 11. Mr. John H. Mohr, Principal, Rosemary Hills School, Silver Spring, Maryland: Letter of invitation to participate in a one-day workshop involving the Public Schools and the communities they serve. Public Welfare and Civic Improvements Committees.
- 12. Mr. Stuart Armstrong, 8117 Park Crest Drive, Silver Spring, Maryland: Letter of appreciation for plaque recently presented for his work on the Azalea Committee. Council Files.
- 13. Mrs. Kenneth Mitchell, Jr. President, Takoma Park Elementary School P.T.A.: Letter of support for request made by the Safety Chairman for a full-time school safety coordinator. Law Enforcement Committee.
- 14. Mr. C. F. Noble, Principal, Takoma Park Junior High School: Letter of commendation for Officer Gary L. Sherman and request for additional personnel for school coordination. Law Enforcement Committee and Personnel Files.
- 15. Mr. Thomas Hicks, Assistant Chief Engineer, Traffic Safety Division, State Roads Commission, Baltimore, Maryland: Letter advising that traffic engineer will review conditions and make necessary changes at Carroll and Columbia Avenue curve. Law Enforcement Comm.

Mayor Miller welcomed those present to the meeting and invited their attendance at the meeting to be held on the second Monday in October. Mayor Miller noted that Mr. Pridgen is out of the hospital and resting at his daughter's home in Baltimore. He stated that the surgery was successful and Mr. Pridgen is on the road to recovery. Mayor Miller called for additions or corrections to the Minutes of the previous meeting.

Councilman Turner stated that the word "recreational" should have been included in Ordinance No. 2075, Section 4. after the word "owned" and before the word "park". Councilman Kennedy requested that page 5, item 1 under the Fire Protection Committee be changed from "for future discussion" to "in the event of further communication from the applicant". Councilman Kennedy requested that the words "or alternate" in item 2. under the Fire Protection Comm. be removed. Councilman Forshee moved adoption of the Minutes as corrected. The motion was seconded and duly carried.

PUBLIC PARTICIPATION:

1. M's Dorothy Ponarzynski, 316 Ethan Allen Avenue, Takoma Park, Maryland: Mrs. Ponarzynski stated that she and other area residents are very unhappy with the conditions existing around Winchester Avenue and Manor Circle. She stated that she has considered selling the property due to the bad housekeeping displayed by some of the residents. She stated that the City requests that property-owners spend time and money cleaning up their property and it doesn't cost anything to use a rake and broom to clean up but it still is not being done. She further stated that abandoned cars are a problem in this area also. Councilman Turner inquired of Chief Foster as to what has been done to alleviate this problem. Chief Foster stated that a couple of the cars were removed and others written up pending the expiration of the necessary amount of time to elapse before they may be impounded. It was further

pointed out that the Asst. Fire Marshal and the Code Enforcement Officer for the area were there today also. Mayor Miller assured Mrs. Ponarzynski that the Departments involved will stay with the problem until it is corrected.

2. Mr. Leslie D. Adams, Recording Secretary, Takoma Park Volunteer Fire Department, Inc. 7411 Aspen Court, Takoma Park, Maryland: Mr. Adams noted that also attending tonight's meeting were the President of the Volunteer Fire Department, Peter Menedis and the Vice President, Gibson E. McKenzie, Jr. Mr. Adams stated that he would like to speak regarding the action taken at the meeting of September 8, 1969, at which time the Deputy Chief of the Takoma Park Fire Department was appointed second delegate to the Montgomery County Fire Board. Mr. Adams stated that he would like to read a letter addressed to the Mayor and Council which sets forth certain facts the Mayor and Council should be made aware of. Mr. Adams urged the Mayor and Council to reconsider their action in making this appointment and requested that consideration be given to the appointing of a member of the Takoma Park Volunteer Fire Department, Inc. as the second delegate to the Montgomery County Fire Board. Mayor Miller referred the matter to the Fire Protection Committee.

3. Mrs. McDonnell, 240 Manor Circle, Takoma Park, Maryland: Mrs. McDonnell expressed her concern over the number of automobile accidents occurring on Manor Circle as a result of speeding and drag racing. Referred to the Law Enforcement Committee.

4. Mr. Amos Roys, 228 North Manor Circle, Takoma Park, Maryland: Mr. Roys stated that his automobile has been involved in several accidents while parked and requested that the Circle be made one way. Referred to the Law Enforcement Committee.

5. Dr. Ken Nishimoto, 7409 Holly Avenue, Takoma Park, Maryland: Dr. Nishimoto congratulated the Mayor and Council for adopting the BOCA Code and inquired as to the status of the Workable Program for Community Improvement. Councilman Hutmire requested that the Deputy City Clerk, Mr. Levine, reply due to the fact that a recent meeting was held between the representative from HUD, the Consultant hired by the City, Mr. Conklin, and the Deputy City Clerk. Mr. Levine stated that the Application has been reviewed by the HUD representative and some parts will have to be rewritten. Dr. Nishimoto stated that he understands that this program provides for the improvement of particular areas in need within the City of Takoma Park and that he is pleased to see the Mayor and Council moving ahead in this field. As Chairman of the Takoma Park Community Action Forum, Dr. Nishimoto stated that he would like to express the appreciation of the Forum to Chief Foster and Captain Merson for speaking at their recent meeting regarding a safe community for Takoma Park. He noted that this was a preliminary meeting for one to be held on October 1st at the Takoma Park Junior High School at which time Law Enforcement, Drug Abuse, etc. will be discussed as well as what the City is doing to provide the citizens with a safe community. Dr. Nishimoto extended an invitation to the Mayor and Council to attend this meeting and stated that a personal invitation will be sent to Councilman Turner, Chairman of the Law Enforcement Committee, as it will prove beneficial for him to speak at this meeting. Dr. Nishimoto stated that this meeting will show that the Takoma Park community is concerned and interested in making this a safe community with the citizens supporting the Police Department.

Dr. Nishimoto further stated that he was pleased to note in the minutes of the previous meeting that Councilman Forshee had stated in connection with the requested increase in the Volunteer Fire Department budget that budgets are approved for the current fiscal year only, and further that an itemized listing of expenditures should be submitted before approval of the \$500.00 additional appropriation would be granted. Dr. Nishimoto stated that he, as well as other citizens are gratified that the Mayor and Council keep a close watch on the expenditures.

6. Mrs. Sheehy, 310 Ethan Allen Avenue, Takoma Park, Maryland: Mrs. Sheehy spoke regarding the condition of the property located at 250 Manor Circle and inquired as to what is being done to correct it.

Councilman Hutmire stated that a recent inspection by the Code Enforcement Officer indicated that steps are being taken to correct the violations and the owner has given assurances that the remaining violations will be corrected. Mrs. McDonnell stated that she has observed that all work seems to have stopped. Code Enforcement Officer Thorowgood stated that in speaking with Mr. Daugherthy, he stated that he has been having problems with a painting contractor, but this will be corrected shortly. Councilman Hutmire stated that perhaps the steps being taken to obtain a better class of tenant will help alleviate the previous problems.

4. Mrs. Quattlebaum, Vice President of the Takoma Park Elementary School P.T.A. and Safety Chairman: Mrs. Quattlebaum thanked the Mayor and Council and Chief Foster for providing the school with such a conscientious school coordinator, however, she noted, there seems to be irregularities in the scheduling of school visits. She requested that further consideration be given, as recommended in the two letters presented tonight, to assigning a full-time school coordinator.

Councilman Turner stated that Officer Sherman is the full-time school coordinator and has no other duties except at time of emergency. Upon inquiry, it was also determined that the irregularities in the school visits occurred during the time that Officer Thorowgood was transferring to another Department and prior to Officer Sherman's assignment. Regarding the attendance of the school coordinator at various AAA and County sponsored safety programs, it was pointed out that one or two in the last few years have been missed either as a result of failure to be notified or personnel change.

COMMITTEE REPORTS:

FINANCE COMMITTEE, Councilman Forshee reporting: NO REPORT

LAW ENFORCEMENT COMMITTEE, Councilman Turner reporting:

1. Mutual Aid Agreement: Councilman Turner referred to a letter from the Metropolitan Washington Council of Governments relating to the City of Takoma Park participating in an area-wide Mutual Aid Agreement and a recommendation from Chief Foster for such participation. Councilman Turner moved that permission be granted for him to proceed officially to obtain further information relative to the formal agreement with COG. The motion was seconded by Councilman Kennedy and duly carried. Councilman Roth requested that Councilman Turner ascertain whether or not any expense would be involved.

2. Purchase of Arrest Books: Councilman Turner referred to a memorandum from Chief Foster requesting approval of the purchase of two arrest books. After discussion pertaining to the specialized type of books required and the length of time for printing of same, Councilman Turner moved approval of the purchase in the amount of \$275.00 for two books. The motion was seconded by Councilman Geib and duly carried for the purchase of the books from the Bateman Printing Service, Takoma Park, Maryland.

3. Purchase of Police Cruiser: Councilman Turner moved that area automotive dealers be invited to submit bids on one new police cruiser as specified in the specifications drawn up for this purpose. Deputy City Clerk Levine noted that it may not be possible to obtain bids at this time due to the dealers not having prices on all of the 1970 equipment, however an attempt will be made to obtain as many bids as possible. The motion was seconded by Councilman Geib and duly carried to authorize advertising for bids.

4. Purchase of Radio: Councilman Turner referred to a memorandum from Chief Foster wherein he stated that need for a new radio in Police Cruiser No. 6. Councilman Turner moved the approval of the purchase of one Motrac Mobile Radio, Model #T53MHT1100AK from the Motorola Corporation for the amount of \$865.00 to be transferred from the Reserve Fund to the Capital Outlay Account. The motion was seconded by Councilman Geib and duly carried.

5. School Safety Coordinator: Councilman Turner stated that there seems to be some confusion as to the facts pertaining to the assignment of a School Safety Coordinator and requested that a meeting be scheduled with the Takoma Park Elementary School P.T.A. in order to discuss the matter further. Mrs. Mitchell, President of the P.T.A. stated that they would meet at Councilman Turner's convenience.

PUBLIC WELFARE COMMITTEE, Councilman Hutmire reporting:

1. BOCA Code: Councilman Hutmire stated that he would like to meet with the Public Welfare Committee prior to October 1st, the effective date for the BOCA Code to commence being enforced.

2. Status Report - 122 Park Avenue: Councilman Hutmire stated that he is hopeful that the adoption of the BOCA Code will take care of this problem.

3. Winchester-Takoma Apartments: Councilman Hutmire stated that the Code Enforcement Division has informed him that a great number of the violations have been corrected and a total of approximately twelve families have been evicted. Councilman Hutmire stated that it is hoped that the eviction of these families will eliminate some of the vandalism in the buildings. Councilman Geib stated that he is of the opinion that some sort of recognition should be sent to the new managers of the apartments. He further stated that recognition should also be given to the Assistant Fire Marshal, Tom Williams, for his assistance in up-grading these buildings while working with Code Enforcement Officer Thorowgood.

Councilman Hutmire stated that the Code Enforcement Division has been very active lately and the return of Mr. Wollner after his recent illness is evident in the increase in the number of inspections, re-inspections, phone calls, etc.

4. 312 Philadelphia Avenue: Councilman Hutmire stated that he has been informed that the tenants are moving shortly and perhaps that will eliminate the poor housekeeping problem.

5. 310 Philadelphia Avenue: Councilman Geib inquired as to the status of this property and was informed by Code Enforcement Officer Wollner that the sidewalk is still torn up in front of the house.

PUBLIC WORKS COMMITTEE, Councilman Roth reporting:

1. Carroll and Grant Avenue property: Councilman Roth stated that the improvement to the lot has begun and trash trucks are now being parked behind the building adjacent to the City leased lot.

2. Library Shelving: Councilman Roth stated that the new shelving has been received by the Library and is presently being erected by Mr. Winegar and his assistants.

FIRE PROTECTION COMMITTEE, Councilman Kennedy reporting:

1. Retirement for unsalaried employee of the Fire Department: Councilman Kennedy stated that some new information has been received as indicated by the correspondence presented tonight. He noted that a meeting of the Fire Protection Committee will be held on October 7th and this information will be considered at this time.

2. Proposed changes to Article 4: Councilman Kennedy referred to the letter written to the Board of Trustees of the Volunteer Fire Department and stated that it is hoped that the information requested will be available for discussion at the next meeting.

3. Delegate to the Montgomery County Fire Board: Councilman Kennedy referred to the letter presented to the Council at this meeting by Mr. Leslie D. Adams, the Recording Secretary for the Takoma Park Volunteer Fire Department, Inc. pertaining to to appointment of the Deputy Chief as a delegate to the Montgomery County Fire Board. The letter requested that consideration be given to the appointment of a member of the Volunteer Fire Department. Councilman Kennedy stated that consideration will be given to the request.

4. Incentive Award Program: Councilman Kennedy stated that it is the opinion of the Mayor and Council that the Incentive Award Program should be retained as set up until the expiration of the present program which is November 1st. Councilman Kennedy stated that the Committee will be open for suggestions as to the program for the coming year.

CIVIC IMPROVEMENTS COMMITTEE, Councilman Geib reporting:

1. A-8186 - 1017 University Boulevard: Councilman Geib moved that the Prince George's County Commissioners be advised that the Mayor and Council have no objection to the property being zoned C-0. The motion was seconded by Councilman Forshee and duly carried.

2. Zoning Amendment Petitions No. A-8163, A-8246, A-8196, A-8199, A-8198, A-8197, A-8195 and A-8194: Councilman Geib stated that he attempted to personally inspect the properties for which re-zoning is requested and could not find the required posting. He stated that he is of the opinion that the Council would be foolish to make a recommendation or take a position on re-zoning of property when it is not posted. Councilman Geib requested that the Prince George's County Commissioners be advised that the Council appreciates being advised of pending re-zoning which although outside the City limits will affect the City of Takoma Park. He stated further however, that the City cannot take a position as the property is not posted and no citizen reaction has been received at this time. He further noted that some of this property is already developed in the requested zoning uses.

3. Variance for Radio Tower: Councilman Geib stated that a request for a variance in the required distance from a radio tower and the nearest property line has been received for recommendations. Councilman Geib moved that the Prince George's County Commissioners be advised that the Mayor and Council have no objection to the granting of this variance. The motion was seconded and duly carried.

4. Beautification of property at Carroll and Grant Avenues: Councilman Geib stated that a ten foot space has been left unimproved for landscaping. He stated that perhaps this area could be utilized as a location for the requested community bulletin board.

5. 250 Manor Circle: Councilman Geib requested that this property be placed back on the agenda due to the citizens complaints this evening. He further requested that Code Enforcement Officer Thorowgood contact Mr. Daugherthy to ascertain why the work is being delayed and inform Mr. Gingerich of his comments in order to ascertain if the case should be removed from the Stet Docket.

6. Grocery Store on Carroll Avenue: Councilman Geib requested that the Deputy City Clerk inform Mr. Wolfe that the Council has no objections to Mr. Wolfe meeting with Mr. Gingerich and Mr. Rhodes, but they are both very busy men and such meetings would have to be set up with Mr. Gingerich and Mr. Rhodes individually and in regard to Mr. Gingerich, with whatever arrangements he sees fit.

There being no further business to come before the Mayor and Council at this time, the meeting was adjourned by motion, duly seconded and carried at 9:53 p.m. to reconvene in Executive Session at 8:00 p.m. on October 13, 1969.

ATTEST: Bob Geib
City Clerk

APPROVED: George M. Miller
Mayor