

APPENDIX E

ORDINANCE G-227

HOUSING ORDINANCE REGULATING SUPPLIED  
FACILITIES, MAINTENANCE, AND OCCUPANCY  
OF DWELLING AND DWELLING UNITS

AN ORDINANCE to amend the Code of The City of Frederick, 1966, as the same was adopted July 7, 1966, by repealing and re-enacting with amendments, Appendix E, Ordinance G-224, as the same was adopted March 2, 1967.

BE IT ENACTED AND ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That Appendix E, Ordinance G-224 as the same was adopted March 2, 1967, be, and the same is hereby repealed in its entirety and a new Appendix E is hereby re-enacted as follows :

HOUSING ORDINANCE REGULATING SUPPLIED  
FACILITIES, MAINTENANCE, AND OCCUPANCY  
OF DWELLINGS AND DWELLING UNITS

AN ORDINANCE establishing minimum standards governing the condition and maintenance of dwellings; establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary, and fit for human habitation; establishing minimum standards governing the condition of dwellings offered for rent; fixing certain responsibilities and duties of owners and occupants of dwellings; authorizing the inspection of dwellings, and the condemnation of dwellings unfit for human habitation; and fixing penalties for violations.

WHEREAS, in the City of Frederick, there are, or may in the future be, dwelling structures which are so dilapidated, unsafe, dangerous, unhygienic, or insanitary as to constitute a menace to the health and safety of the people of this City of Frederick:

BE IT THEREFORE, ORDAINED by the Mayor and Board of Aldermen of the City of Frederick, as follows:

SECTION 1. DEFINITIONS

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

- 1.1 *Basement* shall mean a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.2 *Cellar* shall mean a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.3 *Dwelling*, shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants: *Provided* that temporary housing as hereinafter defined shall not be regarded as a dwelling.
- 1.4 *Dwelling Unit* shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.
- 1.5 *Extermination* shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health officer.

- 1.6 *Garbage* shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
- 1.7 *Habitable Room* shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.
- 1.8 *Health Officer* shall mean the legally designated health authority of the City of Frederick, or his authorized representative.
- 1.9 *Infestation* shall mean the presence, within or around a dwelling, of any insects, rodents, or other pests.
- 1.10 *Multiple Dwelling* shall mean any dwelling containing more than two dwelling units.
- 1.11 *Occupant* shall mean any person, over 1 year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.
- 1.12 *Operator* shall mean any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.
- 1.13 *Ordinary Minimum Winter Conditions* shall mean the temperature 15° F. above the lowest recorded temperature for the previous 10-year period.
- 1.14 *Owner* shall mean any person who, alone or jointly or severally with others:
- (a) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
  - (b) Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- 1.15 *Person* shall mean and include any individual, firm, corporation, association, or partnership.
- 1.16 *Plumbing* shall mean and include all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

- 1.17 *Rooming Unit* shall mean 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.
- 1.18 *Rooming House* shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.
- 1.19 *Rubbish* shall mean combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.
- 1.20 *Supplied* shall mean paid for, furnished, or provided by or under the control of, the owner or operator.
- 1.21 *Temporary Housing* shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.
- 1.22 *Meaning of Certain Words.* Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," "premises," are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof."

## SECTION 2. INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND PREMISES

- 2.1 The health officer is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within this City of Frederick, in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections the health officer is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units, and premises. The owner or occupant of every dwelling, dwelling unit, and rooming unit, or the person in charge thereof, shall give the health officer free access to such dwelling, dwelling unit or rooming unit and its premises, at all reasonable times for the purpose of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the pro-

visions of this ordinance or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this ordinance.

### SECTION 3. ENFORCEMENT: SERVICE OF NOTICES AND ORDERS: HEARINGS

3.1 Whenever the health officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:

- (a) Be put in writing;
- (b) Include a statement of the reasons why it is being issued;
- (c) Allow a reasonable time for the performance of any act it requires;
- (d) Be served upon the owner or his agent, or the occupant, as the case may require: *Provided* that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by registered mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this state.

Such notice may:

- (e) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance and with rules and regulations adopted pursuant thereto.
- 3.2 Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the health officer: *Provided* that such person shall file in the office of the health officer a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day the notice was served. Upon receipt of such petition the health officer shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 10 days after the day on which the petition was filed: *Provided* that upon application of the petitioner the health officer may postpone the date of the hearing for a reasonable time beyond such 10-day

period, if in his judgment the petitioner has submitted a good and sufficient reason for such postponement.

- 3.3 After such hearing the health officer shall sustain, modify, or withdraw the notice, depending upon his finding as to whether the provisions of this ordinance and of the rules and regulations adopted pursuant thereto have been complied with. If the health officer sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to Subsection 3.1 of this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the health officer within 10 days after such notice is served. After a hearing in the case of any notice suspending any permit required by this ordinance or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the health officer, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the health officer within 10 days after such notice is served.
- 3.4 The proceedings at such hearing, including the findings and decision of the health officer, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the health officer. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the health officer may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.
- 3.5 Whenever the health officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the health officer shall be afforded a hearing as soon as possible. After such hearing, depending upon his finding as to whether the provisions of this ordinance and of the rules and regulations adopted pursuant thereto have been complied with, the health officer shall continue such order in effect, or modify it, or revoke it.

### SECTION 4. ADOPTION OF RULES AND REGULATIONS BY THE HEALTH OFFICER

- 4.1 The health officer is hereby authorized to make and, after a public hearing has been held in accordance with the laws governing the conduct of public hearings by the health officer of this

City of Frederick, to adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this ordinance: *Provided* that such rules and regulations shall not be in conflict with the provisions of this ordinance. The health officer shall file a certified copy of all rules and regulations which he may adopt with the clerk of this City of Frederick. Such rules and regulations shall have the same force and effect as the provisions of this ordinance, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this ordinance, as hereinafter provided.

#### SECTION 5. MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

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

- 5.1 Every dwelling unit shall contain a *kitchen sink* in good working condition and properly connected to a water and sewer system approved by the health officer.
- 5.2 Every dwelling unit (except as otherwise permitted under Subsection 5.4 of this Section) shall contain a room which affords privacy to a person within said room and which is equipped with a *flush water closet* and a *lavatory basin* in good working condition and properly connected to a water and sewer system approved by the health officer.
- 5.3 Every dwelling unit (except as otherwise permitted under Subsection 5.4 of this Section) shall contain, within a room which affords privacy to a person within said room, a *bathtub* or *shower* in good working condition and properly connected to a water and sewer system approved by the health officer.

- 5.4 Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of Subsections 5.1, 5.2, 5.3, and 5.4 of Section 5 of this ordinance shall be properly connected with both *hot* and *cold water lines*.
- 5.5 Every dwelling unit shall be supplied with adequate *rubbish storage facilities*, type and location of which are approved by the health officer.
- 5.6 Every dwelling unit shall have adequate *garbage disposal facilities* or garbage storage containers, type and location of which are approved by the health officer.
- 5.7 Every dwelling shall have supplied *water-heating facilities* which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of Subsection 5.5 of Section 5 of this ordinance, and are 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 or shower at a temperature of not less than 120° F. Such supplied water-heating facilities shall be capable of meeting the requirements of this Subsection when the dwelling or dwelling unit heating facilities required under the provisions of Subsection 6.5 of Section 6 of this ordinance are not in operation.
- 5.8 Every dwelling unit shall have safe, unobstructed *means of egress* leading to safe and open space at ground level, as required by the laws of this state and this City of Frederick.

#### SECTION 6. MINIMUM STANDARDS FOR LIGHT, VENTILATION, AND HEATING

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

- 6.1 Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum *total window area*, measured between stops, for every habitable room shall be 10 per cent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than 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 and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15 per cent of the total floor area of such room.

- 6.2 Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will *adequately ventilate* the room. The total of openable window area in every habitable room shall be equal to at least 45 per cent of the minimum window area size or minimum skylight-type window size, as required in Subsection 6.1 of Section 6 of this ordinance, except where there is supplied some other device affording adequate ventilation and approved by the health officer.
- 6.3 Every *bathroom* and *water closet* compartment shall comply with the *light* and *ventilation* requirements for habitable rooms contained in Subsections 6.1 and 6.2 of Section 6, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is kept in continuous operation and approved by the health officer.
- 6.4 Where there is *electric service* available from power lines which are not more than 300 feet away from a dwelling, every habitable room of such dwelling shall contain at least two separate floor- or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling- or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
- 6.5 Every dwelling shall have *heating facilities* which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 70° F., at a distance three feet above floor level, under ordinary minimum winter conditions.
- 6.6 Every *public hall* and *stairway* in every multiple dwelling containing five or more dwelling units shall be *adequately lighted* at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.
- 6.7 During that portion of each year when the health officer deems it necessary for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied *screens* and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens: *Provided* that such screens shall not

be required during such period in rooms deemed by the health officer to be located high enough in the upper stories of buildings as to be free from such insects, and in rooms located in areas of this City of Frederick which are deemed by the health officer to have so few such insects as to render screens unnecessary.

- 6.8 Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for *rodents*, shall be supplied with a screen or such other device as will effectively prevent their entrance.

#### SECTION 7. GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLINGS AND DWELLING UNITS

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

- 7.1 Every *foundation, floor, wall, ceiling, and roof* shall be reasonably weathertight, watertight, and rodentproof; shall be capable of affording privacy; and shall be kept in good repair.
- 7.2 Every *window, exterior door, and basement hatchway* shall be reasonably weathertight, watertight, and rodentproof; and shall be kept in sound working condition and good repair.
- 7.3 Every *inside and outside stair, every porch, and every appurtenance* thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- 7.4 Every *plumbing fixture* and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.
- 7.5 Every water closet compartment *floor surface* and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- 7.6 Every supplied facility, piece of equipment, or utility which is required under this ordinance shall be so constructed or installed that it will *function safely and effectively*, and shall be maintained in satisfactory working condition.
- 7.7 No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this ordinance to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary inter-

306 N. Main  
 Apt D  
 8 occupied

ruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when *discontinuance of service* is approved by the health officer.

- 7.8 No owner shall occupy or let to any other occupant any *vacant dwelling unit* unless it is clean, sanitary, and fit for human occupancy.

#### SECTION 8. MINIMUM SPACE, USE, AND LOCATION REQUIREMENTS

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

- 8.1 Every dwelling unit shall contain at least 150 square feet of *floor space* for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
- 8.2 In every dwelling unit of two or more rooms, every *room* occupied for *sleeping* purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.
- 8.3 No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that *access to a bathroom* or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements 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.
- 8.4 At least one-half of the floor area of every habitable room shall have a *ceiling height* of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- 8.5 No *cellar space* shall be used as a habitable room or dwelling unit.
- 8.6 No *basement space* shall be used as a habitable room or dwelling unit unless:
- The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;
  - The total of window area in each room is equal to at

least the minimum window area sizes as required in Subsection 6.1 of Section 6 of this ordinance;

(c) Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and

(d) The total of openable window area in each room is equal to at least the minimum as required under Subsection 6.2 of Section 6 of this ordinance, except where there is supplied some other device affording adequate ventilation and approved by the health officer.

#### SECTION 9. RESPONSIBILITIES OF OWNERS AND OCCUPANTS

- 9.1 Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- 9.2 Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.
- 9.3 Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Subsection 5.6 of Section 5 of this ordinance.
- 9.4 Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by Subsection 5.7 of Section 5 of this ordinance. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.
- 9.5 Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this ordinance or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.
- 9.6 Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the

foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

- 9.7 Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

### SECTION 10. ROOMING HOUSES

No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this ordinance except the provisions of Section 5 and Section 9.

- 10.1 No person shall operate a rooming house unless he holds a valid *rooming house permit* issued by the health officer in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to the health officer for such permit, which shall be issued by the health officer upon compliance by the operator with the applicable provisions of this ordinance and of any rules and regulations adopted pursuant thereto. This permit shall be displayed in a conspicuous place within the rooming house, at all times. No such permit shall be transferable. Every person holding such a permit shall give notice in writing to the health officer within 24 hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every rooming house permit shall expire at the end of one year following its date of issuance, unless sooner suspended or revoked as herein-after provided.
- 10.2 Any person whose application for a permit to operate a rooming house has been denied may request and shall be granted a *hearing* on the matter before the health officer, under the procedure provided by Section 3 of this ordinance.
- 10.3 Whenever upon *inspection* of any rooming house the health officer finds that conditions or practices exist which are in violation of any provision of this ordinance or of any rule or regulation adopted pursuant thereto, the health officer shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable

period, to be determined by the health officer, the operator's rooming house permit will be suspended. At the end of such period the health officer shall reinspect such rooming house, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that the latter's permit has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease operation of such rooming house, and no person shall occupy for sleeping or living purposes any rooming unit therein.

- 10.4 Any person whose *permit* to operate a rooming house has been *suspended*, or who has received notice from the health officer that his permit is to be suspended unless existing conditions or practices at his rooming house are corrected, may request and shall be granted a hearing on the matter before the health officer, under the procedure provided by Section 3 of this ordinance: *Provided* that if no petition for such hearing is filed within 10 days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked.
- 10.5 At least one *flush water closet, lavatory basin, and bath tub or shower*, properly connected to a water and sewer system approved by the health officer and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities: *Provided* that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the health officer.
- 10.6 The operator of every rooming house shall change supplied *bed linen and towels* therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- 10.7 Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of *floor space*, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant thereof.
- 10.8 Every rooming unit shall have safe, unobstructed *means of egress* leading to safe and open space at ground level, as required by the laws of this state and this City of Frederick.

- 10.9 The operator of every rooming house shall be responsible for the *sanitary maintenance* of all walls, floors, and ceilings, and for maintenance of a sanitary condition in 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 is leased or occupied by the operator.
- 10.10 Every provision of this ordinance which applies to rooming houses shall also apply to *hotels*, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.

#### SECTION 11. DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE OF CONDEMNATION

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

- 11.1 Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the health officer:
- 11.1.1 One which is so damaged, decayed, dilapidated, insanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- 11.1.2 One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- 11.1.3 One which because of its general condition or location is insanitary, or otherwise dangerous, to the health or safety of the occupants or of the public.
- 11.2 Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the health officer, shall be vacated within a reasonable time as ordered by the health officer.
- 11.3 No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the health officer. The health officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
- 11.4 No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human

habitation and placarded as such, except as provided in Sub-section 11.3.

- 11.5 Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the health officer, under the procedure set forth in Section 3 of this ordinance.

#### SECTION 12. PENALTIES

- 12.1 Any person who shall violate any provision of this ordinance, or any provision of any rule or regulation adopted by the health officer pursuant to authority granted by this ordinance, shall upon conviction be punished by a fine of not less than \$10.00 or more than \$100.00, or by imprisonment for not less than ten days or more than thirty days.

#### SECTION 13. ADDITIONAL DEFINITIONS

The definitions as contained in the Frederick City Code, Zoning Ordinance, Plumbing Code and the National Building Code shall apply in the interpretation and enforcement of this ordinance as well as the following:

- 13.1 *Board* shall mean the Committee for Hygiene of Housing as defined in Section 12-13 of the Frederick City Code.
- 13.2 *Extermination* means the control and elimination of insects, rodents, or other pests by eliminating their harborage places: by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the Housing Officer.
- 13.3 *Housing Officer* shall mean the Chairman of the Committee for Hygiene of Housing as defined in Section 12-15 of the Frederick City Code.

- 13.4 *Infestation* means the presence, within or around a dwelling, of insects, rodents or other pests.
- 13.5 *Occupant* means any person, over 1 year of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.
- 13.6 *Operator* means any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.
- 13.7 *Ordinary Minimum Winter Conditions* means the temperature 15°F above the lowest recorded temperature for the previous ten year period.
- 13.8 *Rooming Unit* means 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.
- 13.9 *Rooming House* means any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to four or more persons who are not husband or wife, son, or daughter, mother or father, or sister or brother, of the owner or operator.
- 13.10 *Supplied* means paid for, furnished, or provided by or under the control of, the owner or operator.
- 13.11 *Corporate Unit* means the City of Frederick, a municipal corporation.

#### SECTION 14. CONFLICT OF ORDINANCES:

##### EFFECT OF PARTIAL INVALIDITY

- 14.1 In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of The City of Frederick existing on the effective date of this ordinance, the provision which

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

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

BE IT FURTHER ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, That this Ordinance shall take effect from the date of its passage.

PASSED: April 20, 1967

JOHN A. DERR, *Mayor*

APPROVED: April 20, 1967

JOHN A. DERR, *President*  
*Board of Aldermen*