

CHAPTER 41

HOUSING CODE

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Section 41-1            Adopted

There is adopted by the Town for the purpose of establishing rules and regulations to protect the public health, safety and welfare in residential structures and premises a Housing Code.

A Housing Code shall establish minimum property maintenance standards for equipment and facilities used for light, ventilation, heating and sanitation for residential structures and premises and for safe and sanitary maintenance of residential structures and premises. It shall also establish minimum requirements for residential structures and premises for means of egress, fire protection systems and other equipment and devices necessary for safety from fire.

Section 41-2            Definitions

For the purpose of this Chapter the following words and phrases shall have the meaning respectively ascribed to them by this Section.

(1) “**Accessory structure.**” A building, the use of which is incidental to that of the main building or residence and which is located on the same lot of ground.

(2) “**Basement.**” That portion of a structure which is partly or completely below grade.

(3) “**Building Code.**” The Building Officials and Code Administrators International, Incorporated, Basic Building Code, latest edition and current cumulative supplement officially adopt by Prince George’s County and the Town for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures (“BOCA”).

(4) “**Code Enforcement Officer.**” A Town employee, including but not limited to a Landover Hills Police Officer, working under the direct supervision of the Town of Landover Hills Police Department to enforce the Town Code.

(5) “**Condemn.**” To declare a structure or part of it, premises or equipment unsafe or unfit for use or occupation.

(6) “**Emergency.**” The existence of circumstances constituting an immediate danger to the public health or safety and requiring prompt enforcement or remedial action under this Code.

(7) “**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 pest elimination methods.

(8) “**Garbage.**” The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(9) “**Habitable area.**” The space in a structure used for living, sleeping, eating, or cooking including bathrooms and toilet compartments. Closets, halls, storage or utility space and similar areas are not considered habitable areas.

(10) “**Housing Unit.**” A single unit of a structure providing or intended to provide complete living and sleeping facilities for one or more persons.

(11) “**Infestation.**” The presence within or contiguous to a structure or premises of insects, rodents, vermin or other pest.

(12) “**Lavatory.**” A room with a toilet and a sink. 13. “**Maintenance.**” The repair and other acts intended to prevent a decline in the condition of a structure, premises or equipment below the standards established by this Code and the applicable statues, codes and ordinances.

(14) “**Occupant.**” A person living, sleeping, cooking or eating in or having possession of a space within a housing unit.

(15) “**Open able area.**” That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

(16) “**Owner.**” A person having a legal or equitable interest in the premises, including a mortgagee or vendor in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building; or their duly authorized agents.

(17) “**Person.**” An individual, partnership, limited partnership, trust, estate, association or corporation.

(18) “**Plumbing.**” The practice, materials, facilities and fixtures used in the installation, maintenance, extension or alteration of all piping, fixtures, appliances and appurtenances within the scope of the applicable plumbing code. It includes 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.

(19) “**Plumbing fixture.**” A receptacle or device which is either permanently or temporarily connected to the water distribution systems of the premises, and demands a supply

of water from it; discharges used water, liquid borne waste materials or sewage either directly or indirectly to the drainage system of the premises; or requires both a water supply connection and a discharge to the drainage system of the premises.

(20) “**Premises.**” A lot, plot or parcel of land including the building or structures thereon.

(21) “**Rubbish.**” Paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials as well as the residue from the burning of wood, coal, coke and other combustible materials.

(22) “**Structure.**” A residential structure used for human habitation.

(23) “**Tenant.**” An occupant other than a property owner.

(24) “**Ventilation.**” The process of supplying and removing air by natural or mechanical means to or from any space.

(a) “**Mechanical.**” Ventilation by power-driven devices.

(b) “**Natural.**” Ventilation by opening to outer air through windows, skylights, door, louvers, or stacks without wind driven devices.

(25) “**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. 26. “**Yard.**” An open unoccupied space on the same lot with a building extending along the entire length of a street, or rear, or the interior lot line.

### Section 41-3                      Standards

(A) Scope. The Housing Code shall apply to residential structures used for human habitation.

(B) Exterior Property Areas. No person shall occupy as owner-occupant, or rent, lease or otherwise let to another for occupancy, any dwelling, or portion thereof, which does not comply with the following requirements:

(1) Landscaping of premises. The landscaping of premises shall be maintained in an orderly state with lawns and bushes trimmed and free from becoming overgrown, littered or unsightly where such would constitute a nuisance or have a blighting effect on nearby property.

(2) Sanitation. All exterior property areas shall be maintained in a clean and sanitary condition, free from any accumulation of rubbish or garbage.

(3) Drainage. All premises shall be maintained so as to prevent the accumulation of stagnant water thereon or within any building or structure located thereon.

(4) Noxious plant growth. All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health.

(5) Insect and rodent harborage. All exterior property areas shall be kept free from rodent infestation, and where 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 re-infestation.

(6) Open storage. Exterior property areas shall not be utilized for any period of time for the open storage of building rubbish or refuse.

(7) Accessory structures. All accessory structures on dwelling premises, such as but not limited to, fences, attached and detached garages, storage sheds or buildings, shall be maintained structurally safe and sound and in good repair.

(8) Appurtenant structures. All appurtenances or appurtenant structures shall be maintained in safe, weather resistant and structurally sound condition and shall be free of unsafe obstructions or hazardous conditions.

(C) Exterior Structures. No person shall occupy as owner occupant, or rent, lease or otherwise let to another for occupancy any dwelling, or portion thereof, which does not comply with the following requirements.

(1) General. The exterior of a structure shall be maintained in good repair, and shall be structurally sound and maintained in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants.

(2) Structural members. Supporting structural members of a structure shall be kept structurally sound, free of deterioration, and maintained so as to be capable of safely bearing the dead and live loads imposed upon them.

(3) Exterior surfaces. Each foundation, exterior wall, roof and all other exterior surfaces shall be free of holes, peeling paint, large cracks and shall be maintained in good repair and shall be kept in such condition as to exclude rodents and other pests.

(4) Foundation walls. Foundation walls shall be structurally sound and shall be maintained free from open cracks and breaks.

(5) Exterior walls. Each 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 areas of the structure. All exterior surface materials, including wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface-coated when required to prevent deterioration.

(6) Roofs and Drainage. The roof shall be structurally sound and shall be covered with roofing shingles, tiles or other materials designed for use as a permanent roofing surface, and may not have defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the structure.

(7) Decorative features. All cornices, entablature, belt courses, corbels, terracotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(8) Signs and awnings. All canopies, signs, metal awnings, stairways, fire escapes, stand pipes, exhaust ducts and similar overhang extensions shall be maintained in good repair, be properly anchored and kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.

(9) Chimneys. All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally sound, safe and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather materials such as paint or similar surface treatment.

(10) Stairs and porches. Each exterior stair, porch, fire escape, balcony and all appurtenances attached to them shall be safe to use and capable of supporting the anticipated loads shall be maintained in a safe and sound condition and good repair.

(11) Windows, doors and frames. Each window, door and frame shall be maintained so as to exclude rain and rodents as completely as possible and to substantially exclude wind from entering the structure.

(12) Weather tight. Each window and exterior door shall be fitted reasonably in its frame and be weather tight. Each window shall be free of cracks and holes.

(13) Operable windows. Each window used for ventilation or for emergency escape shall be capable of being easily opened from the inside and shall be held in position by window hardware.

(14) Insect screens. During the period from April 1 to October 31, every door and window or other outside opening used for ventilation purposes shall be supplied with tight fitting insect screens. Upon the prior approval of the Code Enforcement Officer, screens may not be required for screening impractical, such as openings equipment with air conditioning units or openings above the fourth floor.

(15) Door hardware. Each exterior door and its hardware shall be maintained in good condition. Door locks on all interior and exterior doors entering housing units shall be in good repair and capable of tightly securing the door.

(16) Gutters and down spouts. All gutters and down spouts shall be properly connected and be maintained in good condition, free of holes and obstructions. Water shall be conveyed off premises in an acceptable manner.

(D) Interior Structure. No person shall occupy as owner-occupant, or rent, lease or otherwise let to another for occupancy, any dwelling or portion thereof, which does not comply with the following requirements.

(1) General. The interior of a structure and its equipment facilities shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants.

(2) Structural members. The supporting structural members of a structure shall be maintained structurally sound, free of deterioration and maintained capable of safely carrying the imposed loads.

(3) Interior surfaces. Floors, walls (including windows and doors), ceilings and other interior surfaces shall be maintained in good repair and in a clean, safe and sanitary conditions, free of holes, cracks, loose plaster or wallpaper, flaking or scaling paint, and shall be substantially insect and rodent proof.

(4) Bathroom and Kitchen floors. Each toilet, bathroom and kitchen floor surface shall be maintained so as to be substantially impervious to water to permit the floor to be easily kept in a clean and sanitary condition.

(5) Sanitation. The interior structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish or garbage shall be properly kept inside temporary storage facilities. Garbage or rubbish may not be allowed to accumulate or be stored in public halls or stairways.

(6) Insect and rodent harborage. A structure shall be kept free from infestation, and where infestation is found, the area shall be promptly exterminated by processes which are not injurious to human health. Continuing or repeated incidents of infestation, as determined by the Code Enforcement Officer, shall require the installation of rodent and vermin-proof walls in accordance with the Building Code.

(7) Exit doors. Each door available as an exit shall be capable of being opened easily from the inside.

(8) Exit facilities. All interior stairs and railings and other exit facilities of a structure shall be maintained in sound condition and good repair. Each interior stair used for exit shall be maintained so as to be safe to use and capable of supporting the anticipated loads.

(E) Basic Facilities. No person shall occupy as owner-occupant, or rent, lease or otherwise let to another for occupancy, any dwelling or portion thereof, which does not contain the following basic facilities.

(1) Light. All areas in a structure shall be provided sufficient light so as not to endanger health and safety. All areas in a structure shall be provided with natural light or equipment to accommodate artificial light of sufficient intensity and distributed so as to permit the maintenance of sanitary conditions and the safe use of the area and the appliances, equipment and fixtures. Each public hall, interior stairway, lavatory, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

(2) Ventilation. All areas in a structure shall be provided sufficient ventilation so as not to endanger health and safety. Every habitable room shall have at least one window facing directly to the outdoors or to a court. When mechanical ventilation is provided the mechanical ventilating system shall be maintained inspiration during the occupancy of the structure or portion of it.

(3) Plumbing facilities. Each housing unit shall include its own plumbing facilities which shall be mainlined in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste. The following minimum plumbing facilities shall be supplied, and shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of the Building Code:

(a) Lavatory. Each housing unit shall contain within its walls a room separate from other habitable areas which provides a lavatory supplied with hot and cold running water and which affords privacy.

(b) Bathtub or shower. Each housing unit shall contain a room which is equipped with a bathtub or shower supplied with hot and cold running water and which affords privacy.

(c) Kitchen sink. Each housing unit shall contain a kitchen sink apart from the lavatory which is supplied with hot and cold running water.

(4) Cooking facilities. Every housing unit shall contain cooking and baking facilities for the purpose of preparing food, and such facilities shall be properly installed and operated and kept in a clean and sanitary condition.

(5) Refrigeration for food preservation. Every housing unit shall contain a refrigeration unit adequate for the temporary preservation of perishable foods. Such refrigeration unit shall be capable of maintaining an average temperature of below 45 degrees Fahrenheit, shall be properly installed and operated and kept in a clean and sanitary condition.

(6) Water and sewer system. Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of this Code, shall be properly connected to either a public water and sewer system or to a private water and sewer system.

(7) Water heating facilities. Every housing 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 elsewhere in this Code. 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 130 degrees Fahrenheit at any time needed.

(8) Heating facilities. Every housing unit 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 68 degrees Fahrenheit with an outside temperature of 10 degrees below zero. The owner shall maintain a minimum average room temperature of 68 degrees Fahrenheit in all habitable rooms including bathrooms and toilet rooms when rented, at all times on the basis of ten degrees below zero outside.

Every heating or water heating facility shall be installed and shall operate in accordance with the requirements of the building code or air pollution control laws.

(9) Storage and removal of rubbish and garbage. Every housing unit shall be supplied with containers and covers for the temporary storage of rubbish and garbage. There shall also be a method for the removal of said rubbish and garbage from the premises.

(10) Electrical outlets and fixtures. Every required room heating, water heating and cooking device 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. The electrical system shall be maintained in such a manner that it will not constitute a hazard to the occupants of the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons. Each habitable area in a housing unit shall contain at least one receptacle outlet. Each laundry area and bathroom shall contain at least one ground type receptacle. Each kitchen shall have at least two receptacles.

(F) Installation and Maintenance. No person shall occupy as owner-occupant, or rent, lease or otherwise let to another for occupancy, any dwelling, or portion thereof which does not comply with the following requirements.

(1) Facilities and equipment. All required facilities and equipment shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of the Building Code.

(2) Maintained clean and sanitary. All facilities shall be maintained in a clean and sanitary condition so as not to breed insects and rodents or produce dangerous or offensive gases or odors.

(3) Plumbing fixtures. 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.

(4) Plumbing systems. Every plumbing stack, waste and sewer line shall be so installed 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.

(5) Heating Equipment. Every required room heating, water heating and cooking device 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.

(6) Electrical outlets and fixtures. Every electrical outlet and fixture required by this Code shall be installed, maintained and connected to the source of electric power in accordance with the provisions of the Building Code or Electrical Code.



(7) Electrical System. The electrical system shall be maintained in such a manner that it will not constitute a hazard to the occupants of the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons.

(G) Fire Safety. A person shall not occupy as owner-occupant, or shall rent, lease or otherwise let to another for occupancy, any dwelling or portion thereof which does not comply with the applicable provisions of the fire prevention sections of the Building Code, the Code for Life Safety and the following additional requirements for safety from fire.

(1) Storage of flammable liquids prohibited. The dispensing or storage of flammable liquids with a flash point of 110 degrees Fahrenheit or lower shall not be permitted within a dwelling.

(2) 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 obstruction, 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.

(3) Kerosene heaters and wood stoves. Only recognized and approved units may be used and then only if installed as per manufacturer's and testing laboratory's specifications. Open flame devices may not be used for cooking or heating unless specifically intended for and approved for such use.

(4) All dwellings shall be equipped with smoke detectors of a type, make and model approved by Prince George's county Fire Protection Codes and mounted in locations as set forth in the aforementioned Fire Protection Codes.

(5) All rental properties licensed by the Town of Landover Hills shall have a fire extinguisher in each unit or located in a place accessible to all multi-family units; a card posted beside all central fire alarm switches which gives simple directions on the use of the central fire alarm switch as well as the street name and address of the building in which the central fire alarm switch is located and a peephole with 140 degree visibility from inside multi-family unit.

(6) Entrance doors to each unit secured by a dead-bolt lock shall be easily opened from within, without the use of a key.

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Section 41-4            Licensing and Inspection of rental dwellings

(A) Rental License. It shall be unlawful for any person to rent, lease, or otherwise let any single-family dwelling, multi-family rental dwelling or rooming house within the Town without having first obtained a license or temporary certificate to do so as hereinafter provided.

(B) License Application. Within sixty (60) days after the enactment of this Section, the legal owner of record shall make written application to the Town for a rental unit license upon such form or forms as the Town shall from time to time designate. Such application shall be submitted together with a non-refundable rental license application fee which shall be applied

towards the rental license fee if a rental license is issued. The amount of the application fee shall be fifty percent (50%) of the rental license fee. The amount of the rental license is set forth in Chapter 28 of the Code of the Town of Landover Hills. The rental license shall be paid upon issuance of a rental license.

(C) Temporary Certificates. Upon receipt of a completed application for a license, the Town Manager shall issue a non-transferable "Temporary Certificate" indicating that a license has been duly applied for, and that a non-transferable license be issued or denied after the building, including interior portions thereof, has been inspected for compliance with applicable provisions of this Housing Code and the Building Code.

(D) Inspections. The Code Enforcement Officer is hereby authorized and directed to make inspections to determine the condition of dwellings within the Town. All rental properties shall be subject to periodic inspection to determine if they are in conformance with this Code. Permission for such inspections, without the necessity for obtaining any further permission or judicial warrant, is a condition of any license or temporary certificate. Failure to allow entry for such inspection or to require any tenant to allow entry for such inspection shall constitute sufficient reason for the denial or revocation of the rental license or temporary certificate. Whenever the Code Enforcement Officer determines that there are violations of any provision of this Chapter or any rule or regulation adopted pursuant thereto, he shall issue a notice of violation and re-inspect the premises to confirm that the violations have been corrected. If the violations have not been corrected, there is hereby imposed an additional charge for each succeeding re-inspection, until compliance has been obtained. Said fee is set forth in Chapter 28 of the Code of the Town of Landover Hills. No charge shall be made hereunder for a re-inspection unless written notice of such re-inspection has been sent to the owner of record at least ten (10) days in advance.

(E) Revocation or Denial of License; Injunction. A license may be revoked or denied by the Town Manager if the owner fails to eliminate violations of the Housing Code or Building Code upon notice from the Town as provided for in Chapter 28 of the Code of the Town of Landover Hills. Revocation or denial of a license shall be in addition to, and not in substitution for, such other penalties as may be provided for said violations elsewhere in this Code.

(F) License Renewal. Licenses and temporary certificates issued hereunder shall expire two (2) years from the date of issuance and shall be renewable every two (2) years at the fees specified elsewhere in this Code. Application for renewals shall be made at least sixty (60) days prior to the expiration date. The license or certificate renewal fee shall be subject to a ten percent (10%) penalty per month, or any portion thereof, beyond the date due and payable.

(G) Display of Licenses. Licenses and temporary certificates issued under this Section shall be produced on the demand of a tenant or prospective tenant and shall be available at reasonable times for examination by an authorized agent of the Town.

(H) Penalty. Failure to obtain a rental license after receiving notification to obtain such license is a municipal infraction carrying a fine as set forth in Chapter 28 of the Code of the Town of Landover Hills. Failure of property owners who are license by the Town for one or more rental properties to obtain a license for a subsequent rental property is a musical infraction carrying a fine as set forth in Chapter 28 of the Code.

(A) There is hereby created and established the Town of Landover Hills Housing Enforcement Review Board, herein sometimes referred to as the “Board”, which shall consist of seven (7) members, all of whom shall reside in and be qualified voters of the Town of Landover Hills, Maryland, and shall hold no office or position in the Town government with pay or compensation. The purpose of the Board is to hear appeals from notices of violations issued pursuant to this Chapter. The members shall be appointed by the Mayor and Town Council and of those first appointed two (2) shall be appointed to serve for one year, three (3) for two years and two (2) for three years. Thereafter, members shall be filled by the Mayor and Town Council for the unexpired portion of a term.

(B) The Board shall elect its Chairperson from its membership. All members of the Board shall be entitled to vote, and its decisions shall be determined by a majority vote of the members present. A quorum must be present before the Board may take any official action. All hearings of the Board shall be open to the public, and a full and impartial hearing shall be granted on all appeals. The Board shall meet at least once in every three-month quarter of the calendar year, except that the Chairperson or a majority of the members of the Board may call a meeting at his/her or their discretion, and provided that the Board shall notify the appellant thirty (30) days from the receipt of the appeal of the date on which the appeal will be scheduled for a hearing by the Board. Insofar as reasonably possible, all hearings shall be informal and free from technical rules of law and evidence. When voting on any question, the determination may be made by ballot, but no proxy shall be allowed at any time. The Board shall keep minutes of its proceedings and all findings, decisions and orders shall be reduced to writing and entered as a matter of public record in the office of the Town Manager. In matters concerning the procedure for meetings not covered by this Chapter, the Board may establish its own rules, provided that they are not contrary to the spirit of this Chapter.

(C) Any person affected by any notice of violation or order which has been issued in connection with the enforcement of any provision of this Chapter may request and shall be granted a hearing on the matter by the Board, provided that such person shall, within ten (10) days after service of a notice or order, file in the office of the Town Manager a signed written notice of appeal requesting a hearing and setting forth a brief statement of the reasons therefore. Upon receipt of such notice of appeal, the Town Manger shall forthwith notify the Board, and the Board shall set a time and place for such hearing and shall give the person appealing and the Code Enforcement Officer involved notice thereof. The Board shall determine such appeals as promptly as practicable.

(D) Decision of Board.

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

(2) The Housing Enforcement Review Board can grant a waiver from the strict enforcement of the Housing Code if it finds that the health, safety and general welfare of the occupant or of the community are not impaired or endangered.

(E) The decision of the Board shall in all cases be final, except that any appellant or party directly aggrieved by a decision of the Board may provided that he/she does so within thirty (30) days after the rendering of such decision, appeal to a court of record of competent jurisdiction for a further review shall be limited solely to errors of law and questions or constitutionality. The decision of the Board in any case on appeal shall be stayed pending a decision of the Court.

(F) Members of the Board shall disclose to the Board and the Mayor and Town council any conflict of interest, and shall refrain from voting or taking action on any matter concerning which that member has a potential conflict of interest, such a shaving an interest in a piece of property, whether as owner, contract purchaser or prospective purchase, tenant, agent, broker, mortgagee or mortgagor, and voting or participating in the discussion or taking action in the regulation of that property that might affect that member's interest in a financial way.

#### Section 41-6 Adoption of Rules and Regulations

The Mayor and Council is hereby authorized to make and to adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this Chapter, provided that such rules and regulations shall not be in conflict with the provisions of this Chapter. Such rules and regulations shall have the same force and effect as the provisions of this Chapter and the penalty for violation of the provisions of this Chapter, as herein provided.

#### Section 41-7 Inspection of Other Dwellings.

(A) Inspections. The Town Manager or his duly authorized representative is hereby authorized to inspect all dwellings, dwelling units, rooming units and premises to determine if they are in violation of the provisions of the Housing Code and/or Building Code.

(B) Entry. If any owner, occupant, or other person in charge of a structure subject to the provisions of this Code prevents entry and free access to any part of the structure of the premises, the Town Manager or his designee, upon the bases of an exterior inspection from the property line, shall make a determination as to whether there is reason to believe that a serious clear and present danger to the health and safety of the occupants or community exists.

(1) Serious violation. If such a clear and present danger exists, the Town Manager may initiate any appropriate action or proceedings and seek any appropriate order necessary to enforce the right of entry.

(2) Less serious violations. In the absence of such a clear and present danger, the Town Manager is authorized to conduct an exterior inspection from the property . line. The owner shall be notified of exterior violations and shall be prosecuted in the manner provided elsewhere in this Code.

#### Section 41-8 Unfit Dwellings

(A) Dangerous Structures. 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 Town Manager or his designee.

(1) One which is damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(3) One which because of its general condition or location is unsanitary, or otherwise dangerous to the health or safety of the occupants or of the public.

(B) Posting of Placard. Any building or structure declared as unfit for human habitation shall be posted with a placard reading “UNFIT FOR HUMAN HABITATION” at each entrance by the Town Manager or his designee. It shall be unlawful for any person to enter such building or structure (after the date set forth in the placard to vacate) except for the reason of making the required repairs or of demolishing the same.

The placard shall include the following:

(1) Name of the Town;

(2) The Chapter and section of the Code under which it is issued;

(3) An order that the dwelling or multi-family dwelling shall be vacated by a stated date, and must remain vacant until the order to vacate is withdrawn;

(4) The date that the placard is posted;

(5) A statement of the penalty for defacing or removal of the placard; and

(6) A statement saying “this building is unfit for human habitation and its use or occupancy has been prohibited by the Town of Landover Hills’ and the placard shall bear the signature of the Town Manager.

(C) 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 Town Manger or his designee.

(D) Vacating of Declared Buildings. Any dwelling or dwelling unit declared as unfit for human habitation and designated and posted shall be vacated within a reasonable amount of time, as ordered by the Town Manager, and it shall be unlawful for any owner or operator to let any person inhabit said dwelling or dwelling unit which has been declared and posted by the Town Manager as unfit for human habitation after the date set forth in the placard. Anyone who violates this Section shall be subject to a fine as is set forth in Chapter 28 of the Code of the Town of Landover Hills.

The Town Manger shall remove such placard whenever the defect or defects upon which the declaration and placarding action were based have been eliminated.

(E) Notice to Owner. Whenever the Town Manager has declared a dwelling or multi-family dwelling as unfit for human habitation, he shall give written notice to the owner.

Such notice to the owner 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; and

(4) State the date occupants must vacate the dwelling units if the defects have not been eliminated and the order to vacate withdrawn.

(F) Sealing of Unfit Structure. It shall be the responsibility of the owner of the property to remove all unsanitary or flammable material and to board up all windows and doors after a dwelling has been properly determined to be unfit for human habitation, if such boarding up is determined by the Town Manager to be necessary for reasons of health or safety. In the event that the owner of the property fails to properly seal the structure against unlawful entry the Town shall take action to remove unsanitary or flammable waste material and to board up all windows and doors so as to prevent entrance. The cost of said action shall be a lien on the property and collectible in the same manner as delinquent taxes.

(G) Demolition of Unfit Structures. The Town Manger shall order a dwelling or dwelling unit to be demolished if it has been designated unfit for human habitation, has been posted as such, has been vacated, and has not been put into proper repair as to rescind the designation as unfit for human habitation and to cause the placard to be removed. After the Town Manger has given an order to demolish an unfit structure, the following procedure shall be followed:

(1) The owner of any dwelling or dwelling unit which has been ordered demolished, shall be given notice in the manner provided for service of notice for unfit buildings and shall be given reasonable time, not to exceed ninety (90) days, to demolish such structure.

(2) When the owner fails, neglects or refuses to demolish an unfit, unsafe or unsanitary dwelling or dwelling unit within the requisite time, the Town Manager may apply to a court of competent jurisdiction for a demolition order to undertake the demolition. The cost of the demolition shall be a lien on the property and collectible in the same manner as delinquent taxes.

#### Section 41-9                      Emergencies

(A) Emergency Action. Whenever in the judgment of the Town Manger an emergency exists which requires immediate action to protect the public health, safety or welfare, an order may be issued without notice, conference or hearing, directing the owner, occupant, operator or agent to take such action as is appropriate to correct or abate the emergency.

(B) Vacating Buildings. When, in the opinion of the Town Manager, there is a clear and present danger to the health or safety of the occupants, the Town Manger is authorized and empowered to order and require the occupants to vacate the same forthwith. He shall cause to be posted at each entrance to such building a notice reading as follows: "This Building is Unsafe and Its Use and Occupancy Has Been Prohibited by the Town Manager," and it shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or of demolishing same.

(C) Temporary Safeguards. When, in the opinion of the Town Manager, there exists grossly unsanitary conditions or an immediate danger of collapse or failure of a building or

structure or part thereof which could endanger life, he shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure herein described has been initiated.

(D) Closing Streets. When necessary for the public safety, the Town Manger may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe buildings and prohibits the same from being used.

(E) Emergency Repairs. For the purpose of this Section, the Town Manager shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(F) Costs of Emergency Repairs. Costs incurred in the performance of emergency work shall be a lien on the property and collectible in the same manner as delinquent taxes.

#### Section 41-10            Violations

(A) Notice. Whenever the Town Manager determines that there are reasonable grounds to believe there has been or is a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such violation to the owner. 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 within which the violation must be corrected in accordance with Chapter 28 of the Code for the applicable violation, and further state that, in the event he/she fails to correct the violation within the allotted time, a citation shall be delivered to him/her in accordance with the provisions of Article 23A, Section 3 (b) of the Annotated Code of Maryland; and

(5) Be served upon the owner or his/her agent or the occupant, as the case may require.

Service of notice that a dwelling is in violation shall be as follows:

(a) By delivery to the owner or his/her agent or the occupant personally or by leaving the notice at the usual place of abode of the owner, his/her agent or the occupant, with a person of suitable age and discretion, or

(b) By mailing the notice via certified mail, return receipt requested, addressed to the owner at his last known address with postage prepaid thereon.

(B) Penalty for Violation. Violations of any section of this Chapter shall be deemed a municipal infraction, and shall be punishable by a fine as set forth in Chapter 28 of the Code of the Town of Landover Hills. Each day any violation of any provision of this Chapter shall continue after the issuance of a citation for said offense by any Town Code Enforcement Official authorized by the Town Manger to enforce this Code shall constitute a separate offense.

(C) Whenever violations of this Chapter have not been corrected within the time specified herein or elsewhere in this Code, the Town Manager is authorized to apply to the Court for an injunction to counsel the owner to correct the violations, and to make such other provision to secure compliance with this Code as the Court sees just and proper. In particular, the Town Manager is authorized to request the Court to appoint a trustee to exercise the owner's rights at the earliest time permitted by law to terminate the occupancy rights for the existing tenants; and to request the Court to enjoin the renting or renting of the premises upon the termination of the existing tenancy and to request the Court to order the Code Enforcement Officer to perform or have performed all repairs necessary to bring the structure into compliance with this Code and to charge the cost of such repairs as a lien on the property to be included in the next tax bill and to further request the Court to allow a judgment against the owner for the reasonable attorney's fees of the Town and for the reasonable administrative costs, including salary and overhead, incurred in connection with the enforcement effort.

Section 41-11                      Validity

Savings Clause. This Chapter of the Code shall not affect violations of any ordinance, code or regulation of the municipality existing prior to the effective date of this provision of the Code and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provision of those ordinances, codes or regulations in effect at the time the violation was committed.

If any part of this Chapter is held to be invalid, that will not affect the validity of the remainder of the Chapter.