

# Chapter 1 ADMINISTRATION

## SECTION 101 GENERAL

**101.1 Title.** These regulations shall be known as the “*Property Maintenance Code of the City of Hagerstown*”, hereinafter referred to as "this code."

**101.2 Scope.** The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. New construction, alterations and additions to buildings shall be subject to the remaining Articles of Chapter 64, as well as this Article III.

**101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the Code of the City of Hagerstown.

**101.4 Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

## SECTION 102 APPLICABILITY

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

**102.2 Maintenance.** Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

**102.2.1 Utilities.** No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this code section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

**102.3 Application of other codes.** Repairs, additions or alterations to a structure shall be done in accordance with the procedures and provisions of the then current City of Hagerstown Building Code as adopted and amended. The City of Hagerstown Zoning Ordinance shall govern any changes in the use of the structure.

**102.4 Existing remedies.** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and not sanitary.

**102.5 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

**102.6 Historic buildings.** The provisions of this code may not be mandatory for existing buildings or structures designated as historic buildings by the City of Hagerstown Preservation Design District Commission when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

**102.7 Reference Codes and Standards.** The code official shall be able to reference the Code of the City of Hagerstown to the prescribed extent of such code.

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

**SECTION 103  
DEPARTMENT OF ENGINEERING  
CODE ADMINISTRATION**

**103.1 General.** This Code shall be enforced by the Department of Engineering and Code Administration. The executive official in charge thereof or his designee(s) shall be known as the "Code Official".

**103.2 Liability.** The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties or omissions thereof. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the Department of Engineering and Code Administration, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

## **SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL**

**104.1 General.** The code official shall enforce the provisions of this code.

**104.2 Rule-making authority.** The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

**104.3 Inspections.** The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**104.3.1 Interference with City employees or agents.** It shall be unlawful for any person to interfere with, impede, hinder, or obstruct in any manner the servants, employees, officers or agents of the City of Hagerstown while engaged in assigned duties. Any person violating this section shall, on conviction thereof, be guilty of a misdemeanor and be punishable by maximum \$500 fine and 90 days imprisonment.

**104.4 Right of Entry and Administrative Search Warrants.** The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures or with consent of the owner or tenant or occupant of the structure or premises. If entry is refused or not obtained, the code official is authorized to obtain an administrative search warrant subject to the following conditions: pursue recourse as provided by law.

1. A code official may apply to a Judge of the District Court or Circuit Court for an administrative search warrant to enter any premises to conduct any inspection required or authorized by law to determine compliance with the provisions of this code.

2. The application for an administrative search warrant shall be in writing and sworn to by the applicant before the Judge issuing the warrant and shall particularly describe the place, structure, premises, etcetera, to be inspected and the nature, scope and purpose of the inspection to be performed by the applicant.

3. A Judge of a court referred to in this section may issue the warrant on finding that:

a. The applicant has sought access to the property for the purpose of making an inspection and has been unable to obtain consent for the search.

b. The requirements of subsection 2 of this section have been met.

c. Probable cause for the issuance of the warrant has been demonstrated by the applicant by specific evidence of an existing violation of any provision of this code or any rule or regulation adopted under this code.

4. An administrative search warrant issued under this section shall specify the place, structure, premise, vehicle or records to be inspected. The inspection conducted may not exceed the limits specified in the warrant.

5. An administrative search warrant issued under this section authorizes the applicant and other officials or employees of the city to enter specified property to perform the inspection, sampling and other functions authorized by law to determine compliance with the provisions of this code.

6. An administrative search warrant issued under this section shall be executed and returned to the Judge by whom it was issued within:

a. The time specified in the warrant, not to exceed ten days.

b. If no time period is specified in the warrant, ten days from the date of its issuance.

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

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

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

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

**104.9 Inspection request.** In the event that the violations are not corrected at the time of the re-inspection requested by the owner or his agent, or the premises is not safely accessible, the Code Official may impose a re-inspection fee as established by the City of Hagerstown's fee schedule for each additional visit for the same inspection.

## **SECTION 105 APPROVAL**

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

1. The code official shall first find that a special individual reason makes the strict letter of this code impractical, and
2. the modification is in compliance with the intent and purpose of this code, and
3. And that such modification does not lessen health, life and fire safety requirements.

The details of action granting modifications shall be recorded and entered in the department files.

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

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

**105.3.1 Test methods.** Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

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

**105.4 Material and equipment reuse.** Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

## **SECTION 106 VIOLATIONS**

**106.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

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

**106.3 Prosecution of violation.** Unless specifically punishable as a misdemeanor, any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a Municipal Infraction in accordance with Article III of the City Code. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**106.4 Penalty.** Unless specifically punishable as a misdemeanor, any violation of this code shall be considered a municipal infraction and subject to the regulations as set forth in Chapter 1, General Provisions, Article III, Municipal Infractions, of the City Code. The maximum fines in dollars imposed shall be as follows:

**Municipal Infraction Fines**

Code Section	Title	Fines
102.2.1	Utilities	1,000.00
108.1	General	1,000.00
108.1.1	Unsafe Structure	1,000.00
108.1.2	Unsafe Equipment	1,000.00
108.1.3	Structure Unfit for Human Occupancy	1,000.00
108.1.4	Unlawful Structure	1,000.00
108.2	Closing of Vacant Structure	1,000.00
108.2.1	Securing with Lumber	200.00
108.4.1	Placard Removal	1,000.00
108.5	Prohibited Occupancy	1,000.00
109.2	Temporary Safeguards	200.00
110.1.1	Unreasonable Repairs	1,000.00
110.3	Failure to Comply	1,000.00

**Chapter 3 General Requirements  
Section 301 General**

301.2	Responsibility	1,000.00
301.3	Vacant Structures and land	1,000.00

**Section 302  
Exterior Property Areas**

302.1	Sanitation	200.00
302.2	Grading and drainage	200.00
302.3	Sidewalks and driveways	200.00
302.3.1	Nuisance Ice and Snow	200.00
302.4	Weeds	200.00
302.4.1	Weeds – Specified areas	200.00
302.4.2	Trees and shrubbery	200.00
302.4.3	Trees and shrubbery Height Requirements	200.00
302.5	Harborage	200.00
302.6	Exhaust vents	200.00
302.7	Accessory Structures	200.00
302.8	Motor Vehicles	200.00
302.9	Defacement of property	200.00
302.10	Hazardous Fences	200.00
302.11	Signs	200.00

**Section 303**  
**Swimming Pools, Spas, and Hot Tubs**

303.1	Swimming Pools	200.00
303.1.1	Requirements	500.00
303.2	Enclosures	1,000.00

**Section 304**  
**Exterior Structure**

304.1	General	500.00
304.2	Protective Treatment	500.00
304.3	Premises Identification	100.00
304.3.1	Premises Identification Rear	100.00
304.4	Structural Members	500.00
304.5	Foundation Walls	500.00
304.6	Exterior Walls	200.00
304.7	Roofs and Drainage	200.00
304.8	Decorative Features	200.00
304.9	Overhang Extensions	200.00
304.10	Stairways, decks, porches, balconies	500.00
304.11	Chimneys and towers	200.00
304.12	Handrails and Guards	200.00
304.13	Window, Skylight, and Door Frames	200.00
304.13.1	Glazing	200.00
304.13.2	Openable Windows	200.00
304.14	Insect Screens	200.00
304.15	Doors	200.00
304.16	Basement Hatchways	200.00
304.18	Building Security	200.00
304.18.2	Building Security - Windows	200.00
304.18.3	Building Security – Window Locking Devices	500.00
304.18.4	Building Security – Basement Hatchways	200.00

**Section 305**  
**Interior Structure**

305.1	General	500.00
305.2	Structural Members	500.00
305.3	Interior Surfaces	200.00
305.4	Stairs and Walking Surfaces	200.00
305.5	Handrails and Guards	200.00
305.6	Interior Doors	200.00

**Section 306  
Handrails and Guardrails**

306.1	General	200.00
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**Section 307  
Rubbish and Garbage**

307.1	Accumulation of Rubbish and Garbage	200.00
307.2	Disposal of Rubbish	200.00
307.2.1	Refrigerators	200.00
307.3	Disposal of Garbage	200.00
307.3.1	Containers	200.00
307.3.2	Container Placement	200.00

**Section 308  
Extermination**

308.1	Infestation	200.00
308.2	Owner	200.00
308.3	Single Occupant	200.00
308.4	Multiple Occupancy	200.00
308.5	Occupant	200.00

**Chapter 4  
Light, Ventilation, and Occupancy**

**Section 401  
General**

401.2	Responsibility	1,000.00
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**Section 402  
Light**

402.1	Habitable Spaces	200.00
402.2	Common Halls and Stairways	200.00
402.3	Other Spaces	200.00

**Section 403  
Ventilation**

403.1	Habitable Spaces	200.00
403.2	Bathrooms and Toilet Rooms	200.00
403.3	Kitchens	200.00
403.4	Cooking Facilities	500.00

403.5	Process Ventilation	500.00
403.6	Clothes Dryer Exhaust	200.00
403.6.1	Transition Ducts	200.00
403.6.2	Maximum Length Calculation	200.00

**Section 404  
Occupancy Limitations**

404.1	Privacy	200.00
404.2	Minimum Room Widths	200.00
404.3	Minimum Ceiling Heights	200.00
404.4.1	Area for Sleeping Purposes	200.00
404.4.2	Access from Bedrooms	200.00
404.4.3	Water Closet Accessibility	200.00
404.4.4	Prohibited Occupancy	200.00
404.4.5	Other Requirements	200.00
404.5	Overcrowding	200.00
404.6	Efficiency Unit	200.00
404.7	Food Preparation	200.00
404.7.1	Floor Surface	200.00

**Chapter 5  
Plumbing Facilities and Fixture Requirements**

**Section 501  
General**

501.2	Responsibility	1000.00
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**Section 502  
Required Facilities**

502.1	Dwelling Units	500.00
502.2	Rooming Houses	500.00
502.3	Hotels	500.00
502.4	Employee's Facilities	500.00
502.4.1	Drinking Facilities	200.00

**Section 503  
Toilet Rooms**

503.1	Privacy	200.00
503.2	Location	500.00
503.3	Location of Employee Toilet Facilities	500.00
503.4	Floor Surface	200.00

**Section 504  
Plumbing Systems and Fixtures**

504.1	General	200.00
504.2	Fixture Clearances	200.00
504.3	Plumbing System Hazards	500.00

**Section 505  
Water System**

505.1	General	500.00
505.2	Contamination	500.00
505.3	Supply	500.00
505.4	Water Heating Facilities	500.00

**Section 506  
Sanitary Drainage System**

506.1	General	500.00
506.2	Maintenance	500.00

**Section 507  
Storm Drainage**

507.1	General	200.00
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**Chapter 6  
Mechanical and Electrical Requirements**

**Section 601  
General**

601.2	Responsibility	1000.00
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**Section 602  
Heating Facilities**

602.2	Residential Occupancies	500.00
602.3	Heat Supply	500.00
602.4	Occupied Work Spaces	500.00

**Section 603  
Mechanical Equipment**

603.1	Mechanical Equipment	500.00
603.2	Removal of Combustion Products	500.00

603.3	Clearances	500.00
603.4	Safety Controls	500.00
603.5	Combustion Air	500.00
603.6	Energy Conservation Devices	500.00

**Section 604  
Electrical Facilities**

604.2	Service	500.00
604.3	Electrical System Hazards	500.00

**Section 605  
Electrical Equipment**

605.1	Installation	500.00
605.2	Receptacles	200.00
605.2.1	Ground Fault Circuit Interrupter Receptacles	500.00
605.3	Equipment Connected by Cord and Plug	200.00
605.4	Lighting Fixtures	200.00
605.4.1	Lighting Fixtures	200.00
605.4.2	Lighting Fixtures in Closets	200.00
605.4.3	Lighting Fixtures in Wet and Damp Locations	500.00
605.4.4	Lighting Fixtures in Bathtub and Shower Areas	500.00
605.5	Switch Access	500.00
605.5.1	Switches Wet Locations	500.00

**Section 606  
Elevators, Escalators, and Dumbwaiters**

606.1	General	500.00
606.2	Elevators	500.00

**Section 607  
Duct Systems**

607.1	General	200.00
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**Chapter 7  
Fire Safety Requirements**

**Section 701  
General**

701.2	Responsibility	1000.00
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**Section 702  
Means of Egress**

702.1	General	500.00
702.2	Exit Capacity	500.00
702.3	Number of Exits	500.00
702.4	Arrangement	500.00
702.5	Corridor Enclosure	500.00
702.6	Dead End Travel Distance	500.00
702.7	Commercial Aisles	500.00
702.8	Stairways, Handrails and Guards	500.00
702.9	Stairway Identification	500.00
702.10	Locked Doors	500.00

**Section 703  
Illumination Means of Egress**

703.1	Illumination emergency power	500.00
703.2	Illumination level	500.00

**Section 704  
Emergency Escape**

704.1	Emergency Escape	500.00
704.2	Emergency Escape Minimum Size	500.00
704.3	Emergency Escape Minimum Dimensions	500.00
704.4	Emergency Escape Maximum Height from Floor	500.00
704.5	Window Wells	500.00
704.5.1	Window Wells Minimum Size	500.00
704.5.2	Ladders or Steps	500.00

**Section 705  
Accumulations and Storage**

705.1	Accumulations	500.00
705.2	Hazardous Material	500.00
705.3	Miscellaneous Combustible Materials	500.00

	Storage	
705.3.1	Ceiling Clearance	500.00
705.3.2	Means of Egress	500.00
705.3.3	Equipment Rooms	500.00
705.4	Clearances from Ignition Sources	500.00

**Section 706  
Fire Resistance Ratings**

706.1	General	500.00
706.2	Maintenance	500.00
706.2.1	Fire Door Operation	500.00

**Section 707  
Fire Protection Systems**

701.1	General	500.00
707.2	Fire Suppression Systems	500.00
707.3	Standpipe Systems	500.00
707.4	Fire Extinguishers	500.00
707.5	Fire Alarm Systems	500.00

**Section 708  
Exit Signs**

708.1	Exit Signs	500.00
708.2	Exit Sign Locations	500.00
708.3	Exit Sign Illumination	500.00

**Section 709  
Vacant Premises**

709.1	Fire Protection	500.00
709.2	Fire Separation	500.00
709.3	Removal of Combustible and Hazardous Materials	500.00

**Chapter 8 Smoke Alarms**

**Section 801  
General**

801.2	Responsibility	1000.00
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**Section 802  
Maintenance and Testing**

802.2	Maintenance	500.00
802.2.1	Replacement	500.00
802.3	Installation	500.00
802.4	Testing	500.00
802.5	Alterations Repairs and Additions	500.00
802.6	Tampering	500.00

**Section 803  
Location Requirements**

803.1	Location Level	500.00
803.2	Location Split Level	500.00
803.3	Location Bedrooms	500.00

**Section 804  
Interconnection**

804.1	Interconnection	500.00
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**Section 805  
Power Source one and Two Family  
Dwellings**

805.1	Battery Powered	500.00
805.2	Power Source	500.00

**Section 806  
Power Source Three Unit Dwellings,  
Guestrooms, Boarding Houses, Suites,  
Dormitories, and other Similar  
Structures**

806.1	Power Source	500.00
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**Section 807  
Power Source Four or more Unit  
Dwellings, Guestrooms, Boarding  
Houses, Suites, Dormitories, and other  
Similar Structures**

807.1	Power Source	500.00
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**Section 808**  
**Deaf or Hearing Impaired Smoke**  
**Alarms**

808.1 Deaf or Hearing Impaired Smoke Alarms 500.00

**106.5 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

**SECTION 107**  
**NOTICES AND ORDERS**

**107.1 Notice to person responsible.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

**107.2 Form.** Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure or premises into compliance with the provisions of this code.

**Exceptions:**

Violations of the following Code Sections do not require a Notice of Violation. Citations may be issued without prior notice:

- a. Section 108.4.1 Placard Removal
  - b. Section 302.1 Sanitation
  - c. Section 802.6 Tampering
  - d. Section 302.4 Weeds – for a subsequent violation after notice has been provided during the growing season within which the subsequent violation(s) occur.
5. Inform the property owner of the right to appeal.

6. Include a statement of the right to file a lien in accordance with Section 106.3.

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

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the premises affected by such notice.

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

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

**108.1 General.** When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code. No person shall occupy as owner-occupant or permit another person to occupy a premises deemed unfit under this section 108.

**108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible

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

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

**108.1.4 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

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

**108.2.1 Securing with Lumber.** Wood or wood products shall not be used as a means of securing or closing up structures, ordered or otherwise, on the exterior of building openings. Wood may be used as a securing means only under the following conditions:

1. For a period not to exceed six (6) months when approved by the code official;
2. When applied for and approved as a condition of the building permit for renovation of the structure; or
3. When used on the interior of an opening and in conjunction with an exterior covering approved by the code official for such use.

**108.3 Notice.** Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

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

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

**108.5 Prohibited occupancy.** Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this code.

**108.6 Hearing.** Any person ordered to take action under sections **108.1.3 Structure unfit for human occupancy or 108.5 Prohibited occupancy** shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

## **SECTION 109 EMERGENCY MEASURES**

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

**109.2 Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the removal of debris, rubbish or garbage, the boarding up of openings, the disconnection of utility services or other such actions to render such structure or premises temporarily safe to ensure public health safety and welfare whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

**109.3 Closing streets.** When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

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

**109.5 Costs of emergency repairs.** Costs incurred in the performance of emergency work including but not limited to the securing of such structure or eliminating unsanitary nuisances shall be paid by the jurisdiction. The cost thereof shall be charged against the real estate upon which the structure or premises is located and shall be a lien upon such real estate and may be collected by any other legal resource. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

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

## **SECTION 110 DEMOLITION**

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

**110.1.1 Unreasonable Repairs.** Whenever the code official or his designee determines that the cost of such repairs would exceed 100% of the replacement value of a structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a public nuisance which shall be ordered razed or repaired so as to be habitable.

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

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

**110.4 Salvage materials.** When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who

is entitled there to, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## **SECTION 111 MEANS OF APPEAL**

**111.1 Application for appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

**111.2 Appeals Board.** Any reference to a Board of Appeals in this code shall be construed to mean the City of Hagerstown Board of Technical Appeals as established by the City Code, Chapter 10, Article XIV.

This Board shall administer the appeal process in accordance with the City Code, Chapter 10, Article XIV.

**111.3 Stays of enforcement.** Appeals of notice and orders (other than Sections 108.1.3, 108.5 or 109.1) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

## **Chapter 2 DEFINITIONS**

### **SECTION 201 GENERAL**

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

**201.2 Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the Code of the City of Hagerstown, such terms shall have the meanings ascribed to them as in those codes.

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

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

### **SECTION 202 GENERAL DEFINITIONS**

**APPLIANCE.** Equipment normally built in standardized sizes or types and installed or connected as a unit to perform one or more functions such as clothes washing and air conditioning.

**APPROVED.** Approved by the code official.

**APPROVED CONTAINER.** Secured, leak proof plastic bags manufactured for the purpose of securing household rubbish / garbage of sufficient strength to hold its contents without tearing or allowing the contents to spill, leak or otherwise escape from the bag or a reusable leak proof metal or plastic container with a secured lid manufactured for the purpose of temporary storage of household rubbish or garbage.

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

**BATHROOM.** A room containing a bathroom group.

**BATHROOM GROUP.** A group of fixtures, including or excluding a bidet, consisting of a water closet, lavatory and bathtub or shower. Such fixtures are located together on the same floor level. (A kitchen sink shall not substitute for a lavatory and the lavatory must be located in the immediate vicinity of the bathroom)

**BEAM CONSTRUCTION.** Ceilings that have solid structural or solid nonstructural members projecting down from the ceiling surface more than 4 inches (100 mm) and spaced more than 3 feet (0.9 m), center to center.

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

**CFM.** Cubic feet per minute is a unit of measurement of gasflow or airflow that indicates how many cubic feet of gas or air pass by a stationary point in one minute. It is a unit for measuring the rate of flow of a gas or air volume into or out of a space.

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

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

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

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

**EFFICIENCY UNIT.** A one or two room dwelling unit less than 350 square feet consisting of a combined living room and sleeping area, a bathroom, and a kitchen.

**EMERGENCY ESCAPE AND RESCUE OPENING.** An operable window, door or similar device that provides for a means of escape and access for rescue in the event of an emergency.

**EQUIPMENT TO STORE, PREPARE & SERVE FOODS.** The cooking and eating area must contain a sink, refrigerator and a stove. In substitute of a stove, a permanently installed cook top and microwave may be used. The cooking and eating area shall have adequate food preparation area suitable to prepare and serve foods in a sanitary manner.

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

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

**FIXED WINDOW.** Window designed by the manufacturer to not be openable or a window modified to not be openable. Such modifications must meet the workmanlike manner standard.

**FOOT CANDLE.** A unit of luminance or illumination, equivalent to the illumination produced by a source of one candle at a distance of one foot.

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

**GRAFFITI.** Defacement of public or private property by scratching, marking, carving, painting, or drawing.

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

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

**HABITABLE.** Containing or exhibiting the minimum facilities and standards set forth by this code regarding light, ventilation, sanitation, structural integrity, plumbing, electrical, other equipment, and fire/life safety requirements.

**HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

**HAZARDOUS MATERIALS.** Those chemicals or substances which are physical hazards or health hazards.

**HEALTH HAZARD.** A classification of a chemical for which there is statistically significant evidence that acute or chronic health effects are capable of occurring in exposed persons. The term "health hazard" includes chemicals that are toxic, highly toxic or corrosive.

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

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

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

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**INTERCONNECTION.** Activation of any one smoke alarm causes alarm activation of all other required smoke alarms within the unit.

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

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

**LUX.** A unit of luminance or illumination, equivalent to the illumination produced by a source of one candle at a distance of one meter.

**MEANS OF EGRESS.** A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way.

**MOTOR VEHICLES.** A motor vehicle includes all trailers, campers, motor homes, and vehicles that are designed for conveyance on a roadway.

**NONHABITABLE SPACES** are bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas.

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

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

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

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

**OWNER.** Any person, partnership, association, company, corporation or other entity having a legal or equitable interest in, or control of a premises. Owner shall also mean any person who, alone, jointly or severally, shall have the charge, care or control of any premises as executor, administrator, trustee or guardian of the estate of the owner. Owner shall also mean any person having any interest in a partnership, association, company, corporation or other entity which owns or has any ownership interest or control of a premise. Any person, firm, partnership, association, company, corporation or other entity whose name appears on the deed or property tax bill for the premises of a premise shall be deemed to be the owner of the premises.

**PARKING SPACE.** An improved stable area paved with gravel, stone, bituminous treatment, asphalt, concrete or pavers for the temporary or long-term parking of motor vehicles, trailers, campers, boats, motor homes or other vehicles.

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

**PHYSICAL HAZARD.** A chemical for which there is evidence that it is a combustible liquid, compressed gas, cryogenic, explosive, flammable gas, flammable liquid, flammable solid, organic peroxide, oxidizer, pyrophoric or unstable (reactive) or waste-reactive material.

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon and the public sidewalk abutting each property.

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

**RENTAL UNIT.** Any single dwelling unit which is rented, leased or let by the owner of said property to one or more tenants for occupancy as a residence.

**ROOMING HOUSE FACILITY** – A rental facility which consists of rental units that are not equipped with individual bathroom and kitchen facilities, but share common bathroom and kitchen facilities within the rental facility

**ROOMING UNIT.** A room intended for living and sleeping purposes within a Rooming House Facility

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

**SMOKE ALARM.** A single or multiple station device that detects visible or invisible products of combustion and includes a built-in internal alarm signal.

**SMOKE DETECTOR.** A system-connected smoke sensing device tied to a fire alarm control panel or a household fire warning panel.

**SOLID JOIST CONSTRUCTION.** Ceilings that have solid structural or solid nonstructural members projecting down from the ceiling surface for a distance of more than 4 inches (100 mm) and spaced at intervals of 3 feet (0.9 m) or less, center to center.

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

**TENANT.** A person, corporation, partnership -or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**TOILET ROOM.** A room containing a water closet or urinal and a lavatory in the immediate vicinity and on the same level but not a bathtub or shower.

**UNUSED CONSTRUCTION MATERIAL.** Construction materials including but not limited to roofing, lumber, siding, plumbing or electrical components stored on the exterior of premises in excess of 60 days without being used.

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

**WINDOW HARDWARE.** Original or after market hardware manufactured for the purpose of holding a window in an open position. After market approved window hardware includes but not limited to the following: barrel bolts, window wedges, etceteras. Pieces of wood, broom handles, and similar devices are not approved.

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

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

## **Chapter 3 GENERAL REQUIREMENTS**

### **SECTION 301 GENERAL**

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

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

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

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

**302.1 Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of debris, rubbish, garbage, or implement and/or equipment or personal property of any kind whatsoever which is no longer usable for the purpose it was manufactured. Exterior storage of appliances is prohibited. Exterior storage of unused construction materials is prohibited. If any person allows such conditions to exist, he shall be guilty of a municipal infraction and a citation can be issued without prior notice of violation. Rubbish and garbage in approved containers placed at curbside for removal during established hours shall be exempt from the provisions of this code

**302.2 Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil, to prevent the accumulation of stagnant water thereon, to prevent unsafe holes in the soil, or within any structure located thereon.

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

**302.3 Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

**302.3.1 Nuisance Ice and Snow Conditions.** All public sidewalks shall be maintained free from accumulations of ice and snow. It shall be the responsibility of the abutting property owner to maintain a clear and unobstructed sidewalk for the width of the sidewalk or 48” which ever is less. Within the City’s business district, the pedestrian areas must be maintained as above within four hours after the storms subsides; however, if the storm subsides between the hours of 9:00 p.m. and 5:00 a.m., the deadline for compliance shall be extended to 9:00 a.m. following this time period. In all other areas of the City, the pedestrian areas shall be maintained as above within 10 hours after the storm subsides. Ice and snow conditions that remain unabated in excess of the above time restrictions are declared a nuisance and are subject to abatement by the City or its contractors. All costs associated with the abatement of said nuisances shall be the responsibility of the property owner and be billed and collected as per the City Code. If any person allows such conditions to exist he shall be guilty of a municipal infraction and a citation may be issued without prior warning.

For the purpose of this code section, the “business district” shall be defined as those properties located within the area bounded by Church Street and East Avenue to the north, Mulberry Street to the east, Baltimore Street to the south and Prospect Street to the west. All properties adjacent to streets comprising the boundaries shall be considered within the business district.

**302.4 Weeds.** All lots shall be maintained free from weeds in excess of ten (10) inches throughout the growing season. Weeds shall be defined as all grasses, annual plants and vegetation other than trees, shrubs or cultivated flowers and gardens. All noxious weeds shall be prohibited. Noxious weed shall be defined as any plant that is physically harmful to humans.

**Exception:** Where there is a non-residential parcel of land in excess of one acre in size, this section shall apply only to areas within ten feet (10) of any property line or public right-of-way.

**302.4.1 Weeds – Specified Areas.** It shall be the responsibility and the obligation of the property owner and/or tenant to maintain any and all vegetation, including shrubs and weeds as noted hereinafter.

1. The abutting property owner shall maintain all vegetation and weeds located within the public right-of-way and extending from at least two feet back of the inside walk line of the sidewalk to the curb or pavement edge on improved streets, avenues, highways, alleys, etc. The height limit of vegetation and weeds in this area shall be maintained at less than six inches.
2. The abutting property owner shall maintain all vegetation, including trees and weeds, to the center line of any and all watercourses or the edge of the water on streams which are normally flowing. Height limit on weeds and grasses shall be maintained at a height less than 10 inches.

3. On unimproved streets, alleys, or other right-of-ways (paper streets and alleys) the abutting property owner shall maintain all vegetation, grass cutting and weeds to the centerline of such right-of-ways. Height limits for weeds and grasses shall be 10 inches.
4. Where there is a large tract of undeveloped land adjoining the opposite side of the said unimproved right-of-way, the abutting property owner is then only responsible for maintaining six feet of the right-of-way from their common property line or right-of-way line.
5. On all public sidewalks, the abutting property owner must maintain the sidewalk clear of any vegetation for the entire width of the sidewalk. Vegetation shall include all grasses, weeds, shrubs, hedges, and similar plants, but not trees.

#### **302.4.2 Trees and Shrubbery.**

- A. **Obstructed View.** It shall be unlawful for any person to suffer, permit or allow any trees, shrubbery or hedge or any branches thereof which may be located on their property or located in or adjacent to any street, alley or other public right-of-way abutting their property to obstruct the view of the public using the right-of-way.
- B. **Public Health, Safety or Welfare.** Trees and shrubbery shall be maintained so as not to pose a threat to public health, safety or welfare. The responsibility for maintenance or removal shall be with the owner of the property on which the tree or bush is located. The owner of property abutting any public street, alley, easement or right-of-way shall be responsible for maintenance or removal of trees and shrubs in or between his property and such Public Street, alley, easement or right-of-way. The determination of the need for such maintenance or removal shall be vested in the code official.
- C. **Exception.** This section shall not apply to street trees pursuant to Section 216-10 of the Code.

**302.4.3 Height Requirements.** It shall be unlawful for any person to suffer or permit the limbs or foliage of any tree or shrub on his property to extend over any public sidewalk or pedestrian right-of-way at a height less than 7 feet from the ground or over a street or alley at a height less than 15 feet.

**302.5 Harborage.** All structures shall be kept free from rodent and bird harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation. Where birds are found any and all defects must be abated and / or modifications made to prevent such harborage. All bird droppings shall be removed in a safe and sanitary manner.

**302.6 Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

**302.7 Accessory structures.** All accessory structures, including but not limited to detached garages, fences and walls, shall be maintained structurally sound and in good repair.

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

**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure.

**302.9 Defacement of property.** The owner of any property shall maintain the property free from any graffiti. A property owner shall remove graffiti within 10 days of issuance of a Notice of Violation.

**302.10 Hazardous fences.** Fences and other similar structures that are electrically charged shall not be installed, maintained or operated. Barbed wire or any similar type of fencing containing sharp edges shall not be installed or maintained within six feet (6') of the ground or any walking surface.

**302.11 Signs.** All on and off premise signs shall be maintained in good repair, properly painted and maintained in a skillful and reasonable manner. On premise signs advertising a business that has been out of operation for more than 30 days shall be removed.

**Exemption:** The provisions of this section shall not apply to historic painted signs approved for preservation by the Preservation Design District Commission.

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

**303.1 Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

**303.1.1 Requirements.** Swimming pools shall not be located under power lines. Swimming pools in excess of 24 inches in depth requires a building permit. The installation of swimming pools requiring electricity must utilize a GFCI receptacle located near the swimming pool. Use of an extension cord is prohibited.

**Exception:** Where accepted by the Code of the City of Hagerstown.

**303.2 Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

## **SECTION 304 EXTERIOR STRUCTURE**

**304.1 Exterior General.** The exterior of a structure including windows shall be maintained in good repair, structurally sound and sanitary.

**304.2 Protective treatment.** All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, decorative features, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistance wood, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building's envelope and the perimeter of windows, doors, and skylights shall be maintained in good repair, weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust and corrosion shall be stabilized and coated to inhibit future rust and corrosion.

**304.3 Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Existing premise identification in good repair and meeting the standard of 3" Arabic Numerals or alphabet letters and all other provisions of this code shall be exempt from the 4" height requirement for letters and numerals.

**304.3.1 Premises identification in rear.** Where there is access to the building from the rear by an alley or street, the premises ID required under 304.3 shall also be placed at the rear of the property and shall be affixed to a permanent structure, including but not limited to any building, accessory building or fence, so as to be readily visible from such alley or street in the rear. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Existing premises identification in good repair and meeting the standard of 3" Arabic Numerals or alphabet letters and all other provisions of this code shall be exempt from the 4" height requirement for letters and numerals.

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

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

**304.6 Exterior walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials and shall be maintained weatherproof. All exterior surfaces, including but not limited to window framing members, doors and door frames, cornices, soffit and trim constructed of any material including but not limited to wood composition, metal siding, brick, block, shall be maintained weatherproof. The above walls and surfaces shall be properly painted or otherwise surface coated as required or as is necessary to prevent deterioration. Should painting or surface coating be determined as not necessary or required for any or all of the above surfaces, they shall be scraped free of all existing surface coating to provide a satisfactory appearance and protection against the elements. Removal of surface coating shall not be accomplished contrary to any requirements of this code or other regulations of the City.

**304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a nuisance. Roof water shall not be discharged in a manner that creates a nuisance for or causes damage to adjacent properties. All spouting shall be maintained in sound condition and capable of functioning in the manner in which it is intended.

**304.8 Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**304.9 Overhang extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.10 Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

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

**304.12 Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be, maintained in good condition.

**304.13 Window, light and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**304.13.1 Glazing.** All glazing materials shall be maintained in tact and weather tight.

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

**304.14 Insect screens.** During any period in which the windows are open, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self closing device in good working condition.

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

**304.15 Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.10.

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

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

**304.18.2 Windows.** Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provides access to a dwelling unit, rooming unit or housekeeping unit shall be equipped with a window sash locking device.

**304.18.3 Window locking devices.** All windows shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.

**304.18.4 Basement hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit shall be equipped with devices that secure the units from unauthorized entry.

## **SECTION 305 INTERIOR STRUCTURE**

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

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

**305.3 Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

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

**305.5 Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

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

## **SECTION 306 HANDRAILS AND GUARDRAILS**

**306.1 General.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

**Exception:** Guards shall not be required where exempted by the adopted building code.

## **SECTION 307 RUBBISH AND GARBAGE**

**307.1 Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

**307.2 Disposal of rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in an approved container.

**307.2.1 Refrigerators and Microwaves.** Refrigerators, microwaves and similar equipment not in operation shall not be temporarily discarded or stored on premises without first removing the doors.

**307.3 Disposal of garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved containers.

**307.3.1 Containers.** The operator of every establishment producing non-residential garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

**307.3.2 Container Placement.** Every occupant of a structure shall not store residential garbage containers on public ways.

**Exception:** Where permitted by the code official.

## **SECTION 308 EXTERMINATION**

**308.1 Infestation.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

**308.2 Owner.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

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

**308.4 Multiple occupancy.** The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

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

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



## **Chapter 4**

# **LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

### **SECTION 401 GENERAL**

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

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

**401.3 Alternative devices.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Code of the City of Hagerstown shall be permitted.

### **SECTION 402 LIGHT**

**402.1 Habitable spaces.** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

**Exception:**

1. Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.
2. Artificial light is provided capable of producing an average illumination of 6 footcandles (6.46 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.

**402.2 Common halls and stairways.** Every common hall and stairway in residential occupancies, other than in one- and two family dwellings, shall be lighted at all times with at least a 60watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area *or* equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot candle (11 lux) at floors, landings and treads.

**402.3 Other spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures. Natural or artificial light shall meet the requirements in 402.1.

## **SECTION 403 VENTILATION**

**403.1 Habitable spaces.** Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1. For rooms with fixed windows and one or more doors equipped with screen doors leading to the outside, the calculation for this code section shall include the screened portion of the door.

**Exception:**

1. Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.
2. Where the glazed areas need not be openable and where the opening is not required as an emergency escape and rescue opening and an approved mechanical ventilation system is provided capable of producing 0.35 air changes per hour in the room or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of 15 cubic feet per minute (cfm) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom.

**403.2 Bathrooms and toilet rooms.** Every bathroom, toilet room or similar room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1 with a minimum aggregate glazing area in windows of not less than 3 square feet (0.279 m<sup>2</sup>), one-half of which must be openable.

**Exception:** The glazed areas shall not be required where artificial light and mechanical ventilation system are provided. The minimum ventilation rates shall

be 50 cfm for intermittent ventilation or 20 cfm for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside.

**403.3 Kitchens.** Every kitchen shall comply with the ventilation requirements for habitable spaces as required by Section 403.1.

**Exception:** The glazed areas shall not be required where artificial light and mechanical ventilation systems are provided. The minimum ventilations rates shall be 100 cfm for intermittent ventilation or 25 cfm for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside.

**403.4 Cooking facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit, dormitory unit or motel room. A cooking facility or appliance shall not be permitted to be present in a rooming unit, motel room or dormitory unit.

**Exception:** Where specifically approved in writing by the code official.

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

**403.6 Clothes dryer exhaust.** Clothes dryer exhaust systems shall be independent of any other systems and directly vent to the outside. Bucket style exhausts are prohibited.

The exhaust must meet the following requirements:

1. Clothes dryer exhaust systems shall be independent of any other systems and shall be exhausted directly to the outside in accordance with the dryer manufacturer's instructions.
2. Clothes dryer exhaust in excess of 8 feet must be a nonflexible material.
3. Clothes dryer exhaust duct shall not be more than 25 feet in length, if more than 25 feet the appliance must be labeled for such use.
4. Clothes dryer exhaust shall not be of flammable material. All material must be UL rated.
5. Clothes dryer exhaust shall not have any screws or holes throughout the entire length of the exhaust.

**Exception:** Unless the installed appliance is rated for longer exhaust systems.

The owner and/or resident are responsible for insuring the installed appliance is capable for the existing length of dryer exhaust.

**403.6.1 Transition Ducts.** Clothes dryer transition ducts used to connect the appliance to the exhaust duct system shall be limited to single lengths not to exceed 8 feet (2438 mm) and shall be listed and labeled for the application. Transition ducts shall not be concealed within construction.

**403.6.2 Maximum length calculation.** The maximum allowable length of duct shall be reduced 2½ feet for each 45-degree (0.79 rad) bend and 5 feet (1524 mm) for each 90-degree (1.6 rad) bend. The maximum length of the exhaust duct does not include the transition duct.

**Exception:** Unless the appliance is rated for longer exhaust systems.

## **SECTION 404 OCCUPANCY LIMITATIONS**

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

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

**Exception:** In kitchen passageways that are **NOT** a means of egress the minimum required space between counter fronts and appliances or counter fronts and walls shall be thirty (30) inches.

**404.3 Minimum ceiling heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

### **Exceptions:**

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6

- feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Basements in multi-unit structures utilized exclusively for laundry having a ceiling height of not less than 6'8" inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
  4. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

**404.4 Bedroom requirements.** Every bedroom shall comply with the requirements of Sections 404.4.1 through 404.4.5.

**404.4.1 Area for sleeping purposes.** Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

**404.4.2 Access from bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Structures in which the original floor plan and subsequent intended use of the rooms in question and previously approved building renovations that do not meet the provisions of this section of the code shall be exempt provided that the following conditions are met:

1. Locking and latching devices on doors separating the rooms are prohibited; and
2. The door separating the two adjoining rooms must open into the farthest room.

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

**404.4.3 Water closet accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story. Structures in which the original floor plan or previously approved renovations do not comply with the provisions of this section of the code shall be exempt.

**404.4.4 Prohibited occupancy.** Kitchens and non-habitable spaces shall not be used for sleeping purposes.

**404.4.5 Other requirements.** Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7 and Chapter 8.

**404.5 Overcrowding.** Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5  
MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET			
	1-2 occupants	3-5 occupants	6-8 occupants	9 or more occupants
Living room (a,b)	No requirements	120	150	180
Dining room (a,b)	No requirements	80	100	120
Bedrooms	Shall comply with Section 404.4			

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

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

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

**404.5.2 Combined spaces.** Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

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

1. A unit occupied by not more than one occupant shall have an original construction clear floor area of not less than 150 square feet. This required area shall be exclusive of the areas required by Items 3 and 4.
2. A unit occupied by not more than two occupants shall have a clear floor area of not less than 200 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 3 and 4.

3. The unit shall be provided with a kitchen consisting of a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
5. The maximum number of occupants shall be three.

**404.7 Food preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. [There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.] In rental units the responsibility for supplying the equipment shall be determined by the lease agreement.

**404.7.1 Kitchen Floor Surface.** Every kitchen floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

**Exemption:** Structures built after 1978.



## **Chapter 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

### **SECTION 501 GENERAL**

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

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

### **SECTION 502 REQUIRED FACILITIES**

**502.1 Dwelling units.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

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

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

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

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

### **SECTION 503 TOILET ROOMS**

**503.1 Privacy.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a dwelling unit.

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

**503.3 Location of employee toilet facilities.** Toilet facilities shall be accessible from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

**Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

**503.4 Toilet room and bathroom floor surface.** Every toilet room and bathroom floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

**Exemption:** Structures built after 1978.

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

**504.1 General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

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

**504.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

## **SECTION 505 WATER SYSTEM**

**505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities,

bathbubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Code of the City of Hagerstown.

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

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

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

## **SECTION 506 SANITARY DRAINAGE SYSTEM**

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

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

## **SECTION 507 STORM DRAINAGE**

**507.1 General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a nuisance.

## **Chapter 6**

# **MECHANICAL AND ELECTRICAL REQUIREMENTS**

### **SECTION 601**

#### **GENERAL**

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

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

### **SECTION 602**

#### **HEATING FACILITIES**

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

**602.2 Residential Occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

**Exceptions:**

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be at its full design capacity. The winter outdoor design temperature is 12° Fahrenheit.

**602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 15 to maintain a temperature of not less than 65 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

**Exceptions:**

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be at its full design capacity. The winter outdoor design temperature is 12° Fahrenheit.

**602.4 Occupied work spaces.** Indoor occupied work spaces shall be supplied with heat during the period from October 1 to May 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

**Exceptions:**

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

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

## **SECTION 603 MECHANICAL EQUIPMENT**

**603.1 Mechanical appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**603.2 Removal of combustion products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

**Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.

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

**603.4 Safety controls.** All safety controls for fuel-burning equipment shall be maintained in effective operation. An approved safety switch must be installed and maintained for all furnaces and boilers. The switch must be easily accessible, properly labeled and located as remote as possible from the heating appliance.

**603.5 Combustion air.** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

**603.6 Energy conservation devices.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

## **SECTION 604**

## ELECTRICAL FACILITIES

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

**604.2 Service.** The size and usage of appliances and equipment shall be used as a basis for determining the need for additional facilities in accordance with the NFPA 70 listed in Appendix A. Every dwelling unit shall be served by a minimum single phase 100 AMP main service. The City Electrical Inspector may authorize exemptions to this requirement.

**604.3 Electrical system hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

## SECTION 605 ELECTRICAL EQUIPMENT

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

**605.2 Receptacles.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every bathroom and toilet room shall contain at least one ground fault circuit-interrupter protected receptacle. Every laundry area shall contain at least one grounded receptacle or a receptacle with a ground fault circuit interrupter.

**605.2.1 Ground Fault Circuit-Interrupter (GFCI) Receptacles.** All 125 Volt, single-phase, 15- and 20-ampere receptacles installed in the locations specified in the following areas shall have ground-fault circuit-interrupter protection:

1. All Bathrooms and Toilet rooms
2. Kitchens – where the receptacles are within six feet of the rim of the kitchen sink.

**Exception:** Duplex receptacle not readily accessible or single receptacle serving an appliance.

3. All Outdoors
4. Other Spaces: Receptacles within six feet of other sinks, laundry tubs, wet bars or wash basins.

**Exception:** Single receptacles for an appliance or a duplex receptacle for two appliances

5. Pools, Spas, Hot Tubs, and Hydro-massage Bathtubs shall conform to the Code of the City of Hagerstown.

**605.3 Equipment Connected by Cord and Plug.** In residential occupancies the following equipment requires a grounded receptacle.

- a. Refrigerators, freezers, and air conditioners
- b. Clothes-washing, clothes-drying, dish-washing machines, kitchen waste disposers, information technology equipment, sump-pumps, electrical aquarium equipment, other metal-cased appliances and where required by the equipment manufacturer.

**605.4 Lighting fixtures.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

**605.4.1 Lighting Fixtures.** Every lighting fixture must be maintained in sound condition and good repair. Fixtures designed to be fitted with globes or shields must have such components properly attached, clean and in good repair.

**605.4.2 Lighting Fixtures in Clothes Closets.** Every lighting fixture in a clothes closet shall be located as to not create a hazard.

**605.4.3 Lighting Fixtures in Wet and Damp Locations.** Lighting fixtures installed in wet or damp locations shall be installed so that water cannot enter or accumulate in wiring compartments, lampholders, or other electrical parts. All lighting fixtures installed in wet locations shall be listed, "Suitable for Wet Locations." All lighting fixtures installed in damp locations shall be listed, "Suitable for Wet Locations" or "Suitable for Damp Locations."

**605.4.4 Lighting Fixtures in Bathtub and Shower Areas.** No parts of cord-connected lighting fixtures, chain-, cable-, or cord-suspended-lighting fixtures, lighting track, pendants, or ceiling-suspended paddle fans shall be located within a zone measured 3 feet horizontally and 8 feet vertically from the top of the bathtub rim or shower stall threshold. This zone is all encompassing and includes the zone directly over the tub or shower stall. Lighting fixtures located in this zone shall be listed for damp locations, or listed for wet locations where subject to shower spray.

**605.5 Switch Access.** All switches or circuit breakers shall be located to allow operation from a readily accessible location. Such devices shall be installed so that the center of the grip of the operating handle of the switch, when in its highest position, will not be more than 6 feet 7 inches above the floor.

**605.5.1 Switch Wet Locations.** A switch or circuit breaker in a wet location shall be enclosed in a weatherproof enclosure or cabinet that shall comply with the Code of the City of Hagerstown. Switches shall not be installed within wet locations in tub or shower spaces unless installed as part of a listed tub or shower assembly.

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

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

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

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

## **SECTION 607 DUCT SYSTEMS**

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

## **Chapter 7**

### **FIRE SAFETY REQUIREMENTS**

#### **SECTION 701**

##### **GENERAL**

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

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

#### **SECTION 702**

##### **MEANS OF EGRESS**

**702.1 General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

**702.2 Exit capacity.** The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the building code.

**702.3 Number of exits.** In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is totally below grade shall be provided with not less than two independent exits.

**Exception:** A single exit is acceptable under anyone of the following conditions:

1. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
2. Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smoke proof enclosure or pressurized stairway.
3. Where an existing fire escape conforming to the building code is provided in addition to the single exit.
4. Where the furthest point on the story such that the maximum length of the exit travel path to the public way is less than 75 feet.

5. Where permitted by the then Code of the City of Hagerstown.

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

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

**Exceptions:**

1. Corridors in occupancies, other than high-hazard occupancies, which are equipped throughout with an automatic sprinkler system.
2. Patient room doors in corridors in health care occupancies where smoke barriers are provided in accordance with the fire prevention code are not required to be self-closing.
3. Corridors in educational occupancies where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.
4. Corridors that are in compliance with the building code.

**702.6 Dead-end travel distance.** All corridors that serve more than one exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed 35 feet (10668 mm) where the building is not equipped throughout with an automatic sprinkler system. The dead-end travel distance limitation shall be increased to 70 feet (21336 mm) where the building is equipped throughout with an automatic sprinkler system.

**Exception:** Dead ends that are in compliance with the building code.

**702.7 Commercial Aisles.** Arrangements of chairs or tables and chairs shall provide for ready access by aisle access ways and aisles to each egress door. The minimum clear width of each aisle in assembly, educational and health care occupancies shall be maintained in accordance with the requirements of the building code. In all other occupancies, aisles shall have a minimum required clear width of 44 inches (1118 mm) where serving an occupant load greater than 50, and 36 inches (914 mm) where serving an occupant load of 50 or less. The clear width of aisles shall not be obstructed by chairs, tables or other objects.

**702.8 Stairways, handrails and guards.** Every exterior and interior flight of means of egress stairs serving any building or portion thereof and having more than four risers shall have a handrail on at least one side of the stair. Every open portion of a stair,

landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surface. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, ramp or other walking surface.

**Exception:** Guards are not required at any location where guards are exempted by the building code.

**702.9 Stairway identification.** A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of exit discharge. The signage shall also state the story of, and the direction to the exit discharge and the availability of roof access from the stairway for the fire department. The sign shall be located 5 feet (1524 mm) above the floor landing in a position which is readily visible when the doors are in the open and closed position.

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

**702.10 Locked doors.** All doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.

### **SECTION 703 ILLUMINATION MEANS OF EGRESS**

**703.1 Illumination emergency power.** Where required by the building code when constructed or altered any back-up power systems for the purpose of illumination of means of egress must be maintained. The emergency power system shall provide power for a duration of not less than 90 minutes and shall consist of storage batteries, unit equipment or an on-site generator.

**703.2 Illumination level.** The means of egress illumination level shall not be less than 1 foot-candle (11 lux) at the floor level.

### **SECTION 704 EMERGENCY ESCAPE**

**704.1 Emergency escape.** Every sleeping room located at or below the third story in residential and group home occupancies shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

**Exception:** Buildings equipped throughout with an approved automatic fire suppression system.

**704.2 Emergency escape minimum size.** When in the opinion of the code official the existing opening is insufficient to meet the intent of the code an emergency escape opening shall be required to meet the Code of the City of Hagerstown.

**704.3 Emergency escape minimum dimensions.** The minimum net clear opening height dimension shall be 24 inches (610 mm). The minimum net clear opening width dimension shall be 20 inches (508 mm). The net clear opening dimensions shall be the result of normal operation of opening.

**Exception:** Dimensions allowed at the time of construction as long as the intent of the code for emergency escapes is met.

**704.4 Emergency escape maximum height from floor.** Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 44 inches (1118 mm) measured from the floor.

**704.5 Window wells.** An emergency escape and rescue opening with a finished sill height below the adjacent ground level shall be provided with a window well in accordance with the Code of the City of Hagerstown.

**704.5.1 Window Wells Minimum size.** The minimum horizontal area of the window well shall be 9 square feet (0.84 m<sup>2</sup>), with a minimum dimension of 36 inches (914 mm). The area of the window well shall allow the emergency escape and rescue opening to be fully opened.

**704.5.2 Ladders or steps.** Window wells with a vertical depth of more than 44 inches (1118 mm) shall be equipped with an approved permanently affixed ladder or steps. Ladders or rungs shall have an inside width of at least 12 inches (305 mm), shall project 3 inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center (o.c.) vertically for the full height of the window well. The ladder or steps shall not encroach into the required dimensions of the window well by more than 6 inches (152 mm). The ladder or steps shall not be obstructed by the emergency escape and rescue opening.

## **SECTION 705 ACCUMULATIONS AND STORAGE**

**705.1 Accumulations.** Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

**705.2 Hazardous material.** Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as

wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code.

**705.3 Miscellaneous Combustible Materials Storage.** Storage of combustible materials in buildings shall be orderly. Storage shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur.

**705.3.1 Ceiling clearance.** Storage shall be maintained 2 feet (610 mm) or more below the ceiling in nonsprinklered areas of buildings or a minimum of 18 inches (457 mm) below sprinkler head deflectors in sprinklered areas of buildings.

**705.3.2 Means of egress.** Combustible materials shall not be stored in exits or exit enclosures.

**705.3.3 Equipment rooms.** Combustible materials shall not be stored in boiler rooms, mechanical rooms or electrical equipment rooms.

**705.4 Clearance from ignition sources.** Clearance between ignition sources, such as light fixtures, heaters and flame-producing devices, and combustible materials shall be maintained in an approved manner.

**SECTION 706  
FIRERESISTANCE RATINGS**

**706.1 General.** The fire resistance rating of floors, walls, ceilings, and other elements and components required by the then currently adopted City Code shall be maintained.

**706.2 Maintenance.** All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

**706.2.1 Fire door operation.** Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

**SECTION 707  
FIRE PROTECTION SYSTEMS**

**707.1 General.** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times.

**Exception:** Systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof may be inoperable with documented permission from the City of Hagerstown Fire Marshall's Office.

**707.2 Fire suppression system.** Fire suppression systems shall be maintained in proper operating condition at all times.

**707.3 Standpipe systems.** Standpipe systems shall be maintained in proper operating condition at all times. Hose connections shall be unobstructed.

**707.4 Fire extinguishers.** All required portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type. Servicing and recharging the fire extinguisher shall be performed by trained persons. Each fire extinguisher shall have a tag securely attached indicating month and year and identifying person performing the service.

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

## **SECTION 708 EXIT SIGNS**

**708.1 Exit signs.** All required means of egress in multiple unit residential structures with more than three stories above grade shall be indicated with approved EXIT SIGNS. All exit signs shall remain visible. All means of egress in nonresidential structures shall be indicated with approved Exit Signs where required by the building code.

**708.2 Exit Signs Locations.** Exit sign placement shall be such that no point in an exit access corridor is more than 100 feet (30480 mm) or listed viewing distance for the sign, whichever is less, from the nearest visible exit sign.

**708.3 Exit sign illumination.** Exit signs shall be internally or externally illuminated.

## **SECTION 709 VACANT PREMISES**

**709.1 Fire protection.** Fire alarm, sprinkler and standpipe systems shall be maintained in an operable condition at all times.

**Exceptions:** The City of Hagerstown Fire Marshall's Office shall determine prior to disabling the fire protection system in vacant buildings if said system can be removed from service.

**709.2 Fire separation.** Fire-resistance-rated partitions, fire barriers, and fire walls separating vacant spaces from the remainder of the building shall be maintained.

**709.3 Removal of combustibles and hazardous materials.** Persons owning, or in charge or control of, a vacant building or portion thereof, shall remove there from all accumulations of combustible materials, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials.

**Exceptions:**

1. Buildings or portions of buildings undergoing additions, alterations, repairs, or change of occupancy in accordance with the Code of the City of Hagerstown.
2. Seasonally occupied buildings.



## **Chapter 8 SMOKE ALARMS**

### **SECTION 801 GENERAL**

**801.1 Scope.** The provisions of this chapter shall govern the minimum standards for smoke alarms in existing structures.

**801.2 Responsibility.** The owner of the structure shall provide and maintain such smoke alarms in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

### **SECTION 802 MAINTENANCE AND TESTING**

**802.1 Compliance.** The more restrictive code of the then currently adopted City Code or the State of Maryland Fire Prevention Code shall govern for compliance in all smoke alarms and smoke detectors requirements.

**802.2 Maintenance.** All existing smoke alarms and smoke detectors must be properly installed and maintained in a working condition.

**802.2.1 Replacement.** In all residential occupancies, all smoke alarms and smoke detectors in operation for more than ten (10) years shall be replaced.

**802.3 Installation.** All smoke alarms and smoke detectors shall be installed in accordance with the Code of the City of Hagerstown and the manufacturer's instructions. When actuated, the smoke alarms or smoke detectors shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit.

**802.4 Testing.** All fire-warning equipment shall be maintained and tested in accordance with the manufacture's instructions and in compliance with nationally accepted standards.

**802.5 Alterations, repairs and additions.** Any permitted alterations, repairs and additions completed on the structure must comply with the Code of the City of Hagerstown as related to smoke alarms.

**802.6 Tampering.** Anyone tampering or interfering with the effectiveness of a smoke alarm or smoke detector shall be in violation of this code.

**SECTION 803  
LOCATION REQUIREMENTS**

**803.1 Location Level.** Smoke alarms and smoke detectors shall be installed on every level including basements.

**Exception:** Smoke alarms or smoke detectors shall not be required in nonhabitable attics and crawl spaces.

**803.2 Location Split Level.** In dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm or smoke detector installed on the upper level shall suffice for the adjacent level, provided that the lower level is less than one full story below the upper level.

**803.3 Location Bedrooms.** Smoke alarms and smoke detectors shall be installed in the area of the bedrooms. Structures built or altered after January 1, 2001 shall also install smoke detectors or smoke alarms in each sleeping room.

**SECTION 804  
INTERCONNECTION**

**804.1 Interconnection.** Where structures are built on or after January 1, 1989, interconnection of smoke alarms and smoke detectors shall be required.

**Exception** – Interconnection on a structure constructed prior to January 1, 1989 may be required by the Code Official if certain substandard aspects of the building warrant such a measure to protect public health, safety and welfare.

**804.2 Maintenance.** Smoke alarms and smoke detectors shall maintain interconnection within the unit.

**SECTION 805  
POWER SOURCE – ONE and TWO FAMILY DWELLING**

**805.1 Power Source.** All one and two family dwellings shall be required to comply with requirements in 805.1.1 through 805.1.3.

**805.1.1 Before 1975.** Where structures are built before July 1, 1975, ten (10) year lithium battery powered smoke alarms shall be required.

**805.1.2. Between 1975 and 1990.** Where structures are built between July 1, 1975 and June 30, 1990, AC primary smoke alarms shall be required.

**805.1.3. After 1990.** Where structures are built on or after July 1, 1990, AC primary with battery backup smoke alarms shall be required.

**SECTION 806**  
**POWER SOURCE – THREE UNIT DWELLINGS, GUEST ROOMS, BOARDING HOUSES, SUITES, DORMITORIES AND OTHER SIMILAR STRUCTURES**

**806.1 Power Source.** All three unit dwellings, guest rooms, boarding houses, suites, dormitories and other similar structures shall be required to have on of the following:

OPTION 1 – Installation of ten (10) year lithium battery powered smoke alarms on every level, outside of the sleeping areas and in each bedroom, or

OPTION 2 – Installation of AC primary with battery backup smoke alarms on every level, in each dwelling unit and in the area of the sleeping rooms.

**Exceptions:**

1. A commercial light and power source along with a secondary battery source that is capable of operating the device for at least twenty-four (24) hours in the normal condition followed by four (4) minutes of alarm.
2. A commercial light and power source is not normally available, a noncommercial ac power source along with a secondary battery source that is capable of operating the device for at least seven (7) days in the normal condition followed by four (4) minutes of alarm.
3. Other systems as approved by the Fire Marshall's Office, Code Administration Division, Engineering Department or authority having jurisdiction.

**SECTION 807**  
**POWER SOURCE – FOUR OR MORE UNIT DWELLINGS, GUEST ROOMS, BOARDING HOUSES, SUITES, DORMITORIES AND OTHER SIMILAR STRUCTURES**

**807.1 Power Source.** All four or more unit dwellings, guest rooms, boarding houses, suites, dormitories and other similar structures shall be required to have AC primary battery back-up smoke alarms or smoke detectors.

**Exceptions:**

1. A commercial light and power source along with a secondary battery source that is capable of operating the device for at least twenty-four (24) hours in the normal condition followed by four (4) minutes of alarm.
2. A commercial light and power source is not normally available, a noncommercial ac power source along with a secondary battery source that is capable of operating the device for at least seven (7) days in the normal condition followed by four (4) minutes of alarm.
3. Other systems as approved by the Fire Marshall's Office, Code Administration Division, Engineering Department or authority having jurisdiction.

**SECTION 808**  
**DEAF OR HEARING IMPAIRED SMOKE ALARMS**

**808.1 Deaf or Hearing Impaired Smoke Alarms.** An owner of a structure where a deaf or hearing impaired occupant resides shall install a smoke alarm when activated provides a signal that:

1. Is approved by a nationally recognized testing laboratory for electrical appliances and approved by the Fire Marshall's office

And

2. Is sufficient to warn the deaf or hearing impaired resident(s) or occupant(s).