

# Regulations and Ordinances

## The Frederick County Code of Ordinances

Planning related regulations included in the Frederick County Code of Ordinances include (but are not limited to) the Zoning Ordinance, the Subdivision Rules and Regulations, the Adequate Public Facilities Ordinance, the Forest Resource Ordinance, and the Moderately Priced Dwelling Units Ordinance. The entire Frederick County Code is published online through the American Legal Publishing Corporation. Amendments to the Code of Ordinances may require several weeks before being published online.

Direct links to specific Code sections:

[CHAPTER 1-6A: MODERATELY PRICED DWELLING UNITS](#)

[CHAPTER 1-15.2: STORMWATER MANAGEMENT](#)

[CHAPTER 1-16: SUBDIVISION RULES AND REGULATIONS](#)

[CHAPTER 1-19: ZONING](#)

[CHAPTER 1-20: ADEQUATE PUBLIC FACILITIES](#)

[CHAPTER 1-21: FOREST RESOU](#)

Hi there 🐼, can I help you find something?

# **Current Codes Effective March 21, 2020:**

## **Building Code**

2018 ICC Building Code (IBC) w/ amendments

2018 ICC Residential Code (IRC) w/ amendments

[Building Code](#)

[Building Code Amendment](#)

## **Electrical Code**

2017 NEC National Electrical Code

[Electrical Code](#)

[Electrical Code Amendment](#)

## **Plumbing Code**

2018 ICC International Plumbing Code (IPC) with amendments

[Plumbing Code](#)

[Plumbing Code Amendment](#)

## **Fuel Gas Code**

2018 ICC International Fuel Gas Code (IFGC) including amendments

## **Mechanical Code Referenced**

2018 ICC International Mechanical Code (as referred by the IBC 2018)

## **Fire Code**

2018 NFPA 1 Fire Code (National Fire Protection Association) w/ amendments, per State of Maryland Fire Prevention Code.

2018 NFPA 101 Life Safety Code (National Fire Protection Association) w/ amendments, per State of Maryland Fire Prevention Code.

New State Amendments: State of Maryland Fire Prevention Code

## **Accessibility Code**

2018 IBC, Chapter 11 (also refers to A117.1-2009); except where the provisions of the Maryland Accessibility Code, January 1, 2012, COMAR Section 05.02.02, are more stringent in which case they would apply.

## **Energy Code**

2018 ICC International Energy Conservation Code

## **Rehabilitation Code**

Maryland Building Rehabilitation Code COMAR April 1, 2013

## **News & Notices**

Please be advised that effective July 1, 2019 Maryland HB 586 (which relates to Solar Photovoltaic Systems – Lockout Tag Requirement) was signed into law by the Governor Hogan. In part, it requires that “a company that installs solar photovoltaic systems to install a certain lockout tag containing a safety warning under certain circumstances; and requiring the Department of Labor, Licensing, and Regulation to make a certain report to the House Economic Matters Committee and the Senate Finance Committee by December 1, 2019.”

Maryland HB 586

## Contact Us

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Bill No. 19-21  
 Concerning: 2018 Building Code Updates  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Introduced: December 17, 2019  
 Revised: \_\_\_\_\_ Draft No. \_\_\_\_\_  
 Enacted: January 21, 2020  
 Effective: March 21, 2020  
 Expires: March 16, 2020  
 Frederick County Code, Chapter 1-6  
 Section(s) 16, 18A and 18B

**COUNTY COUNCIL  
 FOR FREDERICK COUNTY, MARYLAND**

By: Council President M.C. Keegan-Ayer on behalf of County Executive Jan Gardner

**AN ACT** to: Update the Frederick County Building Code by adopting the 2018 Editions of the International Building Code and International Residential Code, including the amendments adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07), and subject to the local amendments described § 1-6-18A and § 1-6-18B.

Executive: Jan H. Gardner Date Received: 1/22/2020  
 Approved: \_\_\_\_\_ Date: 1/23/2020  
 Vetoed: \_\_\_\_\_ Date: \_\_\_\_\_



By amending:  
 Frederick County Code, Chapter 1-6 Section(s) 16, 18A and 18B  
 Other: \_\_\_\_\_

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law.</i>
[Single boldface brackets]	<i>Deleted from existing law.</i>
***	<i>Existing law unaffected by bill.</i>

Bill No. 19-21

The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the Frederick County Code to adopt the 2018 Editions of the International Building Code and International Residential Code, including the amendments adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07), and subject to the local amendments described § 1-6-18A and § 1-6-18B.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

  
\_\_\_\_\_  
M.C. Keegan-Ayer, President  
County Council of Frederick County,  
Maryland 

Mobile home. A transportable structure built prior to June 15, 1976, otherwise meeting the same dimensional limits as used to describe a manufactured home.

The definition of manufactured home is hereby modified by adding the following language to the end of the definition:

All manufactured/mobile homes designed and built solely for residential purposes or human habitation must bear a HUD label certifying compliance with the federal standards. Non-labeled manufactured homes and mobile homes shall be prohibited from being relocated into Frederick County.

Table R301.2(1) is to be filled in as follows:

Ground Snow Load (pounds per square foot) = 30 psf except as required by Figure R301.2 (5)

Wind Speed 115 (MPH)

Topographic Effects = No

Special Wind Region = No

Wind-Borne Debris Zone = No

Seismic Design Category = B

Subject to damage from

Weathering = Severe

Frost Line Depth = 30 inches

Termite = Yes (moderate/heavy)

Winter Design Temp. = 12 deg. F

Table R301.2(1) is hereby modified by the addition of the following:

Ice shield underlayment requirement = Yes

Flood hazard = As determined by Community Development Division

Air freezing index = Greater than 1,500

Mean annual temperature = 52 degrees Fahrenheit

Section R313 is hereby deleted in its entirety and replaced with the following:

Section R313 Approved Automatic Sprinkler Systems in accordance with NFPA #13D shall be provided throughout all residential occupancies as required by the Frederick County Sprinkler Ordinance (No. 06-26-422).

Section R319 is hereby deleted in its entirety and replaced with the following:

Section R319 Site Address and Premises Identification shall be in accordance with the Frederick County Address Ordinance No. 05-01-362.

Subsection R403.1.4.1, Frost Protection - The exceptions are deleted and amended to read as follows:

1. Freestanding accessory storage structures with an area of at least 150 square feet but less than 401 square feet, and an eave height of not more than 10 feet (3048 mm) shall not be required to be protected, but structures that are less than 401 square feet must be provided with a minimum of 4 permanent tie-downs that are designed to withstand the applicable wind load requirements according to the adopted building code.

2. Decks exceeding 150 square feet in area and not supported by a dwelling will require footings according to the building code unless joist members are in direct contact with the earth.

3. Structures with an area 401 square feet or more will require permanent footings and/or foundations according to the applicable sections of the building code.

Subsection R405.1, Concrete or masonry foundation - The following language shall be added to the end of the exception:

Or as otherwise approved in accordance with the Catoctin and Frederick Soil Conservation District Maps (issued May 2001, as amended).

R807.1 Attic Access is hereby amended to add the following:

Where air-handling units, water heaters, or similar equipment are installed in attics in residential structures, access to the attic opening shall be provided by a permanent or pull-down stairway in all new construction.

IRC Chapter 11 is hereby deleted in its entirety. The provisions of the International Energy Conservation Code 2015, shall govern the design and construction of buildings in regard to energy efficiency.

IRC Chapters 12 – 23 are hereby deleted in their entirety. Regulation of the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental





## CHAPTER 1-6: BUILDINGS

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### ARTICLE II: BUILDING CODE

#### § 1-6-16. ADOPTED.

The County hereby adopts the International Building Code, [2015] 2018 Edition and the International Residential Code, [2015] 2018 Edition, including the amendments adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07), and subject to the local amendments described below in § 1-6-18A and § 1-6-18B.

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#### § 1-6-18A. LOCAL AMENDMENTS TO INTERNATIONAL BUILDING CODE.

The International Building Code, [2015] 2018 Edition as adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07) is hereby amended as described and shown below:

\*\*\*\*\*

Subsection 101.2.1, Appendices, is hereby amended with the addition of the following language:

Provisions in the appendices shall not apply unless specifically adopted. The following appendices are adopted in their entirety:

Appendix C, Group U, Agricultural Buildings

Appendix E – Supplementary Accessibility Requirements

Appendix F, Rodent Proofing

Appendix G, Flood Resistant Construction

Appendix H, Signs

Appendix I, Patio Covers

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Subsection 308.[6]5.1, Child care facility - The section is hereby deleted in its entirety and replaced with the following:

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Underlining indicates entirely new matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

\*\*\* - indicates existing law unaffected by bill

Bill No. 19-21

Subsection 308.[6]5.1: A child day care facility that provides for more than five but no more than 49 children 2½ years or less of age, when the rooms where such children are cared for are located on the level of the exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

\*\*\*\*\*

Subsection 1010.1.9.[3]4, Locks and latches - subparagraph 2 is hereby amended as follows:

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Subsection 1209.4 is hereby added as follows:

Subsection 1209.4 – Baby Changing Stations required in all public restrooms of group A and M occupancies that have an occupant load of greater than 49.

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## **§ 1-6-18B. LOCAL AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE.**

The County hereby adopts the International Residential Code, [2015] 2018 Edition including the amendments adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07) with the amendments described and shown below.

\*\*\*\*\*

The following appendices are hereby adopted in their entirety:

IRC Appendix A – Sizing and Capacities of Gas Piping

IRC Appendix B – Sizing of Venting Systems Serving Appliances Equipped With Draft Hoods, Category I Appliances and Appliances Listed For Use With Type B Vents

IRC Appendix C – Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

IRC Appendix G – Piping Standards For Various Applications

IRC Appendix M – Home Day Care – R3 Occupancy

IRC Appendix N – Venting Methods

IRC Appendix P – Sizing of Water Piping System

IRC Appendix S – Strawbale Construction

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Underlining indicates entirely new matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

\*\*\* - indicates existing law unaffected by bill

**Bill No. 19-21**

## CHAPTER 1-6: BUILDINGS

### ARTICLE I: IN GENERAL (1-6-1 — 1-6-15)

Section

1-6-1 – 1-6-15 Reserved

§§ 1-6-1 – 1-6-15. RESERVED.

### ARTICLE II: BUILDING CODE (§§ 1-6-16 — 1-6-30)

Section

1-6-16 Adopted

1-6-17 Revisions

1-6-18A Local amendments to International Building Code

1-6-18B Local amendments to International Residential Code

1-6-19 Severability

1-6-20 Civil building infractions

1-6-21 Penalties

1-6-22 Saving clause

1-6-23 Electric vehicle charging; residential construction

**Cross references:**

*Adequate public facilities, see Chapter 1-20;*

*Approval of building permits, see § 1-16-10;*

*Building permits, see § 2-4-1;*

*Department of Permits and Inspections, see §§ 1-2-49 et seq.;*

*Electricity, see Chapter 1-7;*

*Grading, erosion and sediment control, see Chapter 1-10;*

*Plumbing, see Chapter 1-14;*

*Storm water management, see Chapter 1-15.2;*

*Unsafe buildings, see §§ 2-4-16 et seq.;*

*Water, sewers and drains, see Chapter 2-13;*

*Zoning, see Chapter 1-19*

**§ 1-6-16. ADOPTED.**

The county hereby adopts the International Building Code, 2018 Edition and the International Residential Code, 2018 Edition, including the amendments adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07), and subject to the local amendments described below in § 1-6-18A and § 1-6-18B.

(Ord. 80-21-173, 7-15-1980; Ord. 81-10-200, 4-28-1981; Ord. 82-6-250, 4-13-1982; Ord. 84-32-329, 12-11-1984; Ord. 89-15-546, 3-21-1989;

Ord. 91-06-006, 4-16-1991; Ord. 95-13-137, 7-24-1995; Ord. 99-10-237, 6-29-1999; Ord. 02-06-302, 4-4-2002; Ord. 05-31-392, 11-29-2005; Ord. 08-18-494, 6-17-2008; Ord. 10-13-548, 6-8-2010; Ord. 12-11-606, 6-14-2012; Ord. 14-23-678, 11-13-2014; Bill No. 15-03, 6-16-2015; Bill No. 19-21, 1-21-2020)

**§ 1-6-17. REVISIONS.**

(A) Substitute "Frederick County" for the phrase "Name of Jurisdiction" wherever it appears in the Building Code.

(B) Substitute "County Executive" for phrases "appointing authority," "chief appointing authority," and "chief authority" wherever they appear in the Building Code.

(C) Substitute "Director of the Frederick County Department of Permits and Inspections or Administrative Authority" for the term "building official" or "code official" wherever it appears in the Building Code.



(D) Substitute "Department of Permits and Inspections" for the term "Department of Building Safety" wherever it appears in the Building Code.

(Ord. 80-21-173, 7-15-1980; Ord. 82-6-250, 4-13-1982; Ord. 89-15-546, 3-21-1989; Ord. 02-06-302, 4-4-2002; Ord. 10-13-548, 6-8-2010; Ord. 12-11-606, 6-14-2012; Ord. 14-23-678, 11-13-2014)

#### **§ 1-6-18A. LOCAL AMENDMENTS TO INTERNATIONAL BUILDING CODE.**

The International Building Code, 2018 Edition as adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07) is hereby amended as described and shown below:

Subsection 101.2 is hereby amended by adding the following exceptions:

Exception 4: Agricultural Buildings and Farm Stands. The provisions of this code shall not apply to the construction, alteration, addition, repair, removal, demolition, use, location or maintenance of agricultural buildings and farm stands. This provision does not exempt the owner from obtaining required zoning certificates, electrical or plumbing permits, nor from complying with all other applicable local, state and federal regulations, laws, and ordinances. An "agricultural building" for purposes of this subsection means a building or structure utilized for agricultural activity as defined in the International Building Code:

"Agricultural Building. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public."

A "farm stand" for purposes of this subsection means:

"Farm Stand": A structure that does not exceed 600 square feet which may be used to process, treat, or package agricultural products, the majority of which are produced on the farm. A Farm Stand may not be used as a place of human habitation or employment, nor used or occupied by the public.

Subsection 101.2.1, Appendices, is hereby amended with the addition of the following language:

Provisions in the appendices shall not apply unless specifically adopted. The following appendices are adopted in their entirety:

Appendix C, Group U, Agricultural Buildings

Appendix E, Supplementary Accessibility Requirements

Appendix F, Rodent Proofing

Appendix G, Flood Resistant Construction

Appendix H, Signs

Appendix I, Patio Covers

Subsection 101.4.3 is hereby amended to read as follows:

101.4.3 Plumbing. The provisions of the Frederick County Plumbing Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, and where connected to a water or sewage system and as aspects of a medical gas system. The provisions of the Frederick County Plumbing Code shall apply to private sewage disposal systems.

Subsection 101.4.8 is hereby added to read as follows:

101.4.8 Electrical. The provisions of the Frederick County Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Subsection 105.2 is hereby modified to read as follows:

105.2 Work exempt from permit.

Building:

1. One-story detached accessory structures with eave heights less than 10 feet, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 150 square feet.

2. Fences - delete "not over 7 feet high".

[Items 3 – 13 unchanged]

14. Farm Stands (as defined in Subsection 101.2)

Subsection 105.3.1 is hereby amended to read as follows:

105.3.1 Action on application. The administrative authority shall examine or cause to be examined applications for permits and revisions thereto within a reasonable time after filing by routing the application to appropriate agencies and departments for their review. If the application or the construction documents do not conform to the requirements of



pertinent laws, the administrative authority shall reject such application in writing, stating the reasons therefore. If the building official and the reviewing agencies and departments are satisfied that the proposed work conforms to the requirements of this code, laws and ordinances applicable thereto, the administrative authority shall issue a permit therefor as soon as practicable.

Subsection 105.3.2. is hereby amended to read as follows:

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the administrative authority is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Subsection 105.5 is hereby amended to read as follows:

Expiration. Every permit issued shall expire one year from the date of issuance unless the final building inspection has been approved, or an extension has been granted. The building official is authorized to grant, in writing, a one (1) year extension prior to the expiration date of the permit, provided that work on the site authorized by such permit is commenced within (one) 1 year of permit issuance. Commencement of work is evidenced by the administrative authority approval of the first required building inspection. The extensions shall be requested in writing and justifiable cause demonstrated.

Subsection 108.1 is hereby amended to read as follows:

108.1 General. The administrative authority is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 1 year.

Subsection 111.2 is hereby deleted in its entirety and replaced with the following:

111.2 Certificate issued. When a structure is entitled thereto, the administrative authority shall issue a certificate of occupancy upon completion of the final inspections in accordance with Section 110.3.10, correction of the violations and discrepancies, and approval for occupancy is given from the departments and agencies that gave approvals for the issuance of the zoning certificate/building permit.

Subsection 112.4 is hereby added to read as follows:

112.4 Service connections. Before a structure is demolished or removed, the owner or agent shall notify all utilities having service connections to the structure such as water, electric, gas, sewer and other connections.

Subsection 112.5 is hereby added to read as follows:

112.5 Notice to adjoining owners. Written notice shall be given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal is necessitated by the proposed work, prior to the removal of a building or structure.

Subsection 113.4 is hereby created to read as following:

113.4 Appeals. Any party aggrieved by a decision of the Board of Appeals shall have the right to appeal an adverse decision to the County Executive.

Subsection 308.5.1, Child care facility - The section is hereby deleted in its entirety and replaced with the following:

Subsection 308.5.1: A child day care facility that provides for more than five but no more than 49 children 2½ years or less of age, when the rooms where such children are cared for are located on the level of the exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

Delete Section 501.2 Address Identification in its entirety.

Subsection 507.4, Sprinklered, one story, is hereby amended to read as follows:

The area of a one or two-story, Group B, F, M, or S building, of Type I or II construction, shall not be limited when the building is provided with automatic sprinkler systems throughout in accordance with Section 903.1.1 and is surrounded and adjoined by public ways or yards not less than 60 feet in width. (Note: Exceptions for Section 507.4 are unchanged from the IBC).

Subsection 708.1, General, is hereby amended to read as follows:

6. Walls and floor/ceiling assemblies separating tenant spaces shall be constructed at a minimum as fire partitions in accordance with Section 708 or Section 711. Exception: In fully sprinklered buildings, openings in corridor walls are not required to be protected.

Subsection 903.2.9, Group S-1, is hereby amended by adding a new subparagraph 6 as follows:

6. Throughout all mini storage buildings with fire areas greater than 2500 square feet in area.

Subsection 903.4.3, Floor control valves, is hereby amended to read as follows:

Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in multi-story buildings. Each floor of a building shall be zoned separately with maximum zone sizes in accordance with the provisions of NFPA #13. Fire alarm zones shall coincide with sprinkler system zones.

Subsection 905.2, Installation standards, is hereby amended to add two exceptions as follows:

Exceptions:

(1) The residual pressure requirements from an automatic water supply are not required in buildings equipped throughout with an approved automatic sprinkler system and where the highest floor level is not more than 75 feet above the lowest level of the Fire Department access. Pipe sizes shall be hydraulically calculated based on maintaining a residual pressure of 100 psi flowing 500 gpm at the hydraulically most remote hose outlet based on a pressure of 150 psi available at the Fire Department connection. An additional 250 gpm shall be added at the point of connection for each additional riser up to a maximum of 1250 gpm. The minimum riser pipe size shall be 4" nominal diameter.

(2) All Class I standpipes shall have a minimum size hose connection of 2½" and shall be equipped with a 1½" reducing adapter.

Subsection 905.4, Location of Class I standpipe hose – connection, is hereby amended and modified to read as follows:

1. In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located at the level of stair entry.

Subsection 907.6.3 is hereby amended to read as follows:

907.6.4 Zones. Each floor shall be zoned separately. Where the building is not protected throughout by an automatic sprinkler system in accordance with Section 903, a zone shall not exceed 22,500 square feet (2090 m<sup>2</sup>) and the length of any zone shall not exceed 300 feet (91440 mm) in any direction. Where the building is protected by an automatic sprinkler system in accordance with Section 903, the area of the fire alarm zone shall coincide with the area of the sprinkler system.

Delete exception.

Subsection 1010.1.9.4, Locks and latches - subparagraph 2 is hereby amended as follows:

2. In buildings in Occupancy Group A having an occupant load of 99 or less, Groups B, F, M and S, and in places of religious worship, the main exterior door or doors are permitted to be equipped with locks from the egress side provided:

2.1. The locks, if provided, shall not require the use of a key, a tool, special knowledge, or effort for operation from the egress side.

2.2 [deleted]

2.3.[deleted]

Subsection 1028.4.2, Constructions and openings, is hereby deleted and replaced with the following:

Where an egress court serving a building or portion thereof is less than 10 feet (3048 mm) in width, all egress court enclosure walls shall have not less than 1-hour fire-resistance-rated construction for a distance of 10 feet (3048 mm) above the floor of the court. Openings within such walls shall be protected by opening protectives having a fire protection rating of not less than ¾ hour.

(Exceptions 1. and 2. remain unchanged.)

Subsection 1029.2, Assembly main exit is hereby deleted and replaced with the following:

Group A occupancies consisting of bars with live entertainment, dance halls, discotheques, nightclubs, and assembly occupancies with festival seating, that have an occupancy load of greater than 50 shall be provided with a main exit. The main exit shall be of sufficient width to accommodate not less than two thirds (2/3) of the occupant load, but such width shall not be less than the total required width of all means of egress leading to the exit. In assembly occupancies, other than those listed above, the main entrance/exit shall be a width that accommodates one-half of the total occupant load. Where the building is classified as a Group A occupancy, the main exit shall front on at least one street or an unoccupied space of not less than 10 feet (3048 mm) in width that adjoins a street or public way.

Chapter 11. Accessibility. The provisions of IBC Chapter 11 shall apply to all matters affecting the design and construction of facilities for accessibility to physically disabled persons except where the provisions of COMAR Section 05.02.02, the Maryland Accessibility Code, are more stringent in which case they shall apply.

Subsection 1209.4 is hereby added as follows:

Subsection 1209.4 - Baby Changing Stations required in all public restrooms of group A and M occupancies that have an occupant load of greater than 49.

Subsection 1608.2 is hereby amended by adding the following:

1608.2 ... The design roof load of any roof shall be thirty (30) PSF or greater for ground snow load except as required by Figure 1608.2

Subsection 1809.5, Frost protection - Exception 2, is hereby amended as follows:

2. Area of 400 square feet or less; and

Chapters 27, 29 and 30 of the International Building Code, 2015 Edition are hereby deleted in their entireties.

Electrical components, equipment and systems used in buildings and structures shall be designed and constructed in accordance with the Frederick County Electrical Code (Chapter 1-7, Article III of the Frederick County Code).

The provisions of the International Plumbing Code, as adopted by Frederick County (Chapter 1-14, Article IV of the Frederick County Code), shall govern the erection, installation, alteration, repairs, relocation, replacement addition to, use or maintenance of plumbing equipment and systems.

Subsection 3107.1 is hereby adopted to read as follows:

3107.1 Signs. All signs shall comply with the requirements of the Frederick County Zoning Ordinance.

Subsection 3401.1 is hereby deleted in its entirety.

The alteration, repair, addition and change of occupancy of existing structures in Frederick County shall be governed by the Maryland Building Rehabilitation Code (International Existing Building Code), adopted under the authority of the State of Maryland, Department of Housing and Community Development, Annotated Code of Maryland, Public Safety Article § 12-1004 (COMAR 05.16).

(Ord. 80-21-173, 7-15-1980; Ord. 81-10-200, 4-28-1981; Ord. 82-6-250, 4-13-1982; Ord. 84-32-329, 12-11-1984; Ord. 85-43-375, 11-26-1985; Ord. 87-23-455, 8-4-1987; Ord. 89-15-546, 3-21-1989; Ord. 91-06-006, 4-16-1991; Ord. 91-19-019, 8-8-1991; Ord. 95-13-137, 7-24-1995; Ord. 99-10-237, 6-29-1999; Ord. 02-06-302, 4-4-2002; Ord. 05-31-392, 11-29-2005; Ord. 08-18-494, 6-17-2008; Ord. 10-13-548, 6-8-2010; Ord. 12-11-606, 6-14-2012; Ord. 14-23-678, 11-13-2014; Bill No. 15-03, 6-16-2015; Bill No. 19-21, 1-21-2020; Bill No. 22-04, 3-1-2022 )

### **§ 1-6-18B. LOCAL AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE.**

The county hereby adopts the International Residential Code, 2018 Edition including the amendments adopted by the State of Maryland in the Maryland Building Performance Standards (COMAR 05.02.07) with the amendments described and shown below.

Subsection R102.7.1 is hereby deleted in its entirety and replaced with the following:

The alteration, repair, addition and change of occupancy of existing structures in Frederick County shall be governed by the Maryland Building Rehabilitation Code (International Existing Building Code) adopted under the authority of the State of Maryland, Department of Housing and Community Development, Annotated Code of Maryland Local Government Article § 12-1004 (COMAR 05.16)

Subsection R105.2, Work exempt from permit - Building - Subparagraph 1 is hereby deleted and replaced with the following:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 150 square feet.

Subsection R105.2, Work exempt from a permit - Building Subparagraph 10 is amended as follows:

Replace 200 sq. ft. with 150 sq. ft.

[Items 2-10 unchanged]

#### 11. Farm Stands

Subsection R105.2 is hereby amended to add the following:

R105.2 (11) Agricultural Buildings and Farm Stands. The provisions of this code shall not apply to the construction, alteration, addition, repair, removal, demolition, use, location or maintenance of agricultural buildings and farm stands. This provision does not exempt the owner from obtaining required zoning certificates, electrical or plumbing permits, nor from complying with all other applicable local, state and federal regulations, laws, and ordinances. An "agricultural building" for purposes of this subsection means a building or structure utilized for agricultural activity as defined in the International Building Code:

"Agricultural Building. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public."

A "farm stand" for purposes of this subsection means:

"Farm Stand": A structure that does not exceed 600 square feet which may be used to process, treat, or package agricultural products, the majority of which are produced on the farm. A Farm Stand may not be used as a place of human habitation or employment, nor used or occupied by the public.

Subsection R105.2 Electrical Subsection Exemption #4 is deleted in its entirety.

Subsection R105.3.1.1 is hereby deleted in its entirety.

Subsection R105.5 - Expiration, is hereby deleted and replaced with the following:

R105.5 Expiration. Every permit issued shall expire one year from the date of issuance unless the final building inspection



has been approved, or an extension has been granted. The building official is authorized to grant, in writing, a one (1) year extension prior to the expiration date of the permit, provided that work on the site authorized by such permit is commenced within (one) 1 year of permit issuance. Commencement of work is evidenced by the building official's approval of the first required building inspection. The extension shall be requested in writing and justifiable cause demonstrated.

#### IRC Chapter 2. Definitions

The following new definition is hereby added:

Mobile home. A transportable structure built prior to June 15, 1976, otherwise meeting the same dimensional limits as used to describe a manufactured home.

The definition of manufactured home is hereby modified by adding the following language to the end of the definition:

All manufactured/mobile homes designed and built solely for residential purposes or human habitation must bear a HUD label certifying compliance with the federal standards. Non-labeled manufactured homes and mobile homes shall be prohibited from being relocated into Frederick County.

Table R301.2(1) is to be filled in as follows:

Ground Snow Load (pounds per square foot) = 30 psf except as required by Figure R301.2 (5)

Wind Speed 115 (MPH)

Topographic Effects = No

Special Wind Region = No

Wind-Borne Debris Zone = No

Seismic Design Category = B

Subject to damage from

Weathering = Severe

Frost Line Depth = 30 inches

Termite = Yes (moderate/heavy)

Winter Design Temp. = 12 deg. F

Table R301.2(1) is hereby modified by the addition of the following:

Ice shield underlayment requirement = Yes

Flood hazard = As determined by Community Development Division

Air freezing index = Greater than 1,500

Mean annual temperature = 52 degrees Fahrenheit

Section R313 is hereby deleted in its entirety and replaced with the following:

Section R313 Approved Automatic Sprinkler Systems in accordance with NFPA #13D shall be provided throughout all residential occupancies as required by the Frederick County Sprinkler Ordinance (No. 06-26-422).

Section R319 is hereby deleted in its entirety and replaced with the following:

Section R319 Site Address and Premises Identification shall be in accordance with the Frederick County Address Ordinance No. 05-01-362.

Subsection R403.1.4.1, Frost Protection - The exceptions are deleted and amended to read as follows:

1. Freestanding accessory storage structures with an area of at least 150 square feet but less than 401 square feet, and an eave height of not more than 10 feet (3048 mm) shall not be required to be protected, but structures that are less than 401 square feet must be provided with a minimum of 4 permanent tie-downs that are designed to withstand the applicable wind load requirements according to the adopted building code.

2. Decks exceeding 150 square feet in area and not supported by a dwelling will require footings according to the building code unless joist members are in direct contact with the earth.

3. Structures with an area 401 square feet or more will require permanent footings and/or foundations according to the applicable sections of the building code.

Subsection R405.1, Concrete or masonry foundation - The following language shall be added to the end of the exception:

Or as otherwise approved in accordance with the Catocin and Frederick Soil Conservation District Maps (issued May 2001, as amended).

R807.1 Attic Access is hereby amended to add the following:

Where air-handling units, water heaters, or similar equipment are installed in attics in residential structures, access to the attic opening shall be provided by a permanent or pull-down stairway in all new construction.

IRC Chapter 11 is hereby deleted in its entirety. The provisions of the International Energy Conservation Code 2015, shall govern the design and construction of buildings in regard to energy efficiency.

IRC Chapters 12 – 23 are hereby deleted in their entirety. Regulation of the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions within the building shall be installed according to the International Mechanical Code 2015 or the Mechanical Code adopted pursuant to the provisions of Md. Code Ann., Business Regulations Article, § 9A-205.

IRC Chapter 24 is hereby deleted in its entirety. The provisions of the International Fuel Gas Code 2015, shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of fuel gas equipment and systems.

IRC Chapters 25 – 33 are hereby deleted in their entirety. The provisions of the International Plumbing Code, as adopted by Frederick County, shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems.

IRC Chapters 34 - 43 are hereby deleted in their entirety. Electrical components, equipment and systems used in buildings and structures shall be designed and constructed in accordance with the Frederick County Electrical Code.

IRC Chapter 44 - Standards listed in this chapter shall be considered part of the requirements of this code. Where differences occur between provisions of this code and the referenced standard, the provisions of this code shall apply.

IRC Appendix E -Manufactured housing used as dwelling, is hereby adopted with the following amendments:

The definition of manufactured home in Appendix E, AE201 is hereby deleted and replaced with definition of manufactured home in IRC Chapter 2.

Sections AE302, AE303, AE304 are hereby deleted in their entirety and Chapter 1, Administration, as adopted by Frederick County shall govern applications for permits, permit issuance, and fees.

IRC Appendix F, Radon control methods, is hereby adopted, with the following amendments:

Addition of the following exception:

Buildings in which an approved mechanical crawl space ventilation system or other equivalent system is installed, or that are passively ventilated in accordance with section R408.2 of this code.

Sections AF103.3.2 and AF103.4.3 are hereby amended to add the following text:

Vent pipe must extend vertically straight through the roof for passive sub-membrane depressurization systems.

Exception: No single offset shall exceed 45 degrees to jog the vent pipe around an obstacle.

IRC Appendix H - Patio covers, is hereby adopted in its entirety.

IRC Appendix K - Sound transmission, is hereby adopted in its entirety.

IRC Appendix S - Strawbale construction, is hereby adopted in its entirety.

The following appendices are hereby adopted in their entirety:

IRC Appendix A – Sizing and Capacities of Gas Piping

IRC Appendix B – Sizing of Venting Systems Serving Appliances Equipped With Draft Hoods, Category I Appliances and Appliances Listed For Use With Type B Vents

IRC Appendix C – Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

IRC Appendix G – Piping Standards For Various Applications

IRC Appendix M – Home Day Care – R3 Occupancy

IRC Appendix N – Venting Methods

IRC Appendix P – Sizing of Water Piping System

IRC Appendix S – Strawbale Construction

(Ord. 80-21-173, 7-15-1980; Ord. 81-10-200, 4-28-1981; Ord. 82-6-250, 4-13-1982; Ord. 84-32-329, 12-11-1984; Ord. 85-43-375, 11-26-1985; Ord. 87-23-455, 8-4-1987; Ord. 89-15-546, 3-21-1989; Ord. 91-06-006, 4-16-1991; Ord. 91-19-019, 8-8-1991; Ord. 95-13-137, 7-24-1995; Ord. 99-10-237, 6-29-1999; Ord. 02-06-302, 4-4-2002; Ord. 05-31-392, 11-29-2005; Ord. 08-18-494, 6-17-2008; Ord. 10-13-548, 6-8-2010; Ord. 12-11-606, 6-14-2012; Ord. 14-23-678, 11-13-2014; Bill No. 15-03, 6-16-2015; Bill No. 19-21, 1-21-2020 ; Bill No. 22-04, 3-1-2022 )

## **§ 1-6-19. SEVERABILITY.**



If any clauses, sentences, paragraphs or other parts of the code, or this article or the application thereof to any person or circumstance, shall for any reason, be judged by the court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the code or this article, and that application thereof to any persons or circumstances, which shall be confined in its operation to the clauses, sentences, paragraphs or parts thereof directly involved in the controversy in which the judgment shall have been rendered and the persons or circumstances involved. It is hereby declared to be the legislative intent that the code and this article would have been adopted had such invalid provisions not been included.

(Ord. 80-21-173, 7-15-1980; Ord. 82-6-250, 4-13-1982; Ord. 10-13-548, 6-8-2010; Ord. 14-23-678, 11-13-2014)

#### **§ 1-6-20. CIVIL BUILDING INFRACTIONS.**

(A) Pursuant to § 2-2-29 of the Frederick County Code, any violation of any of the provisions of this entire chapter, which is Chapter 1-6, entitled "Buildings," is a civil infraction and shall be called a civil building infraction. If, after investigation, a civil building infraction is believed to exist, the Frederick County Community Development Division Director ("Director") or authorized agent shall deliver a citation or warning to the property owner and any others responsible for the infraction. If the Director or authorized agent is unable to locate the owner or other responsible person, the Director or authorized agent may post the citation or warning in a conspicuous place on the property and mail a copy of same to the owner or other responsible person, which shall be sufficient for delivery of the warning or citation under this section.

(B) The citation or warning, as provided for in this section, shall be in writing and shall contain the following:

- (1) The name and address of the person charged or warned;
- (2) The nature of the violation;
- (3) The location of the violation;
- (4) The date(s) of the violation;
- (5) The amount or potential amount of the fine assessed;
- (6) The manner, location and time in which the fine may be paid, or violation corrected, if applicable;
- (7) The person's right to stand trial for the violation if applicable;
- (8) A certification by the Director or authorized agent attesting to the truth of the matters set forth.

(C) Whenever an alleged or possible civil building infraction comes to the attention of the Director or administrative authority, the following procedures shall apply:

- (1) The Director or administrative authority will investigate whether a violation has occurred;
- (2) If the Director or administrative authority finds that a violation has occurred, a warning will be issued to the person(s) responsible in the form and manner as outlined in this section, with reasonable time stated to abate or to prevent future infractions;
- (3) If the infraction continues or is allowed to occur after the reasonable time stated, the Director or administrative authority will issue a citation to the person(s) responsible in the form and manner as outlined in this section. Notwithstanding the provision of step (2) above, the Director or administrative authority may issue a citation at step (2) without the prior issuance of a warning.

(D) A fine of \$200 shall be imposed upon any person responsible for each civil building infraction. Each day such violation exists shall be considered a separate civil building infraction. All fines shall be payable to the Treasurer of Frederick County, Maryland, in the office of the Community Development Division.

(E) A person who receives a citation may elect to stand trial for the offense by filing with the Director or administrative authority a notice of intention to stand trial. The notice shall be delivered to the Director or administrative authority at least 10 days before the due date for payment of the fines as set forth in the citation. Upon receipt of the notice of intention to stand trial, the Director or administrative authority shall forward to the District Court of Frederick County, Maryland, a copy of the citation and the notice of intention to stand trial. Upon receipt of the citation, the district court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the district court for any civil building infractions shall be remitted to the Treasurer of Frederick County, Maryland.

(F) If a person who receives a citation for a civil building infraction fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial at least 10 days prior to the payment date, a formal notice of the civil building infraction shall be sent to the person's last known address. If the citation is not satisfied within 15 days from the date specified on the notice, the person shall be liable for a fine of \$400 for each infraction. If the citation is not satisfied within 35 days of the date specified on the formal notice, the Director or administrative authority may request adjudication of the case through the district court by following appropriate civil procedures.

(G) Adjudication of a civil building infraction under this subsection is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(H) In a proceeding before the district court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Md. Code Ann. Local Government Article Title 6. However, the County Attorney is

hereby authorized to prosecute all civil building infractions under this section.

(I) If a person is found by the district court to have committed a civil building infraction, that person shall be liable for the costs of the proceedings in the district court.

(J) Depending on the circumstances of each case and after consultation with the County Attorney, the Director or administrative authority has the discretionary authority to reduce or suspend all or a portion of the fine(s) payable through the Permits and Inspections office.

(K) Nothing contained in this section shall prohibit or prevent the Director or administrative authority from seeking other legal remedies, such as injunctions or criminal prosecution.

(L) Provisions of this section are in addition to, not in lieu of, those penalties specified in other sections of this chapter, specifically § 1-6-21.

(M) The fines specified in this section can be modified at any time by resolution of the county governing body, after a duly advertised public hearing.

(Ord. 99-10-237, 6-29-1999; Ord. 10-13-548, 6-8-2010; Ord. 12-11-606, 6-14-2012; Ord. 14-23-678, 11-13-2014)

#### **§ 1-6-21. PENALTIES.**

Any person, partnership, firm or corporation who directs or knowingly permits any violation of any of the provisions of this article, or any rule or regulation duly promulgated hereunder or who aids or assists therein, either on its own behalf or in the interest of its employer or principal shall, upon conviction thereof by a court of competent jurisdiction be guilty of a misdemeanor punishable by a fine of not more than \$100 or by imprisonment for not more than 30 days or both, for each separate offense. Every day each violation exists shall constitute a separate offense and be punishable as such.

(Ord. 80-21-173, 7-15-1980; Ord. 82-6-250, 4-13-1982; Ord. 10-13-548, 6-8-2010; Ord. 14-23-678, 11-13-2014)

#### **§ 1-6-22. SAVING CLAUSE.**

Nothing in this article shall be construed or held to affect or control any violation of the sections of the Frederick County Code which occurred prior to the enactment of this amending ordinance (Ordinance 89-15-546), or the prosecution of any violation of the previous sections but each violation and prosecution shall be governed by the provisions of the Building Code as it read and was in effect at the time the violation occurred.

(Ord. 80-21-173, 7-15-1980; Ord. 82-6-250, 4-13-1982; Ord. 84-32-329, 12-11-1984; Ord. 89-15-546, 3-12-1989; Ord. 91-06-006, 4-16-1991; Ord. 10-13-548, 6-8-2010; Ord. 14-23-678, 11-13-2014)

#### **§ 1-6-23. ELECTRIC VEHICLE CHARGING; RESIDENTIAL CONSTRUCTION.**

(A) *Definitions.*

**ELECTRIC VEHICLE.** A vehicle that uses electricity for propulsion.

**ELECTRIC VEHICLE CHARGING OUTLET.** A connected point in an electrical wiring installation at which current is provided to charge an electric vehicle.

**LEVEL 2 CHARGING.** The charging capability of the electric vehicle charging outlet and lines that includes the ability to charge a battery or other storage device in an electric vehicle through an alternating current electrical service with a minimum of 240 volts/40 amps and which meets applicable industry safety standards.

**RACEWAY.** An enclosed channel designed expressly for holding wires, cables, or bus bars, with additional functions as permitted in the National Electrical Code.

(B) *Scope.*

(1) This section applies to new construction of the following types of residential dwelling units:

- (a) Single-family detached; and
- (b) Townhouses and duplexes having an on lot parking area.

(2) This section does not apply to:

- (a) Manufactured homes (mobile homes);
- (b) Industrialized dwellings (modular homes); or
- (c) New dwelling units that do not have public utility electric service connection.

(C) *Installation of electric vehicle charging infrastructure.*

(1) For each new residential dwelling unit construction subject to this section, the following must be installed for a minimum of one dedicated parking space:

- (a) An electrical panel with sufficient capacity and space to support a minimum 240 volt/40 amps branch circuit for



level 2 charging for at least one vehicle at the garage, carport, parking pad or on lot parking area;

(b) The installation of raceways to support an electric vehicle charging outlet terminating at a junction box at the parking space; and

(c) Permanent and visible labels stating "Reserved for EV-Raceway" at the service panel and "Reserved for EV Charging Outlet" at the termination point or junction box at the parking space.

(2) For each new residential dwelling unit construction subject to this section. The builder or the builder's agent shall provide the purchaser with the option to install the appropriate wiring within the raceway infrastructure required under (C)(1), as well as an electrical circuit breaker and outlet. If the purchaser declines this option, the builder or builder's agent must secure written confirmation from the purchaser prior to settlement.

(D) *Performance standards.* The building official may specify performance standards for equipment to be installed to comply with this section.

(E) *Application.* This section shall remain in effect until the adopted Frederick County Building Code includes provisions to require and regulate electric vehicle charging equipment in the residential dwelling units covered by this section.

(Bill No. 22-01, 3-15-2022)

**§§ 1-6-24 — 1-6-30. RESERVED.**

### **ARTICLE III: MINIMUM LIVABILITY CODE (§§ 1-6-31 — 1-6-49)**

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Section

- 1-6-31 General provisions
- 1-6-32 Definitions
- 1-6-33 Application
- 1-6-34 Code enforcement
- 1-6-35 Duties and powers of code official
- 1-6-36 Condemnation
- 1-6-37 Notices and orders
- 1-6-38 Violations
- 1-6-39 Right to appeal
- 1-6-40 Environmental requirements
- 1-6-41 Light and ventilation requirements
- 1-6-42 Plumbing facilities and fixture requirements
- 1-6-43 Mechanical and electrical requirements
- 1-6-44 Fire safety requirements
- 1-6-45 Responsibilities of persons
- 1-6-46 Severability

**Cross references:**

*Electricity, see Chapter 1-7;*

*Health and sanitation, see Chapter 1-11;*

*Plumbing, see Chapter 1-14;*

*Unsafe buildings, see Chapter 2-4, Art. II;*

*Zoning, see Chapter 1-19*

**§ 1-6-31. GENERAL PROVISIONS.**

(A) *Title.* This article shall be known as the "Minimum Livability Code."

(B) *Scope.* This code is created to protect the public health, safety, and welfare in residential structures and premises by:

(1) Establishing minimum property maintenance standards for basic equipment and facilities used for light, ventilation, heating and sanitation for residential structures and premises, and for safe and sanitary maintenance of residential structures and premises;



(2) Establishing minimum requirements for residential structures and premises for means of egress, fire protection systems and other equipment and devices necessary for safety from fire;

(3) Fixing the responsibilities of property owners, operators and tenants of residential structures and premises; and

(4) Providing for administration, enforcement and penalties.

(C) *Intent.* This code shall be construed liberally and justly to protect public health, safety and welfare insofar as they are affected by the continued use and maintenance of residential structures and premises.

(Ord. 88-34-511, 8-23-1988; Ord. 14-23-678, 11-13-2014)

#### § 1-6-32. DEFINITIONS.

(A) *Rules of interpretation.*

(1) Unless otherwise expressly stated, the terms defined in subsection (B) of this section shall have the meanings indicated for purposes of this code.

(2) Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. The singular number includes the plural and the plural the singular.

(3) When terms are not defined, through the methods authorized by this section, they shall have their ordinarily accepted meanings such as the context may imply.

(B) *Terms defined.*

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

**CENTRAL HEATING.** The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable areas from a source outside of these areas.

**CODE.** The Minimum Livability Code regulations.

**CODE OFFICIAL.** The Director of the Frederick County Department of Housing and Community Development or her designee.

**CONDEMN.** To declare a structure or part of it, premises, or equipment, unsafe or unfit for use or occupation.

**EXTERMINATION.** The control and elimination of insects, rodents, or other pests by:

(a) Eliminating their harborage places;

(b) Removing or making inaccessible materials that may serve as their food;

(c) Poison spraying, fumigating, trapping, or by any other pest elimination methods which have received all necessary and legally required approvals.

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

**HABITABLE AREA.** The space in a structure used for living, sleeping, eating, or cooking, including bathrooms and toilet compartments. Closets, halls, storage or utility space, and similar areas are not considered habitable areas.

**HOUSING UNIT.** A single unit of a structure providing or intended to provide complete living and sleeping facilities for 1 or more persons.

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

**MAINTENANCE.** The repair and other acts intended to prevent a decline in the condition of a structure, premises, or equipment below the standards established by this code and other applicable statutes, codes and ordinances.

**OCCUPANT.** An individual having possession of a space within a housing unit.

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

**OWNER. PROPERTY OWNER,** as defined below.

**PERSON.** An individual, partnership, limited partnership, trust, estate, association or corporation.

**PLUMBING.** The practice, materials, facilities, and fixtures used in the installation, maintenance, extension or alteration of all piping, fixtures, appliances, and appurtenances within the scope of the applicable plumbing code.

**PLUMBING FIXTURE.** A receptacle or device which:

(a) Is either permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from it;

(b) Discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or

(c) Requires both a water supply connection and a discharge to the drainage system of the premises.

**PREMISES.** A lot, plot or parcel of land, including the structures on it.

**PROPERTY OWNER.** A person having a legal or equitable interest in the premises, including the guardian of the estate of the person, or the executor or administrator of the estate of the person if ordered to take possession of the premises by a court.

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

**STRUCTURE.** A residential structure used for human habitation.

**TENANT.** An occupant other than a property owner.

**VENTILATION.**

(a) **VENTILATION** means the process of supplying and removing air by natural or mechanical means to or from a space.

(b) **MECHANICAL VENTILATION** means ventilation by power-driven devices.

(c) **NATURAL VENTILATION** means ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without power-driven devices.

(Ord. 88-34-511, 8-23-1988; Ord. 14-23-678, 11-13-2014)

#### **§ 1-6-33. APPLICATION.**

(A) The Minimum Livability Code shall apply to residential structures used for human habitation except:

- (1) Owner-occupied single-family housing units; or
- (2) Housing exempted by the code official.

(B) Repairs or alterations to a structure, or changes of use to it, which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with the procedures and provisions of the Frederick County Building Code, the Frederick County Plumbing Code, the Frederick County Electrical Code or any other law or ordinance applicable to housing in Frederick County.

(C) The provisions in this code do not abolish or impair any remedies available to the county or its officers or agencies relating to the removal or demolition of any structures which are deemed to be dangerous, unsafe, and unsanitary.

(D) Repairs, maintenance, alterations, or installations which are required for compliance with this code shall be executed and installed in accordance with industry standards so as to secure the results intended by this code.

(Ord. 88-34-511, 8-23-1988; Ord. 14-23-678, 11-13-2014)

#### **Cross references:**

*Building Code, see Chapter 1-6, Art. II;*

*Electrical Code, see Chapter 1-7, Art. III;*

*Plumbing Code, see Chapter 1-14, Art. IV*

#### **§ 1-6-34. CODE ENFORCEMENT.**

(A) *Enforcement.* It shall be the duty and responsibility of the Director of the Frederick County Department of Housing and Community Development or her designee to enforce the provisions of this code.

(B) *Waiver.* The Director of the Frederick County Department of Housing and Community Development may waive applicability of this code, in whole or part, to a unit of rental housing on application of the owner if:

- (1) Adequate notice is afforded a tenant of the unit; that is, a copy of the said application is either hand-delivered or mailed first class to the tenant with a request for comment;
- (2) The tenant is afforded an opportunity to comment on the application either in writing or in person; and
- (3) The waiver would not threaten the health or safety of a tenant.

(C) *Displacement.* A person may not be displaced by enforcement of the Minimum Livability Code unless alternate housing of comparable affordability is available within a reasonable distance of the vacated premises.

(D) Enforcement and waiver applications are not intended to supersede any state laws pursuant to the Maryland Code Annotated as follows:

- (1) State fire laws, Md. Code Ann., Public Safety Article, Title 6;



(2) State elevator laws, Md. Code Ann., Public Safety Article, Title 12, Subtitle 8; and

(3) State boiler laws, Md. Code Ann., Public Safety Article, Title 12, Subtitle 9.

(Ord. 88-34-511, 8-23-1988; Ord. 14-23-678, 11-13-2014)

#### **§ 1-6-35. DUTIES AND POWERS OF CODE OFFICIAL.**

(A) *General.* The Director of the Frederick County Department of Housing and Community Development or her designee is hereby designated as the code official. The code official shall enforce the provisions of this code except as may otherwise be specifically provided by these sections.

(B) *Notices and orders.* The code official shall issue all notices and orders necessary to ensure compliance with this code.

(C) *Inspections.* The code official is authorized to enter a structure or premise at any reasonable time upon providing reasonable notice to the owner or tenant for the purpose of making inspections and performing duties under this code.

(D) *Alterations and repairs.*

(1) The code official has the authority to require and approve any alterations or repairs necessary to bring a structure or premises into compliance with this code. The determination of what may be necessary to bring the premises into compliance shall take into consideration the use of alternatives and equivalent approaches as provided for in this code.

(2) The code official shall have the authority to approve changes in alterations or repairs in the field when conditions are encountered which make the originally approved work impractical, if the changes in approved work can be readily determined to be in compliance with this code and are requested by the owner or his agent before the changes.

(3) The changes shall be specifically documented by the owner or by his agent, describing the change in work and the reasons and justification for the change, and shall be filed with the permit for the project.

(E) *Right of entry.* If a property owner, tenant, or operator of a structure refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the code official may seek, in a court of competent jurisdiction, an order that the property owner, tenant, or operator cease and desist from the interference.

(F) *Access by owner.* A tenant of a structure or premises shall give the owner or agent or employee access to any part of the structure or its premises at reasonable times upon being given reasonable notice for the purpose of making the inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this code.

(G) *Credentials.* The code official shall disclose his credentials for the purpose of inspecting a structure or premises.

(H) *Coordination of enforcement.*

(1) The inspection of structures and premises, the issuance of notices and orders, and enforcement of them shall be the responsibility of the code official.

(2) Whenever a code official initiating an inspection of a premises under this code becomes aware that an inspection of the same premises is to be made by any other governmental official or agency, the code official shall make a reasonable effort to arrange for the coordination of the inspections so as to minimize the number of visits by inspectors.

(3) The code official shall confer with the other governmental official or agency for the purpose of eliminating conflicting orders before any are issued.

(4) The code official may not, however, cause the delay of the issuance of any emergency orders by any governmental official or agency which the governmental official or agency determines must be issued.

(Ord. 88-34-511, 8-23-1988; Ord. 14-23-678, 11-13-2014)

#### **§ 1-6-36. CONDEMNATION.**

(A) *General.*

(1) When a structure or part of it is found by the code official to be unsafe or unfit for human occupancy or use, the code official may condemn the structure or part of it and may order the structure or part of it to be placarded and vacated pursuant to the provisions of this code.

(2) The structure or part of it may not be reoccupied without approval of the code official. Unsafe equipment may be condemned, placarded, and placed out of service pursuant to the provisions of this code.

(B) *Unsafe structure.* An unsafe structure is one in which all or part of it is found by the code official to be dangerous to life, health, property, or the safety of its tenants by not providing minimum protection from fire or because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that is likely to partially or completely collapse.

(C) *Unsafe equipment.*



(1) Unsafe equipment includes any boiler, heating equipment, cooking 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 it is found by the code official to be a hazard to life, health, property, or safety of the tenants of the premises or structure.

(2) Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.

(D) *Structure unfit for human occupancy.* A structure is unfit for human occupancy or use whenever the code official finds that it is unsanitary, vermin or rodent infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the code.

(E) *Closing of vacant structures.* Upon failure of an owner to close or vacate a premises within the time specified in an order, the code official may cause the premises to be closed through any available public agency or by contract or arrangement with private persons and the cost shall be charged against the real estate upon which the structure is located and shall be a lien upon the real estate. If the owner fails to repay the county for expenses incurred pursuant to this procedure within 30 days after written demand has been mailed to his last known address, the code official shall notify the collector of taxes for Frederick County and a tax lien in favor of the county for the amount of the expenses incurred pursuant to this procedure shall attach to the property. The property may be sold at tax sale to satisfy a lien authorized by this section.

(Ord. 88-34-511, 8-23-1988; Ord. 14-23-678, 11-13-2014)

#### **§ 1-6-37. NOTICES AND ORDERS.**

(A) *General.*

(1) Whenever the code official determines that there has been a violation of this code or has reasonable grounds to believe that a violation has occurred, or whenever the code official has determined to condemn any structure, or part of it, or equipment under the provisions of § 1-6-36, notice shall be given to the owner and operator and to the tenant in the manner prescribed in this code.

(2) If the code official has condemned the structure, or part of it, or equipment, the code official shall serve prior notice to the property owner and operator and to the tenants of the intent to:

- (a) Order the structure or part of it placarded or vacated; or
- (b) Order the equipment placed out of service.

(B) *Service of notice.* Notice shall be deemed to be properly served upon a property owner or operator or tenant by one of the following methods:

- (1) By delivering to the person to be served or his agent a copy of the notice and all other necessary papers; or
- (2) By mailing to the person to be served at his last known address or to his agent by first class mail a copy of the notice and all other necessary papers and by posting a copy of it in a conspicuous place in or about the structure affected by the notice.

(C) *Notice to vacate.* When a condemnation order is served on a tenant, the tenant shall be given a reasonable time to vacate the structure in accordance with the state or local law.

(D) *Transfer of ownership.* A property owner who has received a compliance order or upon whom a notice of violation has been served may not sell, transfer, mortgage, lease, or otherwise dispose of the premises until:

- (1) The provisions of the compliance order or notice of violation have been complied with; or
- (2) The property owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of the compliance order or notice of violation issued by the code official and a signed and notarized statement from the grantee, transferee, mortgagee or lessee, in which he acknowledges the receipt of the compliance order or notice of violation and states that he fully accepts and assumes the responsibility without condition for making the corrections or repairs required by the compliance order or notice of violation.

(E) *Removal of placard.* A property owner may not deface or remove a condemnation placard without the approval of the code official.

(Ord. 88-34-511, 8-23-1988; Ord. 14-23-678, 11-13-2014)

#### **§ 1-6-38. VIOLATIONS.**

(A) *Penalty.* Any person who willfully violates any provision of this code is guilty of a misdemeanor and on conviction for each violation is subject to a fine not exceeding \$500 for each day that the violation exists or imprisonment not exceeding 3 months, or both.

(B) *Other penalties.* A penalty ordered under this code is in addition to and is not a substitute for any other penalty authorized under a federal, state, or local law.

(C) *Injunctive relief.* The county has the authority to seek injunctive relief to gain compliance with the provisions of this code.

(Ord. 88-34-511, 8-23-1988; Ord. 14-23-678, 11-13-2014)

**§ 1-6-39. RIGHT TO APPEAL.**

Petition: A person aggrieved by a decision of the code official which has been made in connection with the enforcement of any provision of this code, or of a regulation adopted pursuant to this code, may request and shall be granted a hearing by the Director of the Division of Citizens Services or his designee. Any person aggrieved by his decision may request and may be granted a hearing by the County Executive or the County Executive's designee.

(Ord. 88-34-511, 8-23-1988; Ord. 14-23-678, 11-13-2014)

**§ 1-6-40. ENVIRONMENTAL REQUIREMENTS.**

(A) *Scope.* The provisions of this section shall establish the minimum standards for maintenance of premises and structures under this code.

(B) *Premises conditions.*

(1) *Sanitation.* The premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish and garbage.

(2) *Insect and rodent control.* The premises shall be free from infestation of insects, rodents, vermin, or other pests of a public health significance.

(C) *Exterior structure.*

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

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

(3) *Exterior surfaces.* Each foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in good repair and shall be kept in such condition as to exclude rodents and other pests of public health significance.

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

(5) *Exterior walls.*

(a) Each exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied areas of the structure.

(b) All exterior surface materials, including wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface-coated when required to prevent deterioration.

(6) *Roofs and drainage.* The roof shall be structurally sound and may not have defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the structure.

(7) *Decorative features.* All cornices, entablatures, 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.

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

(9) *Chimneys.*

(a) All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally sound, safe and in good repair.

(b) 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.

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

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

(12) *Weathertight.* Each window and exterior door shall be fitted reasonably in its frame and be weathertight. Each window shall be free of cracks and holes.

(13) *Openable windows.* Each window used for ventilation pursuant to §1-6-41(C) or emergency escape pursuant to §



1-6-44(B)(6) shall be capable of being easily opened from the inside and shall be held in position by window hardware.

(14) *Insect screens.*

(a) *General.* During the period from April 1 to December 1, every door and window or other outside opening used for ventilation purposes shall be supplied with tight-fitting insect screens.

(b) *Exception.* Upon the prior approval of the code official, screens may not be required for exterior doors or other types of openings which make screening impractical, such as openings equipped with air-conditioning units or openings above the fourth floor. The code official may require alternatives to screens.

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

(D) *Interior of structure.*

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

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

(3) *Interior surfaces.* Floors, walls (including windows and doors), ceilings and other interior surfaces shall be maintained in good repair and in a clean, safe and sanitary condition.

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

(5) *Sanitation.*

(a) The interior of a structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.

(b) Rubbish or garbage shall be properly kept inside temporary storage facilities.

(c) Garbage or rubbish may not be allowed to accumulate or be stored in public halls or stairways.

(6) *Insect and rodent harborage.*

(a) A structure shall be kept free from infestation, and where infestation is found, the area shall be promptly exterminated by processes which are not injurious to human health.

(b) Continuing or repeated incidents of infestation, as determined by the code official, shall require the installation of rodent- and vermin-proof walls. The rodent- and vermin-proof walls shall be installed in accordance with the applicable local building code.

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

(8) *Exit facilities.*

(a) All interior stairs and railings and other exit facilities of a structure shall be maintained in sound condition and good repair.

(b) Each interior stair used for exit shall be maintained so as to be safe to use and capable of supporting the anticipated loads.

(Ord. 88-34-511, 8-23-1988; Ord. 14-23-678, 11-13-2014)

**§ 1-6-41. LIGHT AND VENTILATION REQUIREMENTS.**

(A) *General.*

(1) *Scope.* The provisions of this section shall govern the minimum standards for basic equipment and facilities used for light and ventilation of a structure under this code.

(2) *Alternative methods and devices.* In place of the means for natural light and ventilation prescribed in this regulation, alternative arrangement of windows, louvers, or other devices or methods that will provide the equivalent minimum performance requirements shall be permitted in order to comply with the Frederick County Building Code.

(B) *Light.*

(1) *General.* All areas in a structure shall be provided sufficient light so as not to endanger health and safety. All areas in a structure shall be provided with natural light or equipment to accommodate artificial light of sufficient intensity and distributed so as to permit the maintenance of sanitary conditions and the safe use of the area and the appliances, equipment and fixtures.

(2) *Common halls and stairways.* Each common hall and stairway in a structure, other than one- and two-family structures, shall be adequately lighted at all times with an illumination equivalent to the footcandles provided by at least a 60

watt standard incandescent light bulb for each 200 square feet of floor area, provided that the spacing between lights may not be greater than 30 feet. Every exterior stairway shall be illuminated.

(C) *Ventilation.*

(1) *General.* All areas in a structure shall be provided sufficient ventilation so as not to endanger health and safety.

(2) *Mechanical ventilation.*

(a) When mechanical ventilation is provided instead of natural ventilation, the mechanical ventilating system shall be maintained in operation during the occupancy of the structure or portion of it.

(b) When part of the air provided by a mechanical ventilation system is recirculated, the portion or volume of air recirculated may not be recirculated to a different habitable area.

(Ord. 88-34-511, 8-23-1988; Ord. 14-23-678, 11-13-2014)

**§ 1-6-42. PLUMBING FACILITIES AND FIXTURE REQUIREMENTS.**

(A) *Scope.* The provisions of this section shall govern the minimum standards for plumbing facilities and fixtures under this code.

(B) *Required plumbing facilities.* Each housing unit shall include its own plumbing facilities which shall be maintained in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste. The following minimum plumbing facilities shall be supplied and maintained in a sanitary and safe working condition.

(1) *Water closet and lavatory.*

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

(b) A lavatory shall be placed in the same room as the water closet or located in another room in close proximity to the door leading directly into the room in which the water closet is located.

(c) The lavatory shall be supplied with hot and cold running water.

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

(3) *Kitchen sink.* Each housing unit shall contain a kitchen sink apart from the lavatory required under §1-6-42(B)(1). The sink shall be supplied with hot and cold running water.

(C) *Alternative plumbing.* Alternative plumbing facilities and fixtures for use in housing units may be allowed as approved on a case-by-case basis by the code official.

(D) *Plumbing fixtures.*

(1) *General.* All plumbing fixtures shall be maintained in a safe and usable condition. All plumbing fixtures shall be of nonabsorbent material and shall have received all necessary and legally required approvals.

(2) *Conditions.*

(a) Water supply lines, plumbing fixtures, vents, and drains shall be properly installed, connected, and maintained in working order and shall be kept free from obstruction, leaks, and defects and shall be capable of performing the function for which they are designed.

(b) All repairs and installations shall be made in accordance with the provisions of the Frederick County Building Code or the Frederick County Plumbing Code.

(3) *Maintenance.* All plumbing fixtures shall be maintained in a clean and sanitary condition so as not to breed insects, rodents, or produce dangerous or offensive gases or odors.

(4) *Access for cleaning.* Plumbing fixtures shall be installed to permit easy access for cleaning both the fixture and area around it.

(E) *Water system.*

(1) *General.* Each sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing facility shall be properly connected to either a public water system or to a private water system which has received all necessary and legally required approvals.

(2) *Contamination.* The water supply shall be maintained free from contamination. All water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.

(3) *Water supply.* The water supply system shall have separate meters for each unit where the tenant is required to pay for water usage above and beyond their rent and shall be installed and maintained to provide at all times a supply of water to plumbing facilities, fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.



(4) *Water heating facilities.*

(a) Water heating facilities shall be installed in a manner which has received all necessary and legally required approvals, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with hot water.

(b) Water heating facilities shall be capable of heating water to such a temperature so as to permit an adequate amount of water to be drawn at every kitchen sink, lavatory basin, bathtub, shower, and laundry facility or other similar facilities, at a temperature of not less than 110°F.

(5) *Alternative water systems.* Alternative water systems may be allowed as approved on a case- by-case (basis).

(F) *Sewage system.*

(1) *General.* Each sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to either a public sewer system or private sewage disposal system which has received all necessary and legally required approvals.

(2) *Maintenance.*

(a) Each plumbing stack, waste and sewer line shall be installed and maintained as to function properly and shall be kept free from obstructions, leaks, and defects to prevent structural deterioration or health hazards.

(b) All repairs and installations shall be made in accordance with the provisions of the Frederick County Building Code or the Frederick County Plumbing Code.

(Ord. 88-34-511, 8-23-1988; Ord. 93-18-082, 9-7-1993; Ord. 14-23-678, 11-13-2014)

**§ 1-6-43. MECHANICAL AND ELECTRICAL REQUIREMENTS.**

(A) *General.* The provisions of this section shall govern the minimum standards for mechanical and electrical facilities and equipment under this code.

(B) *Heating facilities.*

(1) *Residential structures.*

(a) Each housing unit shall be supplied with sufficient heat or heating equipment capable of supplying sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than 65°F in all habitable areas during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than 60°F during other hours.

(b) The temperature shall be measured at a point 3 feet above the floor and 3 feet from exterior walls.

(c) *Exception.* When the exterior temperature falls below 0°F and the heating system is operating at its full capacity, a minimum room temperature of 60°F shall be maintained at all times.

(2) *Cooking and heating equipment.*

(a) All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be maintained free from leaks and water flow obstructions, and kept functioning properly so as to be free from fire, health, and safety hazards.

(b) A refrigerator supplied by the owner shall be capable of storing food at temperatures between 32° and 45°F under ordinary maximum summer conditions. Any replacement by the owner shall be approximately the same capacity, or larger, than the one removed.

(c) All installations and repairs shall be made in accordance with the provisions of the Frederick County Building Code, or other applicable laws or ordinances thereto.

(d) Portable cooking equipment employing flame is prohibited, except for residential type food trays or salvers which are heated by a candle or alcohol lamp and which have received all necessary and legally required approvals.

(3) *Installation.* All mechanical equipment used for heating and cooking shall be properly installed and safely maintained in good working condition and shall be capable of performing the function for which it was designed and intended.

(4) *Fuel-burning equipment.* All fuel- burning equipment shall be connected to a chimney, flue, or vent in accordance with applicable local or state codes or according to manufacturer's instructions in cases where no local or state codes apply.

(5) *Clearances.* All necessary and legally required clearances to combustible materials shall be maintained.

(6) *Safety control.* All safety controls for fuel-burning equipment shall be maintained in effective operation in accordance with applicable local or state codes, or according to manufacturer's instructions in cases where no local or state codes apply.

(7) *Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided to the fuel-burning equipment.

(8) *Unauthorized devices.* Devices purporting to reduce gas consumption by attachment to a gas appliance, the gas



supply line, or the vent outlet or vent piping may not be used unless labeled for that use and the installation has specifically received all necessary and legally required approvals.

(9) *Fireplaces.* Fireplaces and other construction and devices intended for use similar to a fireplace shall be stable and structurally safe and connected to chimneys which have received all necessary and legally required approvals.

(10) *Climate control.* When facilities for interior climate control (heating, cooling, and humidity) are integral functions of housing units, these facilities shall be maintained and operated in accordance with the designed capacity.

(C) *Electrical facilities.*

(1) *Facilities required.* Provided that there is usable electric service available from a power line not more than 300 feet away, a structure shall be adequately and safely provided with an electrical system in compliance with the requirements of this section.

(2) *Separate service.* Each housing unit shall have a separate electric meter for each unit where the tenant is required to pay for electric usage above and beyond their rent.

(3) *Receptacles.* Each habitable area in a housing unit shall contain at least 1 receptacle outlet. Each laundry area and bathroom shall contain at least 1 grounded type receptacle. Each kitchen shall contain at least 2 receptacles.

(4) *Lighting fixtures.* Each public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least 1 electric lighting fixture.

(5) *Service.* When the electrical system requires modification to correct a violation of this section, the service shall be corrected to a minimum of 60-ampere, 3 wire service.

(6) *Installation.* All electrical equipment, wiring, and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of a type which has received all necessary and legally required approvals.

(Ord. 88-34-511, 8-23-1988; Ord. 93-18-082, 9-7-1993; Ord. 14-23-678, 11-13-2014)

**§ 1-6-44. FIRE SAFETY REQUIREMENTS.**

(A) *Scope.* The provisions of this section shall govern the minimum standards for fire safety facilities and equipment under this code. All structures shall be constructed and maintained to prevent and avoid fire hazards and in a manner conducive to fire safety.

(B) *Means of egress.*

(1) *General.* A safe, continuous, and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, yard, court, or passageway leading to a public open area at grade.

(2) *Direct exit.* Each housing unit shall have access directly to the outside or to a common area that leads directly to the outside.

(3) *Doors.* All doors in the required means of egress shall be easily opened from the inner side.

(4) *Fire escapes.* All fire escapes shall be maintained in working condition and structurally sound.

(5) *Exit signs.* All exit signs shall be illuminated and visible.

(6) *Emergency escape.* Each sleeping room located in a basement shall have at least 1 openable window or exterior door for emergency egress or rescue which has received all necessary and legally required approvals or shall have access to 2 separate exits which have received all necessary and legally required approvals.

(C) *Accumulation and storage.*

(1) *General.* Garbage or rubbish may not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

(2) *Flammable matter.* Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible rubbish such as waste paper, boxes and rags, may not be accumulated or stored on the premises except in reasonable quantities consistent with normal usage.

(3) *Residential unit.* A housing unit may not be located within a structure containing an establishment handling, dispensing, or storing flammable liquids with a flash point of 100°F or lower, except as provided for in the applicable local building code.

(D) *Fire resistance ratings.* Floors, walls, ceilings, and other elements and components which are required by the applicable fire code to comply with a fire resistance rating shall be maintained so that the respective fire resistance rating of the enclosure, separation, or construction is preserved.

(E) *Fire protection systems.*

(1) *General.* All fire protection systems and equipment shall be maintained in proper operating condition at all times.

(2) *Smoke detectors.*

(a) All housing units shall be provided with a minimum of 1 single station smoke detector in the vicinity of each sleeping area.

(b) The smoke detector shall be installed and maintained in accordance with the state fire laws, Md. Code Ann., Public Safety Article, Title 9, Subtitle 1, Smoke Detection Systems, or its successor statute.

(c) When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the unit.

(3) *Fire suppression system.* Fire suppression systems in housing units so equipped shall be maintained in good condition, free from mechanical defect. Sprinkler heads shall be kept clean and free of corrosion and paint and may not be bent or damaged.

(4) *Fire extinguishers.* All portable fire extinguishers in housing units so equipped shall be visible and accessible and maintained in an efficient and safe operating condition.

(F) *Fire doors.*

(1) All necessary and legally required fire resistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for their proper operation.

(2) The use of doorstops, wedges and other hold-open devices which have not received all necessary and legal approvals or which have been denied approval is prohibited.

(Ord. 88-34-511, 8-23-1988; Ord. 14-23-678, 11-13-2014)

**§ 1-6-45. RESPONSIBILITIES OF PERSONS.**

(A) *Scope.* An owner shall be responsible for compliance with the provisions of this code and may be cited for violations of it, except as provided in this section. A person may not rent or lease to another person for occupancy or use any housing unit unless the structure and premises comply with the provisions of this code.

(B) *General.* An owner may not be cited for a violation of this code that is caused by the negligent, wrongful or malicious acts or omissions of a tenant, provided the owner's acts or omissions have not contributed in any way to cause the violation.

(C) *Sanitary condition.*

(1) *Cleanliness.*

(a) The tenant shall be responsible for keeping that part of the structure or premises which the tenant occupies, controls, or uses in a clean and sanitary condition.

(b) Each owner of a structure containing 2 or more housing units shall maintain, in a clean and sanitary condition, the common areas of the structure and premises.

(2) *Disposal and storage of rubbish and garbage.* The tenant shall be responsible for the storage and disposal of rubbish and garbage in a clean and sanitary manner as may be required by applicable laws or ordinances.

(3) *Supplied fixtures and equipment.*

(a) The tenant shall be responsible for keeping owner-supplied equipment and fixtures clean and sanitary and for the exercise of reasonable care in their proper use and operation.

(b) The owner shall be responsible for maintaining the equipment and fixtures in good and proper operating condition.

(4) *Furnished by tenant.* The tenant shall be responsible for the maintenance of equipment and fixtures furnished by the tenant. The equipment and fixtures shall be properly installed and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks, or obstructions.

(D) *Extermination.*

(1) *All structures.* If necessary, the owner shall be responsible for extermination within the structure and on the premises before renting or leasing the structure.

(2) *Single occupancy.* The tenant of a structure containing a single housing unit shall be responsible for the extermination of any insects, rodents or other pests in the structure or the premises.

(3) *Multiple occupancy.* Each owner of a structure containing 2 or more housing units shall be responsible for the extermination of any insects, rodents, or other pests in the structure or on the premises except where infestation within a housing unit is caused by a failure of the tenant to take reasonable action to prevent the infestation within the housing unit.

(E) *Fire safety.* Responsibility for installing and maintaining in good working order any smoke detector installed pursuant to this code shall be in accordance with the state fire laws, Md. Code Ann., Public Safety Article, Smoke Detection Systems, or its successor.

(Ord. 88-34-511, 8-23-1988; Ord. 14-23-678, 11-13-2014)



§ 1-6-46. SEVERABILITY.

The provisions of these sections are severable. A judgment by any court of competent jurisdiction finding or declaring that any provisions of these sections or the application of any provision to any person or circumstance is invalid does not affect the validity of the remaining provisions of the sections or any other application of these sections and the remaining applications shall have full force and effect as if no judgment has been entered.

(Ord. 88-34-511, 8-23-1988; Ord. 14-23-678, 11-13-2014)

§§ 1-6-47 – 1-6-49. RESERVED.

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**ARTICLE IV: WELLHEAD PROTECTION CODE (§§ 1-6-50 — 1-6-60)**

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Section

1-6-50 Storage tanks

§ 1-6-50. STORAGE TANKS.

(A) As used in this article, the following words have the meanings indicated.

**COMMUNITY WATER SYSTEM (WELL).** A source of water and a distribution system, including treatment and storage facilities, whether publicly or privately owned, serving two or more individual lots.

**HAZARDOUS SUBSTANCE.** Any substance, including oil or its by-products, that:

(a) Conveys toxic, lethal, or other injurious effects or which causes sublethal harmful alterations to plant, animal, or aquatic life;

(b) May be injurious to human beings;

(c) Persists in the environment; and

(d) Any matter identified as a "hazardous waste" by the Environmental Protection Agency or a "controlled hazardous substance" by the Maryland Department of the Environment. For the purposes of this section, excluding propane and natural gas.

**STORAGE TANK.** A storage tank above or below ground with a capacity of 270 gallons or more, connected piping, ancillary equipment and containment system, if any, other than a private 1-unit residence which stores oil within the residence for personal use.

**WELLHEAD PROTECTION AREA.** The geographic boundaries of municipal and community wellhead protection areas delineated by the sourcewater assessments performed by the Maryland Department of the Environment, as amended.

(B) A permit shall be obtained from the Frederick County Office of Permits and Inspections for the placement or installation of any hazardous substance storage tank and a new permit obtained for any change in the substance stored in the storage tank.

(C) (1) A hazardous substance storage tank shall not be located within 500 feet of a community water supply system well.

(2) A hazardous substance storage tank to be located within a wellhead protection area and more than 500 feet from a community water supply system well, shall be placed above ground and be surrounded by a one hundred percent (100%) catchment basin or double-walled containment and a spill protection overflow alarm.

(3) A hazardous substance storage tank to be located within an area outside the boundaries of the wellhead protection area, may be located underground but shall meet all current state and federal requirements or may be placed as described in subsection (2) above. In addition, if the tank is to be placed underground, the county Community Development Division shall be furnished with a report from a hydrogeologist which states: the nature of the underlying soil, geologic structure, and aquifer, and the likelihood of contamination of neighboring water sources in the event the contents of the storage tank are discharged, and an estimate of the groundwater travel time which might be expected from the location of the storage tank to the community supply well; based on the report, or on its own studies or information or expertise, the county government shall refuse to issue the permit if there is undue danger to the public health, safety or general welfare in the opinion of the county government or its consultant.

(4) All permits for hazardous substance storage tanks shall be reviewed by the Community Development Division for compliance with the setback limiting requirements of the Frederick County Code, including those set forth in this paragraph.

(D) The applicant for a hazardous substance storage tank permit shall submit its application to the Community Development Division.

(E) Any person, partnership, firm or corporation who directs or permits any violations of any of the provisions of this section or who aids or assists therein, either on his own behalf or in the interest of his employer or principal shall, upon conviction thereof by a court of competent jurisdiction, be guilty of a misdemeanor punishable by a fine of not more than \$100 or by imprisonment for not more than 30 days or both for each separate offense. Every day each violation exists shall

constitute a separate offense and be punishable as such.

(F) This section supplements other laws and regulations. Where this article or any portion thereof imposes a greater restriction than is imposed by other laws or regulations, the provisions of this article shall control. However, nothing in this section relieves the applicant from compliance with other sections of the Frederick County Code, the Maryland Code or Regulations enacted thereunder, or federal law or regulation.

(Ord. 90-27-625, 6-22-1990; Ord. 07-16-456, 5-15-2007; Ord. 14-23-678, 11-13-2014)

**Cross references:**

*Other provisions relating to storage tanks, see §§1-19-5.310, 1-19-7.610, 1-19-8.211, 1-19-8.352 and 1-19-11.100*

**§§ 1-6-51 – 1-6-60. RESERVED.**

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**ARTICLE V: RIGHT TO FARM (§§ 1-6-61 — 1-6-66)**

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Section

- 1-6-61 Findings and policy
- 1-6-62 Definitions
- 1-6-63 Limitation of actions
- 1-6-64 Frederick County Agricultural Reconciliation Committee
- 1-6-65 Resolution of disputes and procedure for complaints, investigation and declaration
- 1-6-66 Right to farm notice and real estate transfer disclosure

**Cross reference:**

*Agricultural land preservation districts, see §§ 1-13-31 et seq.*

**§ 1-6-61. FINDINGS AND POLICY.**

(A) In recognition that agriculture is the largest industry in Frederick County and that it adds many positive benefits to the quality of life, it is the declared policy of the county to preserve, protect and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. When nonagricultural land uses extend into agricultural areas, agricultural operations can become the subject of lawsuits. As a result, agricultural operators are sometimes forced to cease or curtail their operations. Others are discouraged from making investments in agricultural improvements to the detriment of the economic viability of the county's agricultural industry as a whole. It is the purpose of this article to reduce the loss to the county of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance, trespass, or other interference with the reasonable use and enjoyment of land, including, but not limited to smoke, odors, flies, dust, noise, chemicals, or vibration; provided that nothing in this article shall in any way restrict or impede the authority of the state and of the county to protect the public health, safety and welfare, nor shall it restrict or impede private covenants.

(B) It is in the public interest to promote a more clear understanding between agricultural operations and nonagricultural neighbors concerning the normal inconveniences of agricultural operations which follow generally accepted agricultural practices and do not endanger public health or safety.

(C) This article is not intended to and shall not be construed as in any way modifying or abridging local, state or federal laws, including, but not limited to, laws relating to health, safety, trespass onto agricultural property, zoning, licensing requirements, environmental standards (including those standards which relate to air and water quality and pesticide use), and the like.

(D) An additional purpose of this article is to promote a good neighbor policy by advising purchasers and users of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or use. These potential problems include, but are not limited to, noises, odors, dust, flies, chemicals, smoke, vibration, and hours of operation that may accompany agricultural operations. It is intended that, through mandatory disclosures, purchasers and users will better understand the impact of living near agricultural operations and be prepared to accept attendant conditions as the natural result of living in or near rural areas. However, this article shall be effective regardless of whether disclosure was made in accordance with § 1-6-66 herein.

(Ord. 96-23-175, § 1, 11-12-1996; Ord. 14-23-678, 11-13-2014)

**§ 1-6-62. DEFINITIONS.**

The following definitions shall apply to this article.

**AGRICULTURAL LAND.** All real property within the boundaries of Frederick County that is lying in the Agricultural District or carried on the tax rolls of the State Department of Assessments and Taxation as agricultural or all other land that has been used as an agricultural operation continuously for 1 year.



**AGRICULTURAL OPERATION.** Includes, but is not limited to, all matters set forth in the definition of "operation" at Md. Cts. and Jud. Proc. Code Ann., § 5-308(a), as amended from time to time; the production of all matters encompassed within the definition of "farm product" at Md. Agric. Code Ann., § 10-601(c), as amended from time to time; the cultivation and tillage of the soil; the spreading of manure, lime, fertilizer and the like; composting; spraying; production, harvesting and processing of agricultural crops; raising poultry and other fowl; production of eggs; production of milk and dairy products; production of livestock, including pasturage; production of bees and their products; production of fruit, vegetables and other horticultural crops; production of aquatic plants; aquaculture; production of timber; any commercial agricultural procedure performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market; usage of land in furtherance of educational and social goals, (including, but not limited to 4-H clubs and Future Farmers of America), agro-tourism and alternative agricultural enterprises; and the like.

**GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES.** Those methods used in connection with agricultural operations which do not violate applicable federal, state or local laws or public health, safety and welfare and which are agricultural practices in the agriculture industry. **GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES** include practices which are recognized as generally accepted management practices and those methods which are authorized by various governmental agencies, bureaus, and departments, such as the Frederick County Cooperative Extension Service of the University of Maryland, the Frederick and Catoctin Soil Conservation Districts, and the like. If no generally accepted agricultural management practice exists or there is no method authorized by those agencies mentioned herein which governs a practice, the practice is presumed to be a generally accepted agricultural management practice.

(Ord. 96-23-175, § 2, 11-12-1996; Ord. 14-23-678, 11-13-2014)

#### **§ 1-6-63. LIMITATION OF ACTIONS.**

(A) A private action may not be sustained with respect to an agricultural operation conducted on agricultural land on the grounds that the agricultural operation interferes or has interfered with the use or enjoyment of property, whether public or private, if the agricultural operation was, at the time the interference is alleged to arise, conducted substantially in accordance with generally accepted agricultural management practices.

(B) Notwithstanding any provision of this section, no action alleging that an agricultural operation has interfered with the reasonable use or enjoyment of real property or personal well-being shall be maintained if the plaintiff has not sought and obtained a final judgment of the Agricultural Reconciliation Committee, as defined in § 1-6-64 herein.

(Ord. 96-23-175, § 3, 11-12-1996; Ord. 14-23-678, 11-13-2014)

#### **§ 1-6-64. FREDERICK COUNTY AGRICULTURAL RECONCILIATION COMMITTEE.**

(A) *Creation.* There is hereby established the Frederick County Agricultural Reconciliation Committee (FCARC), which shall arbitrate and mediate disputes involving agricultural operations conducted on agricultural lands and issue opinions on whether such agricultural operations are conducted in a manner consistent with generally accepted agricultural management practices.

(B) *Number and composition.* The FCARC shall be composed of 7 persons appointed by the County Executive, subject to confirmation by the County Council. The Committee shall be composed of 1 representative from each of the following:

- (1) The Frederick County Chapter of the Maryland Municipal League;
- (2) A civic/homeowner's association, who is a resident of Frederick County;
- (3) The Frederick County Farm Bureau;
- (4) The Frederick County Pomona Grange;
- (5) Maryland Cooperative Extension Service for Frederick County;
- (6) The Frederick County Association of Realtors;
- (7) A member representing the agribusiness community; and
- (8) A member of the Agricultural Preservation Advisory Board shall serve as an alternate member to the FCARC.

(C) (1) The Committee members shall serve a 4- year term; however, the initial appointments shall be as follows:

- (a) Two members shall be chosen to serve a 4-year term;
- (b) Two members shall be chosen to serve a 3-year term;
- (c) Two members shall be chosen to serve a 2-year term;
- (d) One member shall be chosen to serve a 1-year term;
- (e) The alternate shall be chosen to serve a 4-year term.

(2) After these initial appointments, all terms shall be for a full 4-year term.

(D) *Meetings; compensation.* The Committee shall meet at least 1 time per year and shall serve as volunteers, with no



monetary compensation.

(Ord. 96-23-175, § 4, 11-12-1996; Ord. 14-23-678, 11-13-2014)

#### **§ 1-6-65. RESOLUTION OF DISPUTES AND PROCEDURE FOR COMPLAINTS, INVESTIGATION AND DECLARATION.**

(A) *Nuisances which affect public health.*

(1) *Complaints.* A person may complain to the Frederick County Health Department to declare that a nuisance which affects public health exists.

(2) *Investigations.* The health officer may investigate all complaints of nuisance received against an agricultural operation. When a previous complaint involving the same condition resulted in a determination by the health officer that a nuisance condition did not exist, the health officer may investigate the complaint but the health officer may also determine not to investigate such a complaint. The Frederick County Health Department may initiate any investigation without citizen complaint.

(3) *Declaration of nuisance.* If the health officer determines that a nuisance exists, the Health Department may declare the existence of a nuisance. In determining whether a nuisance condition exists in connection with an agricultural operation, the health officer shall apply the criteria provided in this article. Further, the health officer may consider the professional opinion of the Frederick County Cooperative Extension Service of the University of Maryland, or other qualified experts in the relevant field in determining whether the agricultural operation being investigated is conducted in accordance with generally accepted agricultural management practices.

(B) *Resolution of disputes regarding agricultural operations.*

(1) Should any controversy arise regarding an interference with the use or enjoyment of property from agricultural operations conducted on agricultural land, the parties to that controversy shall submit the controversy to the Agricultural Reconciliation Committee, in writing, through the Frederick County Planning Department.

(2) The FCARC will conduct its proceedings in an informal manner and the rules of evidence shall not apply. The FCARC has the power, but is not required hereunder, to hold hearings and to compel testimony under oath and the production of documents. In each case before it, the FCARC shall issue orders settling or otherwise resolving controversies arising out of agricultural operations, including, but not limited to, the invasion of property and personal rights by agricultural operations conducted on agricultural land.

(3) Four FCARC members shall constitute a quorum for purposes of holding a hearing.

(4) If a hearing ends in a tie vote, no action shall be taken on the complaint that formed the basis of the hearing.

(5) Orders of the FCARC shall be binding on the parties as a matter of law, but their enforcement shall be suspended by operation of law if, within 30 days of the date of the Committee's judgment, a party appeals such order to the Circuit Court for Frederick County. Appeals from orders of the Committee shall be by a trial de novo.

(6) If the FCARC or a court finds that the conduct of a party in bringing or maintaining an action in connection with an agricultural operation conducted on agricultural land was in bad faith or without substantial justification, the FCARC or court may require that party to pay to the owner of the agricultural operation (or any other party opponent) the costs of the proceeding and the reasonable expenses, including reasonable attorney's fees, incurred by that party in defending against the action.

(Ord. 96-23-175, § 5, 11-12-1996; Ord. 14-23-678, 11-13-2014)

#### **§ 1-6-66. RIGHT TO FARM NOTICE AND REAL ESTATE TRANSFER DISCLOSURE.**

(A) *Real estate transfer disclosure statement.* Upon any transfer of real property by any means, the transferor shall provide the purchaser or lessee a statement specifically advising the purchaser or lessee of the existence of this right to farm ordinance, which shall be in substantially the form set forth in Appendix A.

(B) *Right to farm notice.* In addition, because of the county's desire to maintain a good neighbor policy and the county's desire to provide this information to county real property owners, the Frederick County Treasurer shall mail a copy of the "Right to Farm Notice" to all owners of real property in Frederick County with the annual tax bill, beginning in fiscal year 1997-98, in substantially the form set forth in Appendix B.

(C) *Penalty for violation.* Any person who violates any provision of this section is guilty of an infraction punishable by a civil penalty not exceeding \$100. Failure to comply with any provision of the right to farm notice and real estate transfer disclosure section shall not prevent the recording of any document, or the title to real property or any mortgage or deed of trust made in good faith or for value, and it shall not affect the application of this article.

(Ord. 14-23-678, 11-13-2014)

**Editor's note:**

*The real estate transfer disclosure statement and the right to farm notice referred to above are contained in Appendices A and B of Ord. 96-23-175 and have not been included herein, but can be found on file with the county.*

### **ARTICLE VI: HUMAN TRAFFICKING (§§ 1-6-67 — 1-6-68)**



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Section

1-6-67 Landlord and tenant - human trafficking/prostitution

1-6-68 Lodging establishment - employee training

**§ 1-6-67. LANDLORD AND TENANT - HUMAN TRAFFICKING/ PROSTITUTION.**

(A) *Use of apartment for prostitution, including human trafficking prohibited.*

(1) It shall be unlawful for any person, tenant, landlord, landlord agent, management staff and/or property owner to knowingly sublease, assign, transfer possession, or permit use of a room or apartment for the purposes of any violation of the prostitution laws, including human trafficking laws of the State of Maryland or Frederick County, or either.

(2) "Knowingly" means a landlord, landlord agent, management staff, or property owner has been formally notified by law enforcement of facts establishing the existence of a violation as described in section (1) herein and takes no action regarding it.

(3) Anyone who violates this section shall be guilty of a misdemeanor per apartment, per occurrence and, upon conviction, shall be punished by a fine of \$1,000 or by imprisonment for not more than six months for each offense.

(B) *Inquiries, complaints.* Any inquiries or complaints regarding prostitution and/or human trafficking to any Frederick County Government personnel shall be directed to the Sheriff's Office of the County.

(C) It is a defense to any prosecution under this section that the landlord, landlord agent, management staff, or property owner provides evidence that it has taken action to regain possession of the leased premises under the following statutory provisions:

- (1) MD. Real Property Code Ann. § 8-402 - Tenant hold overs,
- (2) § 8-402.1 - Proceedings upon breach of lease, or
- (3) MD. Real Property Code Ann. § 14-132. Wrongful detainer actions and procedures.

(Bill No. 18-28, 10-23-2018)

**§ 1-6-68. LODGING ESTABLISHMENT - EMPLOYEE TRAINING.**

(A) *Definitions.*

**LODGING ESTABLISHMENT.** An inn, hotel, motel or any other facility used for occupancy with ten or more rooms, for the purpose of housing transient guests, where overnight sleeping accommodations are provided.

(B) *Lodging establishment registration; training; certification.*

(1) Any person who owns or operates a lodging establishment within the county shall be required to provide training to employees on how to identify human trafficking activities and human trafficking victims.

(2) Beginning on May 1, 2019, each new employee of a lodging establishment within the county shall complete a human trafficking training program approved by a national hotel brand, a recognized national lodging association, or other training approved by the Human Relations Department. Employees hired prior to May 1, 2019 shall complete the human trafficking training in this subsection by November 1, 2019.

(3) Beginning on November 1, 2019, lodging establishments registered pursuant to this section, shall be required to annually certify to the designated division of Frederick County Government that all of their employees have completed the required training. The designated division shall issue guidelines prescribing the process for annual certification within 120 days after the effective date of this Bill.

(C) The Interagency Internal Audit Authority (IIAA) of Frederick County shall include this training requirement as part of its audit of hotels and lodging establishments.

(D) *Penalties.*

(1) A failure to provide training to employees on how to identify human trafficking activities and human trafficking victims under section (B)(1) and (B)(2) of this section shall be a Class A offense under § 1-1-9 of the Frederick County Code and subject to a fine of up to \$1,000 and shall be prosecuted in accordance with the provision of § 1-1-9.

(2) A failure to annually certify that all employees have completed the required training under section (B)(3) shall be a Class A offense under § 1-1-9 of the Frederick County Code and subject to a fine of up to \$1,000 and shall be prosecuted in accordance with the provision of § 1-1-9.

(Bill No. 18-29, 10-23-2018)

