

ORDINANCE O-1-16

Code of the Town of Cheverly

An Ordinance whereby the Mayor and Council modify the Housing Code to clarify the definition of minimum temperatures requiring heating facilities.

WHEREAS, Article VII, Section C-23A(1) of the Charter of the Town of Cheverly grants to the Mayor and Town Council the power to prevent and abate nuisances that impact the health and well being of the residents and to protect and promote property values in the Town; and

WHEREAS, the Mayor and Town Council deem it appropriate to amend the Town Code regarding heating facilities to clarify that such minimums should not be on the basis of ten degrees below zero and should be increased in order to protect the public health and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council, in regular session assembled, that Sections 5-2(e)9 of the Cheverly Code be repealed and reenacted with amendments as follows:

Chapter 5

HOUSING CODE

§ 5-1. Definitions and policy.

§ 5-2. Standards.

§ 5-3. Administrations.

§ 5-4. Licensing and inspections of rental and dwellings.

§ 5-5. Inspection of other dwellings.

§ 5-6. Unfit dwellings.

§ 5-7. Emergencies.

§ 5-8. Violations.

§ 5-9. Hearings.

§ 5-10. Validity.

Sec. 5-2. Standards.

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

- (1) *Water closet.* Every dwelling unit shall contain within its walls, a room, separate from the habitable rooms, which affords privacy and which is equipped with a water closet.
- (2) *Lavatory.* Every dwelling unit shall contain a lavatory, which, when a water closet is required, shall be in the same room with such water closet.
- (3) *Bathtub or shower.* Every dwelling unit shall contain a room which affords privacy to a person in the room and which is equipped with a bathtub or shower.
- (4) *Kitchen sink.* Every dwelling unit shall contain a kitchen sink apart from the lavatory required elsewhere by this code.
- (5) *Cooking facilities.* Every dwelling unit shall contain cooking and baking facilities for the purpose of preparing food, and such facilities shall be properly installed and operated and kept in a clean and sanitary condition.
- (6) *Refrigeration for food preservation.* Every dwelling unit shall contain a refrigeration unit adequate for the temporary preservation of perishable foods. Such unit shall be capable of maintaining an average temperature of below forty-five (45) degrees Fahrenheit, shall be properly installed and operated, and kept in a clean and sanitary condition.
- (7) *Water and sewer system.* Every kitchen sink, lavatory basin, bathtub or shower and water closet required under the provisions of this code, shall be properly connected to either a public water and sewer system or to a private water and sewer system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.
- (8) *Water heating facilities.* Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with hot water elsewhere in this code. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin,

bathtub, shower, and laundry facility or other similar units, at a temperature of not less than one hundred thirty (130) degrees Fahrenheit at any time needed.

- (9) *Heating facilities.* Every dwelling unit shall have heating facilities and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained and in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature of at least an average of sixty-eight (68) degrees Fahrenheit with an outside temperature of ten (10) degrees below zero (0) Fahrenheit. The owner shall maintain a minimum average room temperature of sixty-eight (68) degrees Fahrenheit in all habitable rooms including bathrooms and toilet rooms when rented, at all times on the basis of ten (10) degrees below zero (0) Fahrenheit outside.
- (10) *Operation of heating facilities.* Every heating or water heating facility shall be installed and shall operate in accordance with the requirements of the building code or air pollution control ordinances.
- (11) *Storage and removal of rubbish and garbage.* Every dwelling unit shall be supplied with containers and covers for the temporary storage of rubbish and garbage. There shall also be a method for the removal of said rubbish and garbage from the premises.

(Ord. No. 1-89, 5-11-89; Ord. No. O-03-01, 2-8-01)

AND BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

AND BE IT FURTHER ORDAINED that within five (5) days after enactment of this Ordinance and at least thirty (30) days prior to the effective date of this Ordinance, a certified copy of this Ordinance shall be delivered to the Prince George's District Council.

AND BE IT FURTHER ORDAINED that such Ordinance is not effective until approved by Prince George's County or the District Council.

BE IT FURTHER ORDAINED that this Ordinance shall take effect sixty (60) days from the date of its adoption; provided, however that a fair summary of the Ordinance is published at least once in a newspaper of general circulation in the Town of Cheverly at least once prior to its effective date.

INTRODUCED by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on February 11, 2016, at which meeting copies were available to the public for inspection.

ADOPTED by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on April 14, 2016, at which meeting copies were available to the public for inspection.