

## ORDINANCE NO. 2016-04

Town of Rising Sun

Cecil County, Maryland

AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, AMENDING THE GENERAL LAWS OF THE TOWN OF RISING SUN BY AMENDING AND ADDING LANGUAGE TO ARTICLE 2 OF CHAPTER 5 OF THE CODE OF ORDINANCES OF THE TOWN OF RISING SUN, AND DELETING AND REPEALING CERTAIN ARTICLES AND PROVISIONS IN CONFLICT THEREWITH, IN ORDER TO INCORPORATE A NEW CHAPTER 8 INTO THE PREVIOUSLY ADOPTED PROPERTY MAINTENANCE, MINIMUM HOUSING AND QUALITY OF LIFE CODE, EDITION 2016-1 IN ORDER TO CREATE A PROPERTY TRANSFER RESALE INSPECTION PROGRAM; AND TO REPEAL ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

**WHEREAS**, the Code of Ordinances of the Town, contains Chapter 5, titled Building and Housing Regulations which contains Article 2 titled Property Maintenance, Minimum Housing and Quality of Life Code which establishes minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises; to preserve the peace, harmony and tranquility of the community; and

**WHEREAS**, the Mayor and Commissioners have recently identified trends showing significant declines in assessed property values in the Town of Rising Sun; and

**WHEREAS**, the decline of property values is directly tied to the decline and decay of a community, which evolves into loss of financial equity for homeowners and loss of financial resources for the Town to continue to provide needed services for the community; and

**WHEREAS**, for every 10% loss in property values, there is a \$10,000 loss of financial equity for every \$100,000 of appraised property value which is a direct financial impact for all Rising Sun property owners. These losses create apprehension and loss of new investments in the community thereby making the community stagnate and unsustainable economically; and

**WHEREAS**, the Mayor and Commissioners recognize their role as shepherds and gate keepers of the public trust and the investments made by property owners and that ignoring the trend lines will only cause greater decline in the economic opportunities of families that have chosen to call Rising Sun home and to businesses that are investing all of their resources into this community only to see the value of return on their

investments greatly diminished; and

**WHEREAS,** appraisals and assessed values of properties are directly tied to market sales and therefore properties that are offered for sale, that also have significant property maintenance issues or are unsafe or unsanitary, will typically sell for less than market value, which in turn drives market values down community wide. This leads to declines in appraisal and assessed values, which results in the direct impact to property owners and businesses as detailed above; and

**WHEREAS,** roughly 50 or more properties are sold in Rising Sun each year but more importantly they are currently sold without any efforts to comply with any recognized property maintenance codes, and are essentially fostering a trend line of declining property value passed on to the next owner without the correction of any property maintenance issues which effect everyone's property values; and

**WHEREAS,** the Mayor and Commissioner find it vitally important to the future of the Town of Rising Sun that these properties be brought into compliance with basic property maintenance codes and standards prior to sale and as such wish to hereby create a Resale Inspection program as spelled to achieve this goal.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Town Commissioners of the Town of Rising Sun, Cecil County, Maryland, and it is hereby enacted and ordained by its authority that Chapter 5 of the Town Code shall be modified as follows:

#### SECTION 1

Article 2 titled *Property Maintenance, Minimum Housing and Quality of Life* of Chapter 5, edition 2016-1 shall be modified by adding a new Chapter 8 titled *Property Transfer Resale Inspection Program*, to the Towns Property Maintenance, Minimum Housing and Quality of Life Code, and furthermore adopt the terms and provision as set out in this new chapter, of which one (1) copy is hereby attached to this ordinance and will be made a part of a revised document titled *The Town of Rising Sun Property Maintenance, Minimum Housing and Quality of Life Code*, edition 2016-2

#### SECTION 2.

All ordinances or parts thereof inconsistent herewith are repealed, rescinded, canceled and annulled.

#### SECTION 3.

Should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or

otherwise determined to be unenforceable for a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code text adopted hereby. The Town of Rising Sun hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

SECTION 4.

That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5.

That the Rising Sun Town Clerk is hereby ordered and directed to cause this ordinance to be published in a newspaper in general circulation.

SECTION 6.

**NOW THEREFORE BE IT FURTHER RESOLVED** that this ordinance was introduced on this 23<sup>rd</sup> day of August, 2016.

SECTION 8.

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Mayor and Commissioners of the Town of Rising Sun passed, approved and adopted this ordinance on this 27<sup>th</sup> day of September, 2016

AYES:

NAYES:

ATTEST:

ON BEHALF OF  
THE MAYOR AND COMMISSIONERS  
OF THE TOWN OF RISING SUN

BY: \_\_\_\_\_  
Calvin A Bonenberger Jr  
Town Administrator Acting Town Clerk

BY: \_\_\_\_\_  
Travis Marion - Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

THIS \_\_\_\_\_ DAY OF AUGUST, 2016

BY: \_\_\_\_\_  
Jack A. Gullo, Jr., - Town Attorney

## CHAPTER 8

### PROPERTY TRANSFER RESALE INSPECTION PROGRAM

#### SECTION 801 GENERAL

**801.1 Scope.** The provisions of this chapter shall govern the minimum conditions required of any existing buildings, structures or lots of ground, involved in property transactions as defined below. As a means to these ends, this ordinance provides for a registration and inspection program for all such properties, and penalties for noncompliance. Such program shall be called the Property Transfer Resale Inspection Program.

**801.2 Program Mission & Objective.** The decline of property values is directly tied to the decline and decay of a community. Declining property values which evolves into loss of financial equity for homeowners and loss of financial resources for the Town to continue to provide needed services for the community. For every 10% loss in property values, there is a \$10,000 loss of financial equity for every \$100,000 of appraised property value. Losses associated with declining property values create apprehension and loss of new investments in the community thereby making the community stagnate and unsustainable economically. Appraisals and assessed values are directly tied to market sales. Properties that have significant property maintenance issues or are unsafe or unsanitary, will typically sell for less than market value, which in turn drives market value down. This leads to declines in appraisal and assessed values, which results in the direct impact to property owners as detailed above. This program aims to insure that properties that are offered for sale, are done so with reasonable efforts made to cure and abate certain property maintenance and life safety issues in order to preserve market values and to secure the financial investments made by all property owners within the Town of Rising Sun.

**801.3 Taxes due.** No property regulated by this code shall transfer or be occupied until all overdue taxes; assessments and utility service fees and charges are paid, and any outstanding liens payable to the Town are satisfied.

**801.4 Definitions.** The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

**AGENT.** A person who shall have charge, care or control of any structure as owner, or agent of the owner, or as executor, executrix, administrator, trustee or guardian of the estate of the owner. Any such person representing the actual owner shall be bound to comply with the provisions of this code to the same extent as if that person was the owner.

**APPLICANT** Shall mean the owner, buyer, or agent thereof, such as but not limited to a realtor, broker etc, who shall have control, authority and responsibility for the orderly processing of any property regulated by this chapter.

**BUYERS PROVISIONAL REQUIREMENTS AFFIDAVIT.** A signed and notarized statement provided by the buyer that such buyer is aware of the stipulations outlined on any Provisional Certificate of Use and or Occupancy.

**BUYERS HOME/BUILDING INSPECTION REPORT AFFIDAVIT.** A signed and notarized statement provided by the buyer that such buyer has reviewed the required Home/Building Inspection Report in its entirety.

**OWNERS PROVISIONAL REQUIREMENTS AFFIDAVIT.** A signed and notarized statement

provided by the owner that such owner is aware of the stipulations outlined on any Provisional Certificate of Use and or Occupancy.

**PRIVATE SALE.** An often unadvertised sale of property that is not open to the general public and does not take place at a set time or place

**PROPERTY TRANSACTION.** A property that is the object of

- A. A sale, foreclosure or other legal action resulting in a change or transfer of ownership.
- B. Occupancy of vacant ground, or a newly constructed or enlarged building; change in use of a building or vacant ground.

**PUBLIC SALE.** A sale (as an auction) that is publicly advertised and that takes place at a location open to the public

**SALE.** The transfer of title to property from one party to another for a price.

**SALE IN GROSS.** A sale of a tract of land that is not made with a guarantee as to the exact amount of land involved or the sale of an undivided property (as in execution of a judgment)

**SALE ON APPROVAL.** A conditional sale whose completion depends on acceptance of the goods by a buyer (as a consumer) receiving them primarily for use with the option to return them if they do not meet his or her approval even though they conform to contract

**SALE OR RETURN.** A conditional sale whose completion depends on acceptance of the goods by a buyer (as a merchant) receiving them primarily for resale with the option to return them if they are not resold even though they conform to contract

**TAX SALE.** A forced sale of property resulting from nonpayment of taxes by the owner

## **SECTION 802 REQUIRED REGISTRATION AND INSPECTIONS**

**802.1 Property transactions registration required.** No owner or possessor of any real property, land, buildings or structures located in the Town of Rising Sun shall sell, deed, convey or transfer title to such real property, land, building or structures within the Town of Rising Sun unless and until such owner or possessor shall have applied for and been issued a Property Transfer Certificate of Occupancy by the Code Department in accordance to section 806

**802.2 Application Process.** Application for a Property Transfer Certificate shall be made in writing on a form provided by the Town upon request. The application shall be completed, signed and delivered by the owner, possessor or agent to the Code Department, along with such application fee as may be established by the Town from time to time.

The application shall state:

- A. The names addresses and a phone number of all owners of the premises.
- B. Forwarding address of all owners of the premises.
- C. The name, local address and telephone numbers, business, home cell and pager if available, of the realtor or agent representing the seller if applicable.
- D. The address of the premises.
- E. The type of premises.
- F. The proposed use of the structure after transfer.

**802.3 Timing of Application.** The written application for the Property Transfer Certificate shall be submitted to the Code Officer at least thirty (30) days prior to the proposed date of deed, conveyance or transfer of title. By filing the application with the Town, the owner, possessor or agent of the property involved shall authorize such inspections of the real property, buildings and structures by the Code Officer

**802.4 Additional Items to be provided.** In addition to the application and all applicable application fees, the owner, possessor or agent of any property subject hereto shall be required to submit the certifications and inspection reports required by Sections 803.5 and 803.6 hereof as well as any additional technical reports and certifications that the Code Officer may deem necessary pursuant to Section 105.3 hereof as a condition to the issuance of a Certificate of Property Transfer.

### SECTION 803 INSPECTIONS AND COMPLIANCE REQUIREMENTS

**803.1 Scope of Inspections.** Following the submittal of an application for a Property Transfer Certificate, it shall be the responsibility of the owner applicant or agent, to contact the Code Department and schedule all inspections. The procedures for such inspections shall be as follows:

- A. Advanced Notice of Inspection Request. Inspection request must be made to the Code Department no less than (48)- forty-eight hours prior to the time of the inspection.
- B. Inspection Representative. The Code Officer shall not enter on or upon any property, or conduct any inspection without being accompanied by the applicant or representative thereof, for the full duration of the inspection.
- C. Areas of Inspection. All interior and

exterior areas of the properties regulated by this code shall be subject to inspection.

- D. Inspection Type. The inspections performed by the Code Department are visual in nature.
- C. Inspection Criteria. Inspection shall be performed to identify conditions that pose a threat to the health, safety and welfare of any occupants or general public; and to identify any conditions on the premise that are a public nuisance, offensive condition and or negatively affects the property values of surrounding properties. (See Appendix A for list of general compliance requirements)

**803.2 Diagnostic and Operational Testing.** No diagnostic testing or technical evaluations of equipment and services are performed; and that operational testing of switches and valves controlling building utilities, devises and equipment is minimal.

**803.3 Inspection liability.** The Town of Rising Sun or any employees thereof, assume no liability for the quality of any property inspected.

**803.4 Code compliance.** All buildings, structures and lots of ground regulated by this chapter shall be inspected and required to comply with all applicable sections of this code, the Town's Planning and Zoning Code and The Codified Ordinances of The Town of Rising Sun

**803.5 Termite and pest certifications.** With the exception of newly erected buildings or structures, all properties must provide a certificate of proof that the entire property has been inspected for and treated for the abatement of any termites, pests or rodents, to include the removal of any mosquito, mosquito larvae or

standing bodies of water that may harbor such mosquito pests. Such certificate shall be dated no more than ninety (90) days prior to the date of settlement or transfer.

**803.6 Notarized Buyers Inspection Verification Affidavit.** The buyer must provide a notarized Buyers Inspection Verification Affidavit, provided by the Code Department as amended from time to time. (see appendix B). This shall include “as is sales” that are covered as a provisional certificate of occupancy as covered in section 806.3.

**803.7 Date Stamp.** All reports and certificates required in this section must have the date of inspection noted.

#### **SECTION 804 CORRECTIONS OF VIOLATIONS.**

**804.1 Notice of violation.** Upon completion of any inspection, the code officer shall issue a notice of violation in accordance to section 107, for any Code violations of the Codes described in Section 803.4 of this chapter that are found.

**804.2 Time limits for compliance.** Violations found shall be corrected in accordance to section 107.4

**804.3 Permit Requirements.** The owner, applicant contractor or agent thereof shall be required to secure any applicable permits for correcting Code violations in accordance with the Town Code.

**804.4 Licensed Contractors.** In addition to the person performing the repairs or work, the owner, applicant or agent thereof is reminded that certain repairs or work performed must be done by a licensed contractor in accordance to Maryland State Law.

#### **SECTION 805 UNFIT FOR HABITATION AND OCCUPANCY.**

**805.1 Occupancy Prohibited.** No property shall be occupied if it contains violations that render the property unsafe for occupancy, unless the occupancy is intended for the correction of violations and repairs; and only if provisions for safety have been approved by the code officer. A list of possible life safety code issues that could affect occupancy are listed in Appendix A of this code.

#### **SECTION 806 FINAL OR PROVISIONAL CERTIFICATE OF OCCUPANCY**

**806.1 Certificate of occupancy required.** No property regulated by this code, pending sale, transfer of title or deed, shall proceed to settlement unless a Final or Provisional Property Transfer Certificate of Occupancy has been applied for and the owner, applicant or agent therefore has otherwise complied with the requirements of this Chapter.

**806.2 Final certificate process.** The owner, applicant or agent thereof may receive a Final Property Transfer Certificate of Occupancy upon completion of the following:

- A. Property must be free and clear of any violations at the time of the inspection.
- B. All required certifications and other documentation must be received in the code office no less than seventy-two (72) hours prior to settlement or intent to occupy; unless the payment of an accelerated fee has been forwarded to the Town as per the Town’s Fee Schedule.



**806.3 Provisional certificate process.** The owner, applicant or agent thereof that is unable to correct violations as outlined in section 107.4 may receive a Provisional Property Transfer Certificate of Occupancy as spelled out in Chapter 12 of this code.

### **SECTION 807 VIOLATIONS**

**807.1 Violations of this chapter.** Whoever violates or fails to comply with any of the provision of this chapter shall be identified, notified and cited in accordance to sections 107 & 108 of this code.

### **SECTION 808 INTERPRETATION; CONFLICT OF LAWS.**

In interpreting and applying the provisions of this chapter, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare. Where the provisions of this chapter impose greater restrictions than those of any other chapter, ordinance or regulation, the provisions of this chapter shall control. Where the provisions of any other chapter, statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, other ordinance or regulation shall control.

### **SECTION 809 EQUITABLE REMEDIES & ENFORCEMENT ACTIONS**

**809.1** The Town shall have the authority to institute any appropriate action to restrain, correct or abate a violation, or safeguard the general public or occupants of a rental unit as spelled out in Chapter 1.

### **SECTION 810 APPEALS.**

**810.1** Any person directly affected by a decision of the Code Officer or a notice or order issued under this code shall have the right to appeal in accordance with section 113 of this code.

### **SECTION 811 EFFECTIVE DATE.**

**811.1** The registration and permitting of all rental units and the designation of a responsible local agent shall occur immediately upon enactment of this ordinance and shall be valid for the remainder of the license calendar year.

### **SECTION 812 DISCLAIMER.**

**812.1** Nothing herein is intended to modify, enlarge or diminish any rights or responsibilities under Rising Sun's Planning and Zoning Code.

## APPENDIX A

### CODE SECTIONS APPLICABLE TO ONE AND TWO FAMILY DWELLINGS THAT ARE OFFERED FOR SALE.

**A.1 General.** This appendix is informative and is not part of or a complete summary of the code. This appendix is provided as a quick reference to any persons involved in the sale of a one- and two family home. Conditions that may be noted by the code officer during the inspection of such properties are identified here below. These conditions are coordinated with the section numbering of this code.

**A.2 Scope.** This appendix is not all inclusive and any conditions found during the inspection that are egregious in nature and fall within the scope and objective of the Property Transfer Program as outlined in sections 801.2 and 803.1 of this code shall be identified. The brief descriptions provided with each code section are a narrative summary of the code requirements. In order to completely understand the requirements of this code, the reader should review that actual code sections as contained in this code.

**A.3 Required prior to occupancy.** A column has been provided to identify any conditions that may prohibit the occupancy of the dwelling if such violations are not corrected prior to settlement or transfer of title. However, the final determination of occupancy is based upon the severity of the threat of injury or potential death to any occupant of the dwelling if conditions are not corrected. This determination shall be made by the code officer.

**A.4 Means of appeal.** All person directly affected by a decision of the Code Officer or a notice or order issued under this code are reminded of their right to appeal as provided for in section 113 of this code.

Code Section	Brief Description (See actual code section for scope of requirements)	Life Safety/Required prior to Occupancy
302.1	<b>Sanitation:</b> Free of any trash, garbage, or discarded materials	NO
302.2	<b>Grading &amp; drainage:</b> Free of any ruts in yard, erosion, improper run-off to adjacent property or standing water.	NO
302.3	<b>Sidewalks and driveways:</b> The property owner shall keep all sidewalks, walkways, stairs, driveways, parking spaces and similar areas in a proper state of repair, and maintained free from hazardous conditions to include subsections 302.3.1 and 302.3.2	NO
302.4	<b>Lawn and vegetation care:</b> shall be properly maintained to include subsections 302.4.1, 302.4.2 & 302.4.3	NO
302.5	<b>Outside storage and or use of indoor furniture, appliances or vehicle seats.</b> Exterior shall be free of the storage of indoor furniture, appliances or vehicle seats.	NO
302.6	<b>Exhaust vents:</b> Egregious violations of this section that could pose a significant hazard to persons in the vicinity.	NO
302.7	<b>Accessory structures.</b> All accessory structures, including detached garages,	NO

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	fences and walls, shall be maintained structurally sound and in good repair	
302.8.1	<b>Abandoned vehicles:</b> Properties shall be free of any vehicles that are abandoned, unregistered, unlicensed or un operable.	NO
302.9	<b>Defacement of property:</b> All properties shall be free of any graffiti.	NO
302.10	<b>Undesirable accumulations; dumping on private property:</b> Property shall be free of any accumulations of garbage, rubbish, trash or other waste material.	NO
302.12	<b>Emergency vehicle access path.</b> The required emergency vehicle access path shall be maintained along all public passage ways, non-residential driveways or parking areas, as provided for in the Town Code	YES
302.20	<b>Signs, post, poles and fences.</b> must be properly maintained, painted and or surface protected to prevent rust, decay, deterioration or discoloration.	NO
303.	<b>Swimming pools, hot tubs and spas.</b> Swimming pools, hot tubs and spas shall be maintained in a clean and sanitary condition, and in good repair in accordance to subsections from 303.2 up through 303.10	YES
304.1	<b>Exterior Structures:</b> The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare or to detract from area property values.	NO
304.2	<b>Protective treatment.</b> All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.	NO
304.3	<b>Premise Identification:</b> Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property and from any common alley or public right of way servicing the rear of the property.	YES
304.4	<b>Structural members.</b> All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.	DEPENDS ON SEVERITY
304.5	<b>Foundation walls.</b> All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.	DEPENDS ON SEVERITY
304.6	<b>Exterior walls.</b> All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.	DEPENDS ON SEVERITY
304.7	<b>Roofs and drainage.</b> The roof and flashing shall be sound, tight and not have defects that admit rain.	NO
304.8	<b>Decorative features.</b> All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with	DEPENDS ON SEVERITY

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	proper anchorage and in a safe condition.	
304.9	<b>Overhang extensions.</b> All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.	DEPENDS ON SEVERITY
304.10	<b>Stairways, decks, porches and balconies.</b> Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.	DEPENDS ON SEVERITY
304.11	<b>Chimneys and towers.</b> All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.	DEPENDS ON SEVERITY
304.12	<b>Handrails and guards.</b> Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.	DEPENDS ON SEVERITY
304.13	<b>Window, skylight and door frames.</b> Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	NO
304.13.2	<b>Openable windows.</b> Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.	YES
304.15	<b>Doors.</b> All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.	YES
304.16	<b>Basement hatchways.</b> Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.	NO
304.17	<b>Guards for basement windows.</b> Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents	NO
304.18	<b>Building security.</b> Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.	YES
304.18.1	<b>Doors.</b> Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased, let or offered for sale, shall be equipped with a lock meeting specifications set forth herein.	YES
304.18.2	<b>Windows.</b> Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit shall be equipped with a window sash locking devices.	YES
304.18.3	<b>Basement hatchways.</b> Basement hatchways shall be equipped with devices that secure the units from unauthorized entry.	YES
305.1	<b>General Interior Structure.</b> The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.	DEPENDS ON SEVERITY
305.2	<b>Structural members.</b> All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.	DEPENDS ON SEVERITY

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305.3	<b>Interior surfaces.</b> All interior surfaces, including windows and doors, shall be repaired if such surfaces contain lead based paint and or were caused by leaking roofs, walls or ceilings, or caused by damage due to fire, explosion, flood, impact, earthquake, wind or other similar event .	NO
305.4	<b>Interior Stairs and walking surfaces.</b> Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.	DEPENDS ON SEVERITY
305.5	<b>Interior Handrails and guards.</b> Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.	DEPENDS ON SEVERITY
305.6	<b>Interior doors.</b> Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.	NO
305.7	1. <b>Tempered Glass.</b> Properties shall be protected by tempered or other approved impact load glass as required.	DEPENDS ON SEVERITY
305.8	<b>Multiple Cooking Facilities.</b> For the purposes of this section, any single family dwelling containing multiple cooking facilities shall be viewed as a multiple family dwelling. Such dwelling shall be prohibited unless they comply with all applicable provisions of the Town Code or are approved by the Zoning Hearing Board.	AS SINGLE FAMILY USE ONLY
305.9	<b>Mold.</b> All properties shall be free of any visible presence of mold.	DEPENDS ON SEVERITY
305.10	<b>Lead Paint.</b> All premises or portions there of, shall be free of any visible presence of lead paint that poses a health and safety issue to any occupants.	DEPENDS ON SEVERITY
305.11	<b>Asbestos.</b> All properties shall be free of any visible presence of Asbestos that poses a health and safety issue to any occupants.	YES
306.1.1	<b>Component Serviceability, Unsafe Component.</b>	DEPENDS ON SEVERITY
307.1	<b>Technical Requirements of Handrails and Guards:</b> Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of that stair.  Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards installed.	DEPENDS ON SEVERITY
307.3	<b>Materials used for Guards and Handrails:</b> All materials, colors and designs incorporated into the repair or replacement of handrails or guards must be consistent with the character of the immediate area and shall be subject to approval by the Code Officer.	NO
308.1	<b>Accumulation of rubbish, garbage, or recyclables.</b> All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish garbage or recyclables.	NO

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308.8	<b>Recyclable containers.</b> All containers required under the Town's recycling program shall be present and properly maintained.	NO
309.1	<b>Infestation.</b> All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.	DEPENDS ON SEVERITY
310	<b>Animal Defecation:</b> Free of any animal waste to include domestic and non-domestic animals	NO
402	<b>Interior Lighting:</b> All structures shall have adequate lighting as required in the code. Exposed Light bulbs in closets shall be protected wit globes	DEPENDS ON SEVERITY
403	<b>Ventilation:</b> All structures shall have adequate ventilation as required in the code.	DEPENDS ON SEVERITY
403.3	<b>Cooking facilities.</b> Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.	YES
403.5	<b>Clothes dryer exhaust.</b> Clothes dryer exhaust systems shall be properly maintained, independent of all other systems, and shall be exhausted in accordance with the manufacturer's instructions.	DEPENDS ON SEVERITY
404.4.4	<b>Prohibited sleeping areas.</b> Kitchens, nonhabitable spaces and basements shall not be used for sleeping purposes.	YES
502.1	<b>Plumbing Facilities for Dwelling units.</b> Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.	DEPENDS ON SEVERITY
503.1	<b>Bathroom Privacy.</b> Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.	NO
504.1	<b>Plumbing Fixture Maintenance.</b> All plumbing fixtures shall be properly installed and maintained in accordance to the Plumbing code, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.	DEPENDS ON SEVERITY
504.3	<b>Plumbing system hazards.</b> Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the Code Officer shall require the defects to be corrected to eliminate the hazard.	DEPENDS ON SEVERITY

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504.4	<p><b>Sump Pumps.</b> All sump pumps shall be discharged directly into an approved storm water management system. If one is not readily available, the discharge shall be piped to the exterior of the building but in no case shall it violate any provision of the Town's Storm Water Management Ordinance or this code. Sump pumps connected to the sanitary sewer system shall be prohibited.</p>	NO
504.5	<p><b>Backwater valve.</b> Where the flood level rim of building plumbing fixtures are located below the elevation of the manhole cover of the next upstream manhole in the public sewer, such fixtures shall be protected by a backwater valve installed in the building drain, branch of the building drain or horizontal branch serving such fixtures.</p>	NO
505.1	<p><b>Water Connections.</b> Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the <i>International Plumbing Code</i>.</p>	YES
505.2	<p><b>Contamination.</b> The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture.</p>	YES
505.3	<p><b>Water Supply.</b> The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.</p>	YES
505.4	<p><b>Water heating facilities.</b> Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 F (43 C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.</p>	YES
506.1	<p><b>Sanitary Sewer Piping:</b> All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.</p>	DEPENDS ON SEVERITY
506.2	<p><b>Sewer Pipe Maintenance.</b> Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.</p>	DEPENDS ON SEVERITY
507.1	<p><b>Storm Water Drainage.</b> Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.</p>	DEPENDS ON SEVERITY
601.2	<p><b>Heating System:</b> The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.</p>	DEPENDS ON SEVERITY

## APPENDIX A

602.2	<b>Residential Heating Requirement's.</b> A Heating certificate must be provided to insure that existing heater can provide adequate heat as required by the code.	DEPENDS ON SEVERITY
603.1	<b>Mechanical appliances.</b> All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.	YES
603.2	<b>Removal of combustion products.</b> All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.	YES
603.4	<b>Safety controls.</b> All safety controls for fuel-burning equipment shall be maintained in effective operation.	YES
603.5	<b>Relief valves required.</b> All hot water heaters and water boilers shall be equipped with temperature and pressure relief valves.	YES
603.6	<b>Relief valve discharge piping.</b> All relief valves shall be equipped with discharge piping that shall extend to at least 6" above the floor.	YES
603.7	<b>Combustion air.</b> A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.	DEPENDS ON SEVERITY
603.8	<b>Energy conservation devices.</b> Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.	DEPENDS ON DANGERS CREATED BY HOOK-UP
603.9	<b>Carbon Monoxide Detectors.</b> All properties rented let or offered for sale, shall have hard wired carbon monoxide detectors located in all heating and mechanical rooms.	YES
604.1	<b>Electrical Facilities Required.</b> Every occupied building shall be provided with an electrical system in compliance with the requirements of the Property Maintenance Code	YES
604.2	<b>Electrical Service.</b> The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the <i>ICC Electrical Code</i> . Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.	YES
604.3	<b>Electrical system hazards.</b> Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Officer shall require the defects to be corrected to eliminate the hazard.	YES
605.2	<b>Receptacles.</b> Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. All bathroom receptacle outlets shall have ground fault circuit interrupter protection.	BATHROOMS, LAUNDRY ROOMS YES OTHER ROOMS NO



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605.2.1	<p><b>GFCI Protection.</b> In addition to section 605.2 above, all residential properties that are rented, leased, let or offered for sale shall have ground fault circuit interrupter protection (GFI) installed as follows:</p> <p>A. In all unfinished basement areas.</p> <p>B. At least one installed on the kitchen counter top adjacent to any kitchen sink.</p> <p>C. All outlets serving such counter top shall be GFI protected.</p> <p>D. All exterior outlets shall be GFI protected with a weatherproof cover</p>	<p>KITCHEN OUTLETS &amp; EXTERIOR OUTLETS YES</p> <p>BASEMENT OUTLETS NO</p>
605.3	<p><b>Lighting fixtures.</b> Every common hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.</p>	<p>DEPENDS ON SEVERITY</p>
607.1	<p><b>General Duct Systems.</b> Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.</p>	<p>DEPENDS ON SEVERITY</p>
608	<p><b>Natural Gas and Fuel Supply Systems,</b> shall be readily accessible and properly maintained.</p>	<p>DEPENDS ON SEVERITY</p>
702.1	<p><b>General Means of Egress.</b> A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the <i>International Fire Code</i>.</p>	<p>YES</p>
702.3	<p><b>Locked doors.</b> All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the <i>International Building Code</i>.</p>	<p>YES</p>
702.4	<p><b>Emergency escape openings.</b> Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.</p>	<p>YES</p>
703.1	<p><b>Fire-resistance-rated assemblies.</b> The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.</p>	<p>YES</p>
703.1.1	<p><b>Fire separation semi-detached buildings.</b> Unless specified elsewhere, all penetrations, holes or cracks found in any party walls between buildings must be restored to its original fire separation rating in accordance to the Fire and Building Codes in place at the time of construction. If no required rating can be determined than such penetrations, holes or cracks shall be covered with 5/8 fire rated gypsum board with tightly fitting taped seams.</p> <p><b>Exception:</b> Party walls located in basements or cellars areas subject to moisture, shall have all surface areas recoated with an approved bonding cement or other such approved material to seal all penetrations, holes or cracks.</p>	<p>YES</p>

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703.2	<p><b>Opening Protectives.</b> Required opening protectives shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.</p>	YES
704.1	<p><b>General Fire Protective Systems.</b> All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the <i>International Fire Code</i> and the Town's Fire Code.</p>	YES
704.1.1	<p><b>Fire extinguishers.</b> The owner of any dwelling unit, rooming unit or housekeeping unit that is rented, leased, let or offered for sale shall install a five (5) pound ABC fire extinguisher in all rooms housing cooking facilities.</p>	YES
704.2	<p><b>Smoke alarms.</b> Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:</p> <ol style="list-style-type: none"> <li>1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.</li> <li>2. In each room used for sleeping purposes.</li> <li>3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.</li> </ol> <p>Single or multiple-station smoke alarms shall be installed in other groups in accordance with the <i>International Fire Code</i>.</p>	YES
704.3	<p><b>Smoke Detector Power Source.</b> Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.</p>	YES
705	<p><b>Automatic Fire Alarm systems.</b> If present shall be properly maintained and operational.</p>	YES
706.1	<p><b>Fire Protection Systems.</b> If present must be properly maintained and operational.</p>	YES
706.2	<p><b>Fire Extinguishers.</b> 5 LB unit required in all kitchens</p>	YES
707.1	<p><b>Hazardous materials storage.</b> The storage of hazardous materials must comply with the limits and specifications established in the International Fire Code.</p>	YES
707.2	<p><b>Dangerous Accumulations.</b> All properties shall be free of any dangerous accumulations of any hazardous, flammable or combustible materials, that do not comply with 705.1</p>	YES

## APPENDIX B



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### BUYERS AFFIDAVIT

I \_\_\_\_\_ am the purchaser of the property located at

\_\_\_\_\_, Rising Sun Maryland. This property has been inspected by the Rising Sun Department of Code Enforcement. I further understand that this inspection is a check for compliance with The Town of Rising Sun's Property Maintenance Minimum Housing and Quality of Life Code.

I further understand that the inspections performed by the Code Department are visual in nature and that no diagnostic testing or technical evaluations of equipment and services are performed; and that operational testing of switches and valves controlling building utilities, devices and equipment is minimal.

I further understand that the issuance of any Certificates of Occupancy shall not be construed to represent any warranties or guarantees, by or on behalf of The Town of Rising Sun; nor shall the issuance of any certificates or approvals be construed to imply that the property is:

- A. Completely safe or free of any dangers or hazards to the occupants or general public.
- B. Completely free and clear of any violations of this chapter or any other codes.
- C. Completely free and clear of any defects related to any structural, fire protection, fire prevention, building utilities or any other features of the property.

In addition to the above, I hereby verify that the Town of Rising Sun is not responsible for any 3<sup>rd</sup> party home inspection reports that may have been provided to me and further waive the Town of any liability in the event that such third party report does not identify any defects present or found in my home.

\_\_\_\_\_  
Signed by Buyer:

\_\_\_\_\_  
Date:

