

Amending ceiling height requirements
Sponsored by: Councilmember Thompson

LEGISLATIVE RESOLUTION 17-0-04

Resolution and Ordinance of the Town of University Park to amend Chapter 13 “Housing”, Article 2, “Rental Housing Code”, Section 3-204, “Occupancy requirements” and Section 13-217, “Fire safety requirements” of the Code of Ordinances of the Town of University Park.

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, the Mayor and Common Council have adopted Chapter 13, “Housing”, of the Town Code to regulate the maintenance of residential housing; and

WHEREAS, the Mayor and Common Council have determined that it is in the public interest to incorporate by reference in the rental housing code the Prince George’s County Fire Code and the NFPA 101 Life Safety Code; and

WHEREAS, the Mayor and Common Council have determined that it is in the public interest to change the ceiling height for spaces to be used for habitation in rental housing to seven feet.

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[Brackets] indicate matter deleted from existing law

* * Asterisks* * indicate existing law which are unchanged but not set forth in the ordinance

CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED ORDINANCE

~~[Brackets]~~ indicate matter deleted by amendment to the proposed ordinance

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 13 "Housing", Article 2 "Rental Housing Code", Section 3-204 "Occupancy requirements", of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

Section 13-204 Occupancy requirements

No person shall rent or lease to another for occupancy any non-owner occupied premises, or any premises which is occupied by the owner and rented to more than one other person, including any dwelling and rooming units or portions thereof, which does not comply with the following requirements.

(a) Minimum ceiling heights – Habitable ~~[rooms]~~ SPACE, INCLUDING ALL SPACE THAT WILL BE USED FOR HABITATION, shall have a clear ceiling height of not less than seven ~~[and one-third (7 1/3)]~~ feet FOR AT LEAST ONE-HALF (1/2) OF THE SPACE. ~~[except that i]~~In attics or top half stories the ceiling height shall be not less than seven (7) feet ~~[nor less than]~~ FOR AT LEAST one-third (1/3) of the area of such space when used for HABITATION ~~[sleeping study or similar activity]~~. In calculating the floor area ~~[of such rooms]~~ FOR ANY HABITABLE SPACE, only those portions of the floor area of the rooms having a clear ceiling height of five (5) feet or more may be included.

(b) ~~(f)~~ * * * *

Section 2: Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 13, "Housing", Article 2, "Rental occupancy", Section 13-217, "Fire safety requirements" be and it is hereby repealed, re-enacted and amended to read as follows:

Section 13-217 Fire safety requirements.

No person shall rent or lease to another for occupancy any non-owner occupied premises, or any premises which is occupied by the owner and rented to more than one other person, including any dwelling and rooming units or portions thereof, which does not comply with the following requirements. Except as otherwise provided, the owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements and ~~[the fire prevention Code]~~ DIVISION 4 OF SUBTITLE 11 OF THE FIRE SAFETY LAW OF PRINCE GEORGE'S COUNTY, MARYLAND, 2012 EDITION, AS AMENDED FROM TIME TO TIME, WITH THE EXCEPTION OF SECTION 11-293, WHICH IS INCORPORATED HEREIN AND ADOPTED BY REFERENCE. THIS SECTION ALSO INCORPORATES BY REFERENCE CHAPTER 24 OF THE NFPA 101 LIFE SAFETY CODE, 2015 EDITION, AND IS APPLICABLE TO ONE- AND TWO-FAMILY DWELLINGS AS DEFINED THEREIN. REFERENCES IN THE FIRE PREVENTION CODE OF PRINCE GEORGE'S COUNTY TO THE FIRE CHIEF OR AUTHORIZED REPRESENTATIVE SHALL BE CONSTRUED TO INCLUDE THE TOWN'S HOUSING OFFICER. INSPECTIONS SHALL BE PERFORMED BY THE TOWN'S HOUSING OFFICER, AND VIOLATIONS SHALL BE ENFORCED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE. NOTHING HEREIN SHALL BE CONSTRUED AS PREVENTING COUNTY PERSONNEL FROM PERFORMING INSPECTIONS AND ENFORCING THE COUNTY'S FIRE SAFETY LAWS.

(a) – (e) * * * * *

Section 3. Be it further resolved that this resolution shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park.

Section 3: Be it further resolved that a complete and exact copy of this proposed Ordinance shall be posted on the entrance door of the Town Building of University Park,

Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

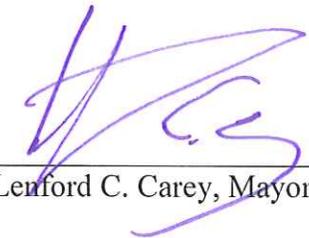
APPROVED this 10th day of July, 2017.

ATTEST:

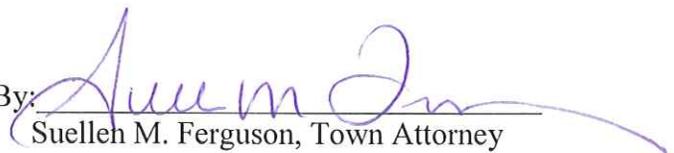
MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK



A handwritten signature in blue ink, appearing to read "Tracy", written over a horizontal line.

By: 
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
Suellen M. Ferguson, Town Attorney