

the Montgomery County Code 1965, by repealing and re-enacting with amendments, Section 86-5, titled "Right of entry," to authorize the County to enforce orders to repair or vacate unsafe buildings and to authorize the County Executive, Superintendent of Police and Fire Marshal or their authorized representatives to enter buildings and other structures (other than private residences) to perform duties under, and enforce the provisions of, the Fire Prevention Code.

*Be It Enacted by the County Council for Montgomery County, Maryland, that—*

*Section 1.* Section 25-3, Chapter 25, titled "Unsafe Buildings," of the Montgomery County Code 1965, is hereby repealed and re-enacted, with amendments, to read as follows:

25-3. County to enforce compliance with orders.

Upon the failure of any person to comply with the provisions of any order issued under this Chapter within the time specified therein, the County shall take such action as may be necessary to vacate and close the building or structure and shall cause a notice to be posted thereon stating that the premises are not safe for human habitation or occupancy.

*Section 2.* Section 86-5, Chapter 86, titled "Fire Prevention Code," of the Montgomery County Code 1965, is hereby repealed and re-enacted, with amendments, to read as follows:

86-5. Right of Entry.

The County Executive, Superintendent of Police and the Fire Marshal or their authorized representatives, upon exhibiting the proper credentials or proof of identity on request, shall have the right to enter any building, structure or premises (except private residences) without consent of the occupants, at any time during business or operating hours, and at such other times as may be necessary in an emergency that immediately endangers life, property or public safety, for the purpose of performing duties under this Chapter or enforcing the provisions thereof. In the case of multiple dwellings, they shall have such right to enter without consent only those spaces to which the public is ordinarily admitted, such as hallways, basements and similar spaces; provided, however, that such authorities may enter any private residence or dwelling for the purpose of enforcing this Chapter with the consent of the occupant thereof, or without such consent if they shall first obtain a search warrant in accordance with prescribed legal procedure, or if there is a present emergency such as a fire, explosion or the like, or immediately following such emergency.

*Section 3.* Severability.

The provisions of this Act are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Act or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Act would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the Act or any part thereof is inapplicable had been specifically exempted therefrom.

*Section 4.* Effective date.

This Act shall take effect on December 7, 1970.