ORDINANCE NO. 655

INTRODUCED BY: Councilperson Clendaniel

AN ORDINANCE OF THE TOWN OF DENTON AMENDING THE RESIDENTIAL RENTAL HOUSING PROVISIONS CONTAINED IN CHAPTER 98 OF THE DENTON TOWN CODE WITH RESIDENTIAL RENTAL PROPERTIES.

WHEREAS, the Town of Denton is authorized by the Maryland Annotated Code Article 23A, § 2 to adopt such ordinances not contrary to the Constitution of Maryland, public general law, or public local law as it deems necessary to assure good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Town of Denton has enacted such residential rental properties which are Chapter 98 of the Denton Town Code; and

WHEREAS, the Town of Denton wishes to modify the provisions regarding residential rental properties in the Town of Denton.

NOW THEREFORE, the Denton Town Council hereby ordains as follows:

SECTION 1: The Denton Town Council hereby adopts, as amended, by this chapter, which will be incorporated into the Denton Town Code, Chapter 98 as follows:

Section § 98-2, Definitions and word usage, is amended by deleting and adding new subsections to read as follows:

§ 98-2. Definitions and word usage.

CODE OFFICIAL. ***The official who is charged with the administration and enforcement of this chapter or code, or any duly authorized representative. The Property Maintenance Inspector in accordance with the Denton Property Maintenance Code, Chapter 94, is designated the Code Official.***

DEPARTMENT. ***Department shall mean the Department of Planning and Codes.***

DEPARTMENT, DIRECTOR OR ADMINISTRATOR OF. ***The Director or Senior Code Official in charge of administration the Department of Property Maintenance.***

DPMC. ***Denton Property Maintenance Code, Chapter 94, and any amendments.***

PERSON, OWNER. ***Any individual, proprietorship, partnership, authorized agent, corporation, association, or other legal entity having a vested interest in a residential***

rental property.

§ 98-2. Definitions and word usage

~~Person. Any individual, proprietorship, partnership, corporation, association or other legal entity.~~

Subsection § 98-4, Inspections, is amended by deleting the subsection in its entirety and substituting the following:

Subsection § 98-4, Inspections.

A. ***All residential rental properties shall be subject to periodic inspections by the Code Official charged with the enforcement of this code and any applicable regulations and laws of the Denton Town Code.***

B. ***Inspections shall be performed pursuant to the laws and regulations as established in Chapter 94, Denton Property Maintenance Code ("DPMC"), of the Denton Town Code and any provisions and regulations of the Denton Town Code that may apply.***

C. ***If an inspection reveals a violation of the provisions of this code or any applicable regulations of the Denton Town Code, in effect in the Town of Denton, the Code Official shall prosecute the violation(s) in accordance with DPMC Section 106 and provide notification pursuant to the DPMC Section 107. Fines shall be imposed in accordance with the DPMC Section 106.4 and abatement of violation in accordance with DPMC Section 106.5.***

D. ***Any person affected by the decision of the Code Official may appeal such decision and fines thereof, in accordance with the DPMC, Section 111.1 (a) and Section 111.1 (b).***

E. ***The Code Official may grant a waiver of inspection for certain federal or state residential rental housing programs, such as the Housing and Urban Development ("HUD") Section 8, or similar programs where inspections are routinely performed as a requirement to qualify for such housing. Waivers shall be granted, provided the owner, or his or her authorized agent, provides documentation of the most recent inspections performed by the applicable authority or otherwise demonstrates compliance with all applicable codes and regulations. Granting of waivers does not relieve the owner of compliance with all applicable Town, State, or Federal laws. The Town reserves the right to perform inspections for compliance with this code.***

~~A. All residential rental properties shall be subject to periodic inspections by the Building Official, or his designee, to determine if the property is in conformance with the Town Code and applicable ordinances, laws, or other regulations.~~

~~B. If an inspection reveals a violation of an applicable provision of the Town Code, including any building code, property maintenance code, or minimum livability code in effect within the Town limits, the Building Official, or his designee, shall provide written notification to the owner and to the occupant of the rental unit. The notice shall contain a time period within which the violation is to be corrected, which period shall be a minimum of 10 days, unless the violation involves an immediate threat to health or safety, whereupon a shorter time frame may be specified by the Building Official or his designee. The Building Official, or his designee, shall reinspect the premises to confirm that the violations have been corrected.~~

~~C. Notifications shall be made in writing to the rental property owner, his or her authorized agent, or the occupant(s) of the residential rental unit(s) by the Building Official or his designee. The notification for inspection shall set a reasonable time and date for the inspection and shall be performed 14 days from the date of the notification. The property owner, authorized agent, or occupant(s) of the residential rental unit may request to reschedule the inspection three days before the scheduled date, subject to approval by the Building Official or his designee.~~

~~D. The Building Official, or his designee, shall cause the inspection of a residential rental unit receiving a complaint or when there exists the belief that a property is not in compliance with all applicable laws.~~

~~E. The Building Official, or his designee, may grant a waiver of inspection for certain federal or state residential rental housing where inspections are routinely performed as a requirement to qualify for such housing. Waivers shall be granted, provided the owner, or his or her authorized agent, provides documentation of the most recent inspections performed by the applicable authority or otherwise demonstrates compliance with all applicable codes and regulations. Granting of waivers does not relieve the owner of compliance with all applicable Town, state, or federal laws.~~

Subsection § 98-5, Revocation or denial of license, injunction, is amended by deleting the subsection in its entirety and substituting the following:

Subsection § 98-5, Revocation or denial of license, injunction.

A. A license may be suspended, revoked, or denied by the Code Official if the owner fails to remedy or correct violations in accordance with § 98-4 (C), fails to maintain proper rental license, or fails to comply with an order or notice by the Code Official. Suspensions, revocation, or denials of a license shall be in addition to and not a substitution for such penalties and fines as provided for in

this code.

B. ***Reinstatements of suspensions or revocation of a license is subject to a fine in accordance with a general fine schedule as established and adopted by resolution of the Town Council that may be amended from time to time.***

C. ***In addition to any other remedies which may be available in the event of a violation of the provisions of this Code, the Code Official may seek an injunction to prevent the renting, or offering to rent, of rental dwelling units in the Town which do not have a license previously issued.***

D. ***Unpaid fines, fees, expenses or related costs incurred for adjudication and/or abatement of a violation(s) shall be charged to the owner of such property, if not paid in ninety (90) days, all unpaid fines and costs shall be a lien against such property and shall be collectible in the same manner in which delinquent taxes against such real estate shall be collectible, or by any action at law as deemed appropriate.***

Subsection § 98-5, Revocation or denial of license, injunction.

~~A license may be revoked or denied by the building official or his designee if a residential rental property owner, after the notification described in the previous section, fails to remedy or correct the violations of the applicable Town Code. Revocation or denial of a license shall be in addition to, and not a substitution for, such other penalties and fines as provided for in accordance with Chapter 94, Denton Property Maintenance Code, applicable Town Code, or by state law. In addition to any other remedy which may be available in the event of a violation of the provisions of this code, the building official or his designee may seek an injunction to prevent the renting, or offering to rent, of rental dwelling units in the Town which do not have a license previously issued.~~

Subsection § 98-6, Terms of license, is amended by deleting the subsection in its entirety and substituting the following:

Subsection § 98-6, Terms of license.

A. ***License shall be issued for a term of one (1) year, renewable for additional one (1) year terms, subject to payment of a license fee, in the amount as established in the general fee schedule and adopted by resolution of the Town Council that may be amended from time to time and subject to the condition herein.***

Subsection § 98-6 B, is amended by deleting a portion of the subsection as follows:

B. Licenses issued hereunder shall not be transferable, and subsequent title holders of a residential rental property shall be required to obtain a separate license.

Subsection § 98-6 (C), is added as a new subsection and shall read as follows:

C. Failure to remit payment thirty (30) calendar days from the date of notification for renewal of a license shall be assessed a late payment fee in accordance with the fine schedule established by the Town Council and adopted by resolution that may be amended from time to time.

§ 98-6 Terms of License

~~A) Licenses shall be issued for a term of one year, renewable for additional one-year terms, subject to payment of the license fee and compliance with all applicable laws. Applications for renewal of license and payment of applicable fees shall be made January 1 and no later than January 31 of each year.~~

~~B)~~ Licenses issued hereunder shall not be transferable, and subsequent title holders of a residential rental property shall be required to obtain a separate license~~; provided, however, that the continued rental by the subsequent owner without a new license shall be deemed to be a consent to the terms and conditions hereunder, including the consent to inspection, and compliance of the applicable Town Code.~~

Subsection § 98-8, Fees, is amended by deleting the subsection in its entirety and substituting the following:

Subsection § 98-8, Fees.

The Town Council is hereby authorized to enact a resolution establishing a general fee schedule of license, inspection, reinspection fees, penalties and fines pursuant to the administration of this Code. Any fees, fines, and expenses shall be subject to the collection procedures as established herein.

§ 98-8 Fees.

~~The Town Council is hereby authorized to enact a resolution establishing a schedule of license, inspection, and reinspection fees pertaining to the administration of this article. Any unpaid license fee or reinspection fee shall be subject to interest and penalties as periodically established by the Town Council for unpaid sums due to the Town.~~

Subsection § 98-10, Appeals, is amended by deleting the subsection in its entirety and substituting the following

Subsection § 98-10, Means of Appeal.

A. Any person affected by an decision of the Code Official and the enforcement of this Code may appeal such decision in accordance with DPMC, Section 111.1 (a) and Section 111.1 (b).

B. Any person adversely affected by fines imposed in accordance with the regulations established herein, due to economic hardship or other cause, may submit a request in writing to the Denton Town Council to waive any fees and fines pursuant to the enforcement of this Chapter. Such waivers shall not be construed or interpreted, to relieve the person or owner from the responsibility of performing the necessary remedial activity as ordered by the Code Official. The Denton Town Council may request supporting documentation for any request for such waiver.

§ 98-10, Means of Appeal.

~~A. Any person aggrieved by an action of the Building Official, or his authorized designee, in the enforcement of this article may appeal such action to the Denton Mayor and Town Council in accordance with § 94-2.1 of Chapter 94, Denton Property Maintenance Code.~~

~~B. Any person aggrieved by an action of the Mayor and Council may appeal to the Circuit Court of Caroline County pursuant to the Maryland Rules of Procedure.~~

§ 98-11 Severability Should any provision, section, paragraph, sentence or word of this section be determined unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 2: This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect seven (7) days from and after the date of its final passage and adoption.

ENACTED THIS 3rd DAY OF October, 2013.

DENTON TOWN COUNCIL:

Dean W. Danielson, Mayor

Tara Lightner, Councilperson

Abigail McNinch, Councilperson

Robert L. Clendaniel, Councilperson

Dennis D. Porter, Councilperson

ATTEST:

Karen L. Monteith

Approved for legal sufficiency this 3rd day of October, 2013.

Christopher F. Drummond

Date Introduced 9/5/2013
Date Amendments Introduced _____
Date Passed 10/3/2013
Effective Date 10/10/2013

Text that is stricken reflects language omitted from the Town Code
Text in **bold** and ***italicized*** reflects additions to the Town Code
Text that is unchanged reflects language to remain in the Town Code