

ORDINANCE NO. 679

AN ORDINANCE repealing Section 45-5 of the City Code, titled "Registration of rental units", and adopting a new Chapter 91, titled "Residential Rental Housing License and Inspection", establishing a new licensing and inspection program for residential rental dwelling units within the City of Crisfield, as more particularly set forth herein.

WHEREAS, the City of Crisfield is authorized by MD Code, Local Government, § 5-202 to adopt such ordinances not contrary to the Constitution of Maryland, public general law, or public local law as it deems necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the City of Crisfield;

WHEREAS, the Mayor and Council of the City of Crisfield are authorized to provide for the publication and codification of all laws, ordinances, resolutions, or regulations adopted by the municipality;

WHEREAS, the Mayor and Council of the City of Crisfield desire to establish new laws governing the licensing and inspection program for all residential dwelling units within the City of Crisfield, repealing Section 45-5 of the City Code, "Registration of rental units", and adopting a new Chapter 91, titled "Residential Rental Housing License and Inspection" as set forth herein; and,

WHEREAS, the purpose of the new Chapter 91 is to protect the health, safety and welfare of residents of the City of Crisfield and to prevent deterioration of the housing stock in the City of Crisfield.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CRISFIELD, that Section 45-5 of the City Code, titled "Registration of rental units", is hereby repealed in its entirety, and Chapter 91 of the City Code, titled "Residential Rental Housing License and Inspection", is hereby adopted, by adding the bolded and underlined language, as follows:

~~§ 45-5. Registration of rental units.~~

- ~~A. Every owner offering to rent, let or lease a dwelling unit, shall register each dwelling unit with the Clerk by paying a registration fee of \$15 per rental unit and by identifying the tenant(s), the location, the term and any renewals thereof.~~
- ~~B. No owner or successor in interest shall rent, let or lease a dwelling unit to another tenant or allow the unit to be occupied after the expiration of the current term or renewal term without the dwelling unit having been approved by the Inspector as complying with Chapters 64, Housing Standards, and 88, Property Maintenance.~~
- ~~C. The definitions of Chapter 64, Housing Standards, are incorporated by reference.~~
- ~~D. The term "tenant" shall not be deemed to include the resident of any motel, hotel, hospital, nursing home or boarding house.~~

CHAPTER 91

RESIDENTIAL RENTAL HOUSING LICENSE AND INSPECTION

§ 91-1 Scope

§ 91-2 Definition and word usage

§ 91-3 Rental operating license required

§ 91-4 Inspections

§ 91-5 Revocation or Denial of License; Injunction

§ 91-6 License renewal

§ 91-7 Display of Licenses

§ 91-8 Fees

§ 91-9 Rental Units Exempt from Chapter

§ 91-10 Violations and penalties

§ 91-1. Scope.

The purposes of this Chapter 91 and the policy of the City of Crisfield shall be to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to Residential Rental Units in the City of Crisfield, and to encourage owners and occupants of Residential Rental Units to maintain and improve the quality of rental units within the community. This Chapter 91 provides for a regular inspection program, registration and licensing of Residential Rental Units, as defined in this Chapter, and the penalties for noncompliance.

§ 91-2. Definition and word usage.

As used in this Chapter 91, the following terms shall have the meanings indicated.

Dwelling or Dwelling Unit – A building or portion thereof arranged or designed for residential occupancy, including but not limited to an apartment, accessory apartment, efficiency apartment, boardinghouse, rooming house, single-family dwelling and multi-family dwelling.

Residential Rental Unit – Any dwelling unit in which a person resides in consideration of value, paid or tendered to or for the use or benefit of the owner of record of such dwelling unit or the owner’s authorized representative, or a lessee of the dwelling unit. This definition shall include the letting or rental of any single-family residential dwelling unit or multi-family residential dwelling unit.

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

§ 91-3. Residential rental operating license required.

A. Subject to the provisions of § 91-3(B), it shall be unlawful for any person to rent or otherwise let a dwelling or dwelling unit within the City of Crisfield without first having obtained a license for said dwelling or dwelling unit as hereinafter provided.

B. No later than January 1, 2019, the legal owner of record for property used for a Residential Rental Unit, or such owner’s authorized representative,

shall make written application to the City for a Residential Rental Unit license upon such form or forms as the City shall from time to time designate. Such application shall be submitted together with a non-refundable rental license fee, in such amount as approved, from time to time, by resolution of the Council.

§ 91-4. Inspections.

- A. A Residential Rental Unit license shall only be issued or renewed after the City Inspector has determined that the Residential Rental Unit, for which such license is sought, is in compliance with the laws and ordinances of the City and the proper fee for such Residential Rental Unit license has been paid. In order to make such determination, the City Inspector, or his authorized designee, shall inspect the Residential Rental Unit, including all common areas associated with the Residential Rental Unit. Permission for such an inspection, without having to obtain any further permission or a judicial warrant, is a condition for the issuance of any Residential Rental Unit license, and failure to permit such an inspection shall constitute reason for the City Inspector to deny or not renew the license for the Residential Rental Unit which is the subject of such inspection. The City shall have the right to inspect a Residential Rental Unit upon the City's receipt of a complaint relating to such Residential Rental Unit and after notice for such inspection has been given to the owner and the occupant of the Residential Rental Unit.**
- B. If an inspection of a Residential Rental Unit by the City Inspector, or his authorized designee, reveals a violation of any applicable provision of the City Code, including any building code, property maintenance code or minimum livability code in effect within the City limits, the City Inspector, or his authorized designee, shall provide written notification to the owner and to the occupant of the Residential Rental Unit. The notice shall contain a time period within which the violation must be corrected, which said time period shall be a minimum of thirty (30) days, unless, in the discretion of the City Inspector, or his authorized designee, the violation involves an immediate threat to health or safety, whereupon a shorter time frame may be specified by the Inspector or his authorized designee. Unless otherwise set forth in the notice of violation issued by the City Inspector, or his authorized designee, under this § 91-4(B), within thirty (30) days following the issuance of the notice of violation the owner of the Residential Rental Unit shall notify the City Inspector that the violation has been corrected and that the City Inspector may re-inspect the Residential Rental Unit to determine compliance.**

§ 91-5. Revocation or Denial of License; Injunction.

A Residential Rental Unit license may be revoked or denied by the Inspector or his authorized designee if the owner of the Residential Rental Unit, after the passage of the notice period set forth in § 91-4(B), fails to eliminate all violations set forth in the written notice issued by the Inspector or his authorized designee under § 91-4(B). Revocation or denial of a Residential Rental Unit license shall be in addition to, and not in substitution for, such other penalties as may be provided for said violations elsewhere in this Code or by State law. In addition to any other remedy which may be available in the event of a violation of any provision of this Chapter, the City may seek an injunction to prevent the

renting, or offering to rent, of a Residential Rental Unit which is not licensed for rental in accordance with this Chapter.

§ 91-6. License Renewal.

A Residential Rental Unit license issued under this Chapter shall expire on December 31 of each calendar year. An application for renewal of a Residential Rental Unit license shall be made on or before November 1 of each calendar year. All fees owed to the City in connection with the Residential Rental Unit must be paid to the City prior the renewal of the rental license for such Residential Rental Unit.

§ 91-7. Display of Licenses.

A Residential Rental Unit license issued under this Chapter shall be produced on the demand of a tenant or prospective tenant of such Residential Rental Unit and shall be made available at reasonable times for examination by an authorized agent of the City.

§ 91-8. Fees.

The City is hereby authorized to establish, by resolution of the Council, fees and the amounts thereof for the issuance of a Residential Rental license, the renewal of a Residential Rental Unit license, the inspection of a Residential Rental Unit, and the re-inspection of a Residential Rental Unit. Any unpaid Residential Rental Unit license fee, renewal fee, inspection fee or re-inspection fee shall be subject to such interest and penalties as established, from time to time, by resolution of the Council.

§ 91-9. Rental Units Exempt from Chapter.

The provisions of this Chapter shall not apply to a rental dwelling unit occupied by an immediate family member of the owner of record of a dwelling unit or the owner of record's spouse, parents, children, grandparents, grandchildren, sibling, aunt, uncle, or first cousins, including adopted, half, and step family members; or, any government building, hospital, nursing home, hospice or other health care facility, church, synagogue or other religious facility, or day care facility.

§ 91-10. Violations and Penalties.

- A. Except as set forth in § 91-10(B), any person in violation of this Chapter 91 shall be guilty of a municipal infraction and shall be subject to a fine of \$100 for the first infraction, and up to \$200 for each subsequent infraction. Each separate violation shall constitute a separate offense.**
- B. Beginning January 1, 2019, any person renting a dwelling or dwelling unit which is not licensed for rental in accordance with this Chapter 91 shall be guilty of a municipal infraction and shall be subject to a fine of \$500 per day for each day the dwelling or dwelling unit is rented without a license issued under this Chapter.**

BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CRISFIELD, as follows:

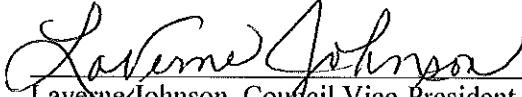
Section 1. It is the intention of the Mayor and Council of the City of Crisfield that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 2. It is further the intention of the Mayor and Council of the City of Crisfield that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain valid and enforceable.

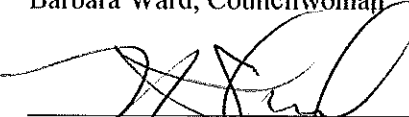
Section 3. The above recitals are incorporated into this section of the Ordinance as if specifically set forth at length herein.

THE ABOVE ORDINANCE having been read and passed for first reader on the 22nd day of August 2018, this Ordinance is duly read, passed, enacted and ordained this 10th day of October, 2018.

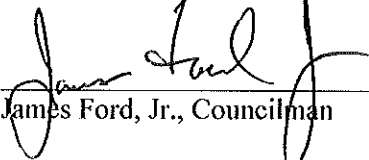
CITY COUNCIL OF CRISFIELD:


Laverne Johnson, Council Vice-President


Barbara Ward, Councilwoman

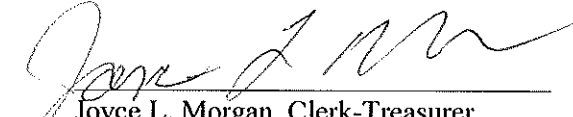

Nelson Sheppard, Councilman

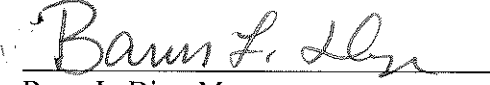
Gail Lankford, Councilwoman


James Ford, Jr., Councilman

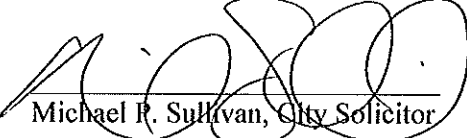
Approved this 10th day of October, 2018.

ATTEST:


Joyce L. Morgan, Clerk-Treasurer


Barry L. Dize, Mayor

Approved as to form:


Michael R. Sullivan, City Solicitor