

**CITY OF SALISBURY
ORDINANCE NO. 2163
AS AMENDED ON JULY 25, 2011**

AN ORDINANCE of the Mayor and Council of the City of Salisbury, Maryland, amending Chapter 15.26 to the City Municipal Code, Rental of Residential Premises to modify the fees for failure to renew, re-register or obtain a Rental Dwelling Unit Owners License and/or a Rental Dwelling Unit Registration.

WHEREAS, the City Council desires to carry out good government; and

WHEREAS, Neighborhood Services & Code Compliance, Internal Services and the Legal Department have reviewed the rental registration program records from 2008, 2009 and 2010; and

WHEREAS, that review has revealed that the actual cost to process non-compliant and delinquent owner registrations is less than was established in the previous legislation.

NOW THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, Maryland, that Chapter 15.26 be amended as follows;

**Chapter 15.26
RENTAL OF RESIDENTIAL PREMISES***

Sections:

15.26.010 Scope.

15.26.020 Purpose.

15.26.030 Definitions.

15.26.040 Rental dwelling unit registration.

15.26.050 Annual license for rental dwelling unit owners.

15.26.060 Failure to register rental dwelling unit or obtain owner license.

15.26.070 Inspection of license.

15.26.080 Transfer of title.

15.26.090 Inspection of premises.

15.26.100 Administrative search warrant.

15.26.110 Denial, nonrenewal, revocation or suspension of license or registration.

15.26.120 Appeals procedure.

15.26.130 Vacation of rental dwelling units.

15.26.140 Violations--Penalties.

* Prior ordinance history: Ord. 1899.

15.26.010 Scope.

The provisions of this chapter govern rental dwelling units within the city of Salisbury.
(Ord. 1942 § 1 (part), 2005)

15.26.020 Purpose.

The purpose of this chapter is to protect the public health, safety, and the general welfare of the citizens of the city of Salisbury who have, as their place of abode, a room or rooms furnished to them for payment of a rental charge (including money, services, or other type of consideration) to another.

(Ord. 1942 § 1 (part), 2005)

15.26.030 Definitions.

The following definitions shall be used in the construction and interpretation of this chapter:

"Director" means the director of the department of neighborhood services and code compliance.

"Dwelling unit" means a single unit providing living facilities for one or more persons, including permanent provision for living, sleeping and sanitation.

"Mailing address" means the mailing address of an owner of a rental dwelling unit as recorded in the records of the Maryland Department of Assessments and Taxation (MSDAT). The owner is responsible for maintaining the owner's current mailing address with MSDAT.

"New owner" means the owner of a rental dwelling unit that:

- a. has been annexed into the city;
- b. has received a use and occupancy permit;
- c. title to which has been transferred to a new owner; or

d. has been converted to rental use.

“New rental dwelling unit” means a rental dwelling unit that:

- a. has been annexed into the city;
- b. has received a use and occupancy permit;
- c. title to which has been transferred to a new owner; or
- d. has been converted to rental use.

"Person" means any individual, partnership, firm, corporation, association or other legal entity of whatsoever kind and nature.

"Rental" means leasing or allowing occupancy or usage of a dwelling unit, either directly or by an agent, in consideration of value, including personal services, paid or tendered to or for the use or benefit of the lessor.

(Ord. 1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

15.26.040 Rental dwelling unit registration.

A. 1. The owner of a rental dwelling unit(s) shall register each unit by filing a registration form with the neighborhood services and code compliance department (NSCC) on or before December 31, 2007.

2. Registration forms shall be provided by NSCC. A new rental dwelling shall be registered within sixty (60) days of becoming a new rental dwelling unit.

3. The fee for annual registration of a rental dwelling unit shall be ~~Thirty-Two and 50/100th Dollars (\$32.50)~~ set by ordinance.

B. 1. Annual registration of existing rental dwelling units shall occur on or before March 1st of each year with the department of internal services (Internal Services).

2. Invoices for registration fees shall be sent on or before January 15th of each year by mailing an invoice addressed to the owner's mailing address.

C. An owner shall notify the city when a rental dwelling unit is converted to a nonrental use.

(Ord. 2057 (part), 2008; Ord. 2022, 2006; Ord. 2016 § 1, 2006; Ord. 1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

15.26.050 Annual license for rental dwelling unit owners.

A. 1. Each legal entity, e.g., individual, partnership, corporation, which owns a majority interest in a rental dwelling unit(s) shall obtain a license from NSCC. A new owner of a rental dwelling unit(s) shall obtain a license from NSCC within sixty (60) days of becoming a new owner.

2. A license form shall be provided by NSCC.

3. The annual license fee shall be ~~thirty two and 50/100th Dollars (\$32.50)~~ set by ordinance.

B. 1. Annual renewal of existing licenses shall occur on or before March 1st of each year with Internal Services.

2. An invoice for a license fee shall be sent on or before January 15th of each year by mailing an invoice addressed to the licensed owner at the owner's mailing address.

(Ord. 2057 (part), 2008; Ord. 1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

15.26.060 Failure to register rental dwelling unit or obtain owner license.

A. 1. Failure of the owner of a rental dwelling unit(s) to renew a rental dwelling unit owner license on or before March 1st of each calendar year, shall cause the owner to be designated as a non-compliant owner and to be assessed a noncompliant rental dwelling unit owner license fee, which shall be ~~of sixty-five Dollars (\$65.00)~~ set by ordinance for each license renewed on or before July 1 of each calendar year.

2.a.i. If a rental dwelling unit license is not renewed on or before July 1 of each calendar year, then the rental dwelling unit owner shall be designated a delinquent owner and the owner's rental dwelling unit owner license is revoked.

ii. If a new owner of a rental dwelling unit(s) fails to complete a license form provided by NSCC and pay a license fee within sixty (60) days of becoming a new owner, then the new owner shall be designated as a delinquent owner.

b. NSCC shall notify the owner of such designation by mailing a notice addressed to the owner at the owner's mailing address. If applicable, the notice shall inform the owner that the rental dwelling unit owner license is revoked and all rental dwelling units shall be vacated within sixty (60) days. Any security deposit shall be returned to the tenant pursuant to provisions of the Annotated Code of Maryland, Real Property Article, Title 8.

3. To remove delinquent owner status and to comply with the license requirements of this chapter, a delinquent owner shall pay a delinquent rental dwelling unit owner license fee, which shall be ~~of one hundred thirty-five dollars (\$135.00)~~ set by ordinance together with the required owner license fee for the current calendar year.

B.1. Failure of the owner of a rental dwelling unit(s) to register rental dwelling unit(s) on or before March 1st of each calendar year, shall cause the rental dwelling unit to be designated as a non-compliant rental dwelling unit and shall cause the owner to be assessed a noncompliant rental dwelling unit fee for each rental dwelling unit registered on or before July 1 of each calendar year according to ~~the following a fee schedule, which shall be set by ordinance:~~

~~a. Sixty five Dollars (\$65.00) for a rental dwelling unit and ten percent (10%) of the rental dwelling unit registration fee, thirty two and 50/100th Dollars (\$32.50), for each additional rental dwelling unit.~~

a. If the rental dwelling unit is not registered on or before July 1 of each calendar year, then the rental dwelling unit shall be designated as a delinquent rental dwelling unit.

b. If a new rental dwelling unit is not registered within sixty (60) days of becoming a new rental unit, then the new rental dwelling unit shall be designated as a delinquent rental dwelling unit.

2. NSCC shall notify the owner of such designation by mailing a notice addressed to the owner at the owner's mailing address. The notice shall inform the owner that the rental dwelling unit is a delinquent rental dwelling unit, and the owner shall vacate any tenant occupying that rental dwelling unit within sixty (60) days. Any security deposit shall be returned to the tenant pursuant to provisions of Annotated Code of Maryland, Real Property Article, Title 8.

3. To remove delinquent rental dwelling unit status and to comply with the registration requirements of this chapter, the owner of a delinquent rental dwelling unit shall pay a delinquent rental dwelling unit registration fee, which shall be set by ordinance ~~for each year the rental unit is delinquent, together with the required license registration fees for the current year, according to the following schedule:~~

~~a. One Hundred Thirty five dollars (\$135.00) for a rental dwelling unit plus twenty percent (20%) of the rental dwelling unit registration fee, thirty two and 50/100th Dollars (\$32.50), for each additional rental dwelling unit.~~

C. All licensing and registration fees set forth herein shall be effective during the calendar year 2011 and thereafter.

D. If an owner desires to register a delinquent rental dwelling unit, the rental dwelling unit shall be subject to an inside and outside inspection by NSCC. All violations must be corrected before the rental dwelling unit is registered. If the delinquent rental dwelling unit changes ownership to a legal entity which is not owned or controlled by the delinquent owner, and the new owner complies with all provisions of this chapter, the delinquent owner designation then terminates. If the new owner fails to timely register a rental dwelling unit, then the delinquent rental dwelling unit designation shall continue.

E. If the full amount of any fees due to the city is not paid by a delinquent owner within forty-five (45) days of July 1 of each calendar year after billing, internal services shall cause to

be recorded in the city records the amount of fees due and owing, and the full amount of any fees due to the city shall be collectible in the same manner as real estate taxes are collected.

(Ord. 2057 (part), 2008: Ord. 2040 (part), 2007: Ord. 2022, 2006; Ord. 2021, 2006: Ord. 2016 § 2, 2006: Ord. 1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

15.26.070 Inspection of license.

Licenses issued under this chapter shall be made available for inspection upon request by the housing official.

(Ord. 1974 (part), 2005: Ord. 1942 § 1 (part), 2005)

15.26.080 Transfer of title.

Prior to transfer of title for a residential dwelling unit, the transferee shall file a registration form, under oath, with the department of internal services, stating the residential occupancy status of the property and agreeing to comply with city occupancy and registration provisions.

(Ord. 2040 (part), 2007: Ord. 1974 (part), 2005: Ord. 1942 § 1 (part), 2005)

15.26.090 Inspection of premises.

A. After the city receives a complaint about the code compliance of any rental dwelling unit, the city may inspect the rental dwelling unit. Inspections may also be initiated from inspector observations. The inspection shall occur after notice has been furnished to the owner and occupants of the rental dwelling unit.

The notice shall be sent by mail or by affixing the notice to the rental dwelling unit in a conspicuous location. If the city's inspector shall be denied access to the rental dwelling unit or any part thereof that is appropriate for inspection, the inspector may obtain an administrative search warrant to gain access.

B. In the R-5, R-8 and R-10 zoning districts, the city will perform random mandatory inspection of rental dwelling units. The housing official shall implement a procedure for random mandatory inspections.

(Ord. 2042 (part), 2007; Ord. 1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

15.26.100 Administrative search warrant.

A. An inspector authorized by the city to inspect any rental dwelling unit may apply to a judge of the District Court of Maryland or the Wicomico County Circuit Court for an administrative search warrant to enter and inspect such rental dwelling unit. The application shall be in writing, signed and sworn to by the inspector, and it shall state or identify: (i) the rental

dwelling unit to be inspected by street address and general description, (ii) the nature, scope and purpose of the inspection, and (iii) one or more dates and approximate times when the inspector proposes to conduct the inspection. In addition, the application shall specify the statutory authority for such inspection and the effort of the inspector (or others) to schedule or conduct the inspection and/or to locate the owner(s), tenant(s), or other person(s) in charge of the rental dwelling unit and any other grounds for issuance of the search warrant.

B. A judge of a court referred to in this section may issue the search warrant upon finding that: (i) the inspector is authorized to make the inspection, (ii) a reasonable effort has been made to obtain access to the rental dwelling unit to make the inspection, (iii) the owner(s), tenant(s) or other person(s) in charge of the rental dwelling unit have denied or otherwise failed or refused to furnish access to the rental dwelling unit at a reasonable time or for a reasonable period to conduct the inspection, or the inspector (or others) have been unable to locate any such person(s) after making a reasonable effort to do so, and (iv) if conducted in a reasonable manner, the inspection will not intrude unnecessarily on the privacy of such persons.

C. In the case of random comprehensive inspection pursuant to this chapter, the warrant may be issued regardless of whether the inspector (or others) have knowledge or notice of any violation of applicable codes or regulations or there is probable cause to believe that such violation exists or may exist.

D. An administrative search warrant issued under this section shall be executed and returned to the issuing judge or, in his or her absence, to the clerk of the issuing judge within: (i) the time specified in the warrant, not to exceed thirty (30) days, or (ii) if no time is specified therein, fifteen (15) days from its date of issuance.

E. This section shall not preclude or affect the power to make prompt inspection without a warrant in emergency situations.

(Ord. 1942 § 1 (part), 2005)

15.26.110 Denial, nonrenewal, revocation or suspension of license or registration.

If after any period for compliance with this chapter has expired, the NSCC determines that a rental dwelling unit or a rental dwelling unit owner fails to comply with any of the licensing or registration standards set forth herein, and the NSCC has initiated an action to deny, revoke, suspend, or not renew a registration or license, NSCC shall mail the owner a notice of denial, nonrenewal, revocation, or suspension of the license or registration. The notice shall state:

A. That NSCC has determined that the rental dwelling unit fails to comply with the registration standards for rental dwelling units in this chapter, and/or the owner has failed to comply with the Maryland Department of Environment lead abatement reporting requirements;

B. The specific reasons why the rental dwelling unit fails to meet licensing or registration standards, including copies of applicable inspection reports, or notices sent to licensee about the rental dwelling unit;

C. That the director will deny, refuse to renew, revoke, or suspend the license or registration unless the owner appeals the determination within twenty-one (21) days after receipt of the notice, in the manner provided in Section 15.26.120 of this chapter;

D. That after denial, nonrenewal, revocation or suspension, the rental dwelling unit shall be vacated within sixty (60) days, and shall not be re-occupied until all violations are corrected and a license and/or registration is granted by NSCC pursuant to provisions of Annotated Code of Maryland, Real Property Article, Title 8;

E. The notice shall describe how an appeal may be filed under Section 15.26.120 of this chapter;

F. The director shall cause a notice to tenants to be mailed or delivered to each registered rental dwelling unit and prominently posted on the building. The notice shall indicate that the rental dwelling unit registration or owner license for the rental dwelling unit has been denied, revoked, not renewed or suspended, whichever is applicable; that the action will become final on a specific date unless the rental dwelling unit owner appeals and requests a hearing; that tenants may be required to vacate the building when the action becomes final; that further information can be obtained from NSCC.

(Ord. 2057 (part), 2008: Ord. 2024, 2007: Ord. 1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

15.26.120 Appeals procedure.

A. Any person wishing to appeal a determination of the director recommending denial, nonrenewal, revocation, or suspension of a license or registration shall file a written notice of appeal with the director within twenty-one (21) days after receipt of the notice of denial, nonrenewal, revocation, or suspension. The notice shall contain a statement of the grounds for the appeal. The notice of appeal shall be accompanied by a fee of one hundred dollars (\$100.00).

B. The director shall refer the appeal to the housing board of adjustments and appeals to either accept the appeal and schedule a hearing, or reject the appeal. The board shall meet monthly, or more frequently at the call of the chair, to hear appeals. The board shall notify the owner in writing of the time and place of the hearing.

C. When hearing appeals under this chapter, the board shall follow the procedures set forth in Chapter 15.24 of the Salisbury Municipal Code.

D. Should the decision of the housing official be overtuned by the Housing Board of Adjustments and Appeals, the appellant shall receive a full refund of the one hundred dollar (\$100.00) appeal application fee within thirty (30) days of the date of the decision of the Board.

(Ord. 1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

15.26.130 Vacation of rental dwelling units.

When an application for rental dwelling license has been denied, or a rental dwelling registration has been revoked, suspended, or not renewed, the director shall order the rental dwelling unit vacated within sixty (60) days pursuant to provisions of Annotated Code of Maryland, Real Property Article, Title 8.

(Ord. 2057 (part), 2008; Ord. 1942 § 1 (part), 2005)

15.26.140 Violations--Penalties.

Any person found in violation of the provisions of this chapter shall be guilty of a municipal infraction and shall be subject to a fine not to exceed five hundred dollars (\$500.00) per violation. Each day a violation remains uncorrected is a separate violation subject to an additional citation and fine.

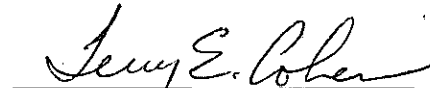
(Ord. 1942 § 1 (part), 2005)

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 13th day of June, 2011 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 25th day of July, 2011.


ATTEST:


Brenda J. Colegrove, City Clerk


Terry E. Cohen, President of the
Council of the City of Salisbury

Approved by me, this 26th

day of July, 2011.


James Heton, Jr.,
Mayor of the City of Salisbury

Memo

To: John R. Pick, City Administrator
From: M. Thomas Stevenson, Director NSCC
Date: June 6, 2011
Re: Landlord License and Rental Unit Registration Fees

During the work session of Monday, May 16, 2011 the City Council considered an ordinance that will have the affect of improving Chapter 15.26 of the Salisbury Municipal Code. The Council was briefed on the findings of an analysis conducted by city staff and the legal department regarding the cost [to the City] of the rental registration program.

Based on historical data provided, the Council has determined that an amendment to the program is appropriate at this time. References to fee adjustments and other modifications are included in the attached ordinance.

At the request of council a separate ordinance has been crafted to create a fee schedule. That ordinance is also attached.

Also, currently a non-compliant owner has from March 2nd of a calendar year until the end of that same calendar year to come into compliance. The Council has requested that this period of time be shortened.

The legislation now reads as follows:

- Billing shall occur on or before January 15th of each year
- The deadline to renew a rental unit owner license is March 1st of each year
- The deadline to reregister a rental dwelling unit is March 1st of each year
- An owner who fails to renew a license or reregister a rental dwelling unit is considered a non-compliant owner and/or in possession of a non-compliant rental dwelling unit
- A non-compliant owner must obtain an owner license by July 1st (in accordance with the fee schedule)
- A non-compliant unit must be reregistered by July 1st (in accordance with the fee schedule)

- A non-compliant owner who fails to renew a license or reregister a rental dwelling unit is considered delinquent
- A delinquent owner shall be ordered to come into compliance or to vacate his tenant
- A delinquent owner who wishes to come into compliance shall pay a delinquent owner license and rental unit registration fee (in accordance with the fee schedule)

Also, at the Council's request, language has been included that will provide a refund for an appellant who prevails in an appeal heard by the Housing Board of Adjustments and Appeals.

Additionally some other minor grammatical improvements etc. were provided.

Unless you have any questions please forward this memorandum to the Mayor for consideration.