

ORDINANCE NO. 576

INTRODUCED BY: \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DENTON TO AMEND THE DENTON TOWN CODE TO ADD CHAPTER 98 TITLED “RESIDENTIAL RENTAL HOUSING LICENSE AND INSPECTION” TO ESTABLISH A LICENSING AND INSPECTION PROGRAM FOR RESIDENTIAL RENTAL DWELLING UNITS WITHIN THE TOWN OF DENTON

WHEREAS, the Town of Denton is authorized by the Maryland Code Ann. 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 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 municipality; and

WHEREAS, the Town of Denton is authorized to provide for the publication and codification of all laws, ordinances, resolutions, or regulations adopted by the municipality; and

WHEREAS, the Town of Denton desires to amend the Town Code by the addition of Chapter 98 to provide for a licensing and inspection program for all residential rental dwelling units within the Town of Denton.

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

**Section 1.** The Denton Town Code is hereby amended to reflect the addition of Chapter 98 as follows:

**Chapter 98**

**RESIDENTIAL RENTAL HOUSING LICENSE AND INSPECTION**

**§ 98-1. Residential housing licenses and inspection.**

The purpose of this chapter is to protect the health, safety and welfare of the Town residents and to prevent deterioration of the housing stock in the Town.

**§ 98-2. Definitions and word usage.**

As used in this chapter, the following terms have the meanings indicated.

RESIDENTIAL RENTAL DWELLING UNIT – Any building or portion of a building in which a person resides in which consideration of money or other goods or services are paid or provided to the owner of such building, or the owner’s authorized representative or other tenant. This definition shall include the letting or rental of the following structures as defined in the Denton Zoning Ordinance: any single-family residential dwelling unit, multi-family residential

dwelling unit, two family residences, boarding house, rooming house, lodging house, group home of any type, intermediate care home or institution, or handicapped or infirm home. This definition does not include owner-occupied single family residences in which no more than two rooms are let, provided the rooms do not have separate kitchen and bath facilities.

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

### **§ 98-3. Rental operating license required.**

A. It shall be unlawful for any person to let any residential rental dwelling unit within the Town without first having obtained a license for said unit as hereinafter provided.

B. Within sixty (60) days after the effective date of this section, the legal owner of record shall make written application to the Town for a rental unit license upon such form or forms as the Town shall from time to time designate. Such application shall be submitted together with a non-refundable rental license fee, as approved and authorized by the Town Council.

### **§ 98-4. Inspections.**

A. All residential rental properties shall be subject to periodic inspections by the Town's Code Enforcement Officer, or other designee, to determine if they are 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 Code Enforcement Officer 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 ten (10) days unless the violation involves an immediate threat to health or safety, whereupon a shorter time frame may be specified by the Town's Code Enforcement Officer. The Code Enforcement Officer shall reinspect the premises to confirm that the violations have been corrected.

### **§ 98-5. Revocation or Denial of License; Injunction.**

A license may be revoked or denied by the Code Enforcement Officer if an owner, after the passage of the notice period described in the previous section, fails to eliminate violations of the Town Code. Revocation or denial of a license shall be in addition to, and no 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 the provisions of this chapter, the Town's designated Code Enforcement Officer 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 issued under this chapter.

**§ 98-6. License Renewal.**

Licenses shall expire one year from the date of issuance, and are renewable annually. Applications for renewal shall be made at least sixty (60) days prior to the expiration date.

**§ 98-7. Display of licenses.**

Licenses issued under this chapter shall be produced by the property owner, landlord on the demand of a tenant or prospective tenant and shall be made available at reasonable times for examination by an authorized agent of the Town.

**§ 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 chapter. 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.

**§ 98-9. Violations and Penalties.**

Any violation of this chapter shall be considered a municipal infraction and any person violating any provision of this chapter shall be assessed a fine of \$100 for the first infraction, and up to \$200 for each subsequent infraction. Each separate violation shall constitute a separate offense. Each day that any violation shall continue shall constitute a separate offense.

**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.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

DENTON TOWN COUNCIL:

\_\_\_\_\_  
John Foster, Mayor

\_\_\_\_\_  
Lester L. Branson, Councilperson

\_\_\_\_\_  
Robert Clendaniel, Councilperson

\_\_\_\_\_  
Dennis Porter, Councilperson

\_\_\_\_\_  
Conway Gregory, Councilperson

ATTEST:

\_\_\_\_\_  
Karen L. Monteith  
Clerk-Treasurer

Approved for legal sufficiency this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Stephen H. Kehoe, Esquire

Date Introduced \_\_\_\_\_

Date Amendments Introduced \_\_\_\_\_

Date Passed \_\_\_\_\_

Effective Date \_\_\_\_\_