

**TOWN OF MARDELA SPRINGS
RENTAL HOUSING LICENSE
ORDINANCE NO. 44**

**AN ORDINANCE OF THE TOWN OF MARDELA SPRINGS, MARYLAND
PROVIDING FOR THE LICENSING OF RENTAL HOUSING UNITS IN ORDER TO
PROMOTE SAFE, HEALTHY AND HABITABLE HOUSING CONDITIONS, AND
PROVIDING FOR ENFORCEMENT AND PENALTIES RELATED THERETO.**

WHEREAS, the Commissioners of the Town of Mardela Springs, Maryland, desire to license rental housing units in the Town of Mardela Springs for the health and safety of the residents of said units as provided in the Mardela Springs Charter, and

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE TOWN COMMISSIONERS OF MARDELA SPRINGS, MARYLAND, that:

SECTION 1 - PURPOSE

The purpose of this ordinance is to assure compliance with all laws, ordinances and regulations applicable to rental housing units within the corporate limits of Mardela Springs. It is further the purpose of this ordinance to promote and ensure safe, healthy and habitable housing conditions in rental housing units, to prevent deterioration of rental housing units and to encourage responsible management, maintenance and use of rental housing units by the inspection and licensing of these units.

SECTION 2 - DEFINITIONS

As used in the ordinance, the following terms shall have the meanings indicated:

CODE VIOLATIONS – Violations of the Code of the Town of Mardela Springs or any other code, law, ordinance or regulation adopted and incorporated by reference in the Code of the Town of Mardela Springs.

CODE ENFORCER – The Code Enforcer of the Town of Mardela Springs.

PERSON – An individual, group of individuals, partnership, joint venture, corporation, association and any other entity, however named or called.

RENTAL HOUSING UNIT – Any space in any building which, for a consideration, is made, or could be made available by any person to another person for dwelling purposes.

SECTION 3 – LICENSE REQUIRED, LICENSING PROCEDURE, LICENSES, APPEALS

(a) **GENERAL: CERTIFICATION:** Any property owner renting for habitation any rental housing unit in the Town of Mardela Springs shall obtain a license from the town. The holder of a license shall be the owner of the rental-housing unit. Application for a rental license shall be on forms prescribed by the Town. When submitting your application, you must provide a Maryland Department of the Environment Lead Inspection Certificate MDE 330, if applicable. If applicable, all owners shall certify to the Town the name, address and telephone number of an agent qualified to accept notice and authorize repairs on behalf of the owner. The application shall contain consent to inspection during reasonable hours for the entire term of the license.

(b) **REVIEW OF APPLICATION:** The Town shall issue or deny a rental-housing license within fourteen (14) days of receiving an application. The Code Enforcer shall receive all applications and coordinate a review process involving the appropriate town, county or state agencies. The issuance of a license is not to be construed as proof or acknowledge of Mardela Springs that the subject property complies with codes. A denial shall be in writing, setting forth the code violation(s) and reason(s) for such denial.

(c) **INSPECTION OF RENTAL HOUSING UNITS:**

(1) **Inspection prior to issuance of license.**

(a) An inspection of the property for which application has been made shall be conducted prior to the issuance of a license upon recommendation of any reviewing agency. If an inspection indicates that a rental facility is not in compliance with all applicable laws, the license application shall be denied until remedial action, as determined by the Code Enforcer, remedies the violation.

(2) **Inspections during term of license.**

(a) The Code Enforcer, upon recommendation of any appropriate town, county or state agency, shall cause the inspection of a rental housing unit when there exists the belief that a property is not in compliance with all applicable laws. Inspection procedures as set forth in the 2003 International Building Code (or such Code the State of Maryland mandates from time to time) as amended, shall be followed.

(b) If an inspection indicates that a rental-housing unit is not in compliance with all applicable laws and codes, the license may be subject to revocation or other remedial action as determined by the Code Enforcer. A license may be revoked or suspended if

the landlord, after ten (10) days' written notice, fails to eliminate or initiate good faith efforts to eliminate code violations. Revocation or suspension of a license shall be in addition to and not in substitution for such other penalties as may be provided for in other laws or ordinances. After revocation or suspension of a license, the Code Enforcer may require the tenants to vacate the rental-housing unit, after ten (10) days written notice.

(c) **Re-inspection – Tenant Vacancy:** A landlord shall notify the Code Enforcer when a tenant vacates a rental-housing unit. The Code Enforcer shall inspect each rental-housing unit prior to placement of new tenants in that unit by the landlord.

(d) **Term of license:** Licenses shall be issued for a term of one (1) year, renewable for additional one-year terms, subject to inspection and payment of the license fee and compliance with all applicable laws.

(e) **Fee.** An annual license fee shall be established by the Commissioners of Mardela Springs to help defray the costs of administering these rental housing licensing procedures.

(f) **Display of Licenses.** Licenses shall be displayed in a 1st floor window or door window on the premises.

(g) **Transferability of Licenses.** Licenses issued hereunder shall not be transferred, and subsequent title holders of a rental housing unit shall be required to obtain a separate license.

(h) **Appeals**

(1) **To the Board of Zoning Appeals:** Any person aggrieved by an action of the Code Enforcer may, within ten (10) days of receipt of written notice of such action, appeal such action to the Board of Zoning Appeals by filing a notice of appeal with the Board of Zoning Appeals. The Board of Zoning Appeals shall meet within fourteen (14) days and conduct a hearing according to its rules and regulations. A suspension or revocation shall be stayed pending this hearing and the decision of the Board of Zoning Appeals.

(2) **To the Circuit Court for Wicomico County:** Any person aggrieved by an action of the Board of Zoning Appeals may appeal to the Circuit Court for Wicomico County pursuant to the Maryland Rules of Procedure.

SECTION 4 - ENFORCEMENT

The Commissioners of the Town of Mardela Springs may initiate proceedings in the District or Circuit Court for Wicomico County or any other court of competent jurisdiction to enforce the provisions of this ordinance.

SECTION 5 - FINES

Failure to correct violations within the time period set by the Code Enforcer shall result in the issuance of a Municipal Infraction Citation pursuant to Ordinance No. 43 of the Mardela Springs Code.

AND BE IT FURTHER RESOLVED, ENACTED AND ORDAINED, by the Commissioners of the Town of Mardela Springs, Maryland, that this ordinance shall take effect from and after the date of its final passage.

The above ordinance was introduced and read to the Commissioners of Mardela Springs, Maryland, at a meeting held on the 17th day of May, 2005, published on the 15th day of July, 2005, and finally passed at a meeting held on the 19th day of July, 2005

WITNESS:

Pat Hooper
PAT HOOPER TOWN CLERK

David Insley (SEAL)
DAVID A. INSLEY

Absent (SEAL)
LARRY SHOCKLEY

Debra F. Bailey (SEAL)
DEBRA F. BAILEY

Stanford Robinson (SEAL)
STANFORD ROBINSON

Jeanne M. Cohee (SEAL)
JEANNE COHEE

Adopted 7/19/05