

Chapter 62

RENTAL DWELLING

[HISTORY: Adopted by the Town Commissioners of the Town of Perryville 7-7-2009 as Ord. No. 2008-5 and shall become effective November 1, 2009. Amendments noted where applicable.]

Chapter 62

RENTAL DWELLING

1. This ordinance shall apply to all real property located within the Town of Perryville which contain one or more rental units and which are rented or leased to any resident/tenant for more than thirty (30) consecutive days.
2. This ordinance shall be enforced by the Town Code Enforcement Officer, the Town Administrator, or any other person directed by the Mayor and Commissioners of the Town of Perryville.
3. The Town Code Enforcement Officer, Town Administrator or other Town official/employee may call upon appropriate County, State or other authorities, agencies, codes or regulations in identifying and correcting conditions in rental housing which constitute violations of this ordinance or other duly enacted ordinances, regulations or laws, as applicable.
4. The legal owner of record of a rental facility shall obtain a rental housing license from the Town of Perryville before operating a building or dwelling as rental housing.
5. The rental housing license shall contain the name, mailing address and telephone number of the property owner and emergency contact information for the owner or property manager or agent authorized to act for the owner on all matters relating to the rental housing. The rental housing license shall also specify the exact location of the rental housing for which it is issued and the number of rental units within such rental housing. If the property is owned by a corporation, limited liability company, or other legal entity, the entity must provide proof that it is qualified to do business in the State of Maryland. All corporate, limited liability company, or other legal entity, including any non-resident owner, shall certify to the Town the name, address and telephone number of an agent who resides in Maryland and is qualified to accept notices and service of process on behalf of the owner and must keep such information current. All owners or

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property managers who are authorized to act for the owner shall provide the Town with emergency contact information and shall keep such information current.

6. If a licensee changes address, changes emergency contact information, changes the resident agent or transfers ownership, the licensee shall notify the Town within ten (10) calendar days of any such change. The Town may suspend or revoke any license for failure to notify the Town in accordance herewith.
7. A rental housing license may not be issued or renewed by the Town unless the owner of the dwelling, dwelling unit, or rooming unit has applied to the Town on an application form provided by the Town and has paid the applicable license fee as adopted by the Mayor and Commissioners by resolution.
8. As part of the rental housing license application, and as a precondition to the Town's acceptance of the application, the owner shall:
 - a. Consent to inspections by the Town to determine if the dwelling, dwelling unit or rooming unit for which the license is sought is in compliance with all housing and rental codes and requirements. It is not the intent of the Town to inspect units prior to the issuance or renewal of any license. This consent is required should an inspection be determined to be necessary per paragraph 13 herein.
 - b. Comply, operate and maintain the dwelling, dwelling unit or rooming unit in accordance with the provisions of this ordinance and other applicable law.
9. A rental housing license shall be issued for a period of one (1) year from the date of issuance, unless sooner revoked.
10. A rental housing license may not be renewed unless an application for renewal has been made before the expiration of the current license. A penalty fee in an amount established by resolution of the Mayor and Commissioners shall accompany any renewal application filed after expiration of the existing license.
11. Rental housing license fees and penalties provided herein shall be established by the Mayor and Commissioners by resolution and will generally be consistent with business license fees. All fees and penalties must be paid in full prior to the issuance of the license or renewal.
12. Any person who fails to obtain a rental housing license fee as required herein, and continues to rent, lease or let any unit, after first having been given fifteen (15) calendar days notice of that person's failure to obtain the required license, shall be guilty of a municipal infraction and is subject to a fine in an amount established by resolution of the Mayor and Commissioners. Each day that a

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dwelling, dwelling unit or rooming unit continues to be let or rented for human habitation without having the required license shall be a separate offense.

13. If the Town receives a complaint or has reasonable cause to believe that the dwelling, dwelling unit or rooming unit does not comply with all applicable laws and requirements, including the requirements of this Ordinance, the Town may inspect the dwelling, dwelling unit or rooming unit.
 - a. If, upon inspection due to a complaint, the Town determines that there is one or more violation which pose a serious and immediate threat to the life, safety, property or health of the residents/tenant of the dwelling, dwelling unit or rooming unit, the rental housing license may be suspended immediately. Notice of such immediate suspension due to violation(s) involving imminent danger shall be made by certified mail to the owner or agent listed on the application and/or by any means calculated to provide immediate actual notice.
 - b. If, upon inspection due to a complaint, the Town determines that there is one or more violation which do not pose a serious and immediate threat to the life, safety, property or health of the residents/tenants of the dwelling, dwelling unit or rooming unit, and for which the license was not immediately suspended, written notice shall be sent by certified mail to the owner or agent, as listed on the license application, directing that all violations be corrected within thirty (30) days from the date of the notice. If such violation(s) is/are not corrected to the satisfaction of the Town within thirty (30) days of the notice of violation the Town may suspend or revoke the rental housing license for such dwelling, dwelling unit or rooming unit. No more than two (2) extensions may be granted where the Town has determined that the owner is making a good faith effort to complete the required repairs or improvements to the dwelling in a timely manner but is unable to comply due to the magnitude of the work, or can prove delays in receipt of materials or equipment, delays in a hired contractor's completing the required work, or delays due to weather or other matters beyond the owner's control.
14. No tenant shall be evicted solely on the basis of retaliation for the making of any complaint to the Town for any violation.
15. If within a sixty (60) calendar day period law enforcement agencies respond to three (3) or more separate occasions to one (1) or more incidents at a specific dwelling, dwelling unit or rooming unit, the Town shall provide written notice by certified mail to the owner or agent, as listed on the license application, that if a law enforcement agency is required to respond to any further incident at the same dwelling, dwelling unit or rooming unit within the ninety (90) calendar day period commencing on the date of such written notice, the Town may suspend or

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revoke the rental housing license for such dwelling, dwelling unit or rooming unit.

As used above, the term “incident” means any conduct occurring at an individual dwelling, dwelling unit or rooming unit that, if proven, would constitute any of the following unlawful acts, whether arising under federal, state or municipal law:

- a. Disturbing the peace;
 - b. Disorderly conduct;
 - c. Any crime of violence including, but not limited to, assault, battery, murder, manslaughter, robbery and the attempts to commit such acts;
 - d. Unlawful use, possession and/or distribution of controlled dangerous substances and/or drug paraphernalia;
 - e. Malicious destruction of property;
 - f. Unlawful possession of weapons;
 - g. Theft;
 - h. Unlawful gaming;
 - i. Prostitution; and,
 - j. Rape and other sexual offenses.
16. If a rental housing license is denied, revoked or suspended, other than under the provision of Section 13(1) herein (serious and immediate threat to health and safety), the Town shall require the owner or agent of the property to give any tenant occupying the affected dwelling, dwelling unit or rooming unit ninety (90) days written notice to vacate. The ninety (90) day notice shall begin the first day of the month after service of the notice to the tenant. A copy of such notice given by the owner or agent of the property shall also be delivered to the Town.
17. No inoperative or unregistered motor vehicles shall be parked, kept or stored on any premises unless covered, and no vehicle shall at any time be in a state of disassembly, disrepair, or in the process of being stripped or dismantled.
18. No dwelling, dwelling unit or rooming unit shall be created or occupied unless it conforms with the provisions of the Town of Perryville Zoning Ordinance. No new rental units shall be established or added, nor shall the occupancy limit of any rental unit be increased except in conformity with the Zoning Ordinance.
19. Any owner aggrieved by the action of the Code Enforcement Officer, Town Administrator or other Town official or employee in suspending or revoking any license may, within fifteen (15) days after service of the written notice of such action, appeal such action to the Town of Perryville Landlord-Tenant Board (hereinafter Landlord-Tenant Board) as established herein. Within thirty (30) days after a notice of appeal is filed the Landlord-Tenant Board shall conduct a hearing, at which the owner or agent aggrieved shall have the opportunity to be heard along with all necessary witnesses. Within thirty (30) days of such hearing the Landlord-Tenant Board shall either reverse, modify or affirm the action

appealed. The decision of the Landlord-Tenant Board shall be in writing. Any person aggrieved by the decision of the Landlord-Tenant Board may, within thirty (30) days from the date of such decision, file an appeal to the Circuit Court for Cecil County. The procedures for any appeal shall be governed by Title 7, Chapter 200 (Judicial Review of Administrative Agency Decisions) of the Maryland Rules, as amended.

20. The following uses shall be exempt from the requirements of this ordinance: government buildings and uses; hospitals, nursing homes, hospices and other health care facilities and residences; churches, synagogues, parsonages, rectories or other religious facilities; day cares; hotels, motels, and bed and breakfast facilities, provided they do not rent or lease any dwelling, dwelling unit or rooming unit to any resident/tenant for more than thirty (30) consecutive days; and, schools and dormitories.
21. The provisions of this Ordinance shall be held to be minimum requirements adopted for the protection of the public health, safety, and welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted ordinance, state law, rule, regulation, or code, the more restrictive or that imposing the higher standard shall govern.
22. There is hereby established a Town of Perryville Landlord-Tenant Board. The Landlord-Tenant Board shall consist of three (3) members who reside within the Town of Perryville. One member shall be a landlord. One member shall be a tenant whose livelihood does not derive in whole or in significant part from the ownership and/or management of rental property. The third member shall be a resident of the Town who is neither a landlord or tenant. There shall also be one (1) alternate member for each group.

The terms of the members and any alternate member shall be for three (3) years. Each member of the Board shall continue to serve until a successor has been appointed and confirmed. The term of any member of the Board shall immediately terminate in the event the member changes status as a landlord, tenant, a member of the public at large that is neither a landlord or tenant, or ceases to reside within the Town.

All members and alternates shall be appointed by the Mayor and Commissioners. Recommendations for members and alternates shall be requested from all organizations within the Town representing either landlords or tenants. If no nominations are received within a time limit specified by the Mayor, appointments may be made without nominations.

The Board shall adopt such rules and regulations necessary for the fair and expeditious enforcement of this Ordinance, including but not limited to provisions for the calling and conducting of meetings, hearings and appeals held pursuant to the terms of this Ordinance and for the issuing of findings, opinions and orders.

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23. Should any section or provision of this ordinance be declared by any court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared unconstitutional or invalid.