

**CITY OF SALISBURY
ORDINANCE NO. 2057
AS AMENDED ON JULY 14, 2008**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SALISBURY, MARYLAND, TO AMEND SECTIONS 15.26.040, 15.26.050, 15.26.060, 15.26.110 and 15.26.130 OF CHAPTER 15.26 - RENTAL OF RESIDENTIAL PREMISES AND SECTIONS 15.24.200 and 15.24.1640 OF CHAPTER 15.24 - HOUSING STANDARDS TO FURTHER DEFINE THE PROCEDURE FOR RENTAL DWELLING UNIT REGISTRATION AND LICENSING OF RENTAL DWELLING UNIT OWNERS; AND THE CONSEQUENCES OF FAILURE TO REGISTER A RENTAL DWELLING UNIT, OR OBTAIN A LICENSE AS A RENTAL DWELLING UNIT OWNER, OR OVER OCCUPANCY OF A RENTAL DWELLING UNIT.

WHEREAS, the City of Salisbury has determined that billing for registration of rental dwelling units and licensing of rental dwelling unit owners places an unusual burden on Neighborhood Services Code Compliance Department staff and that the Internal Services Department is capable of processing rental dwelling unit registration renewals and licensing renewals; and

WHEREAS, the City of Salisbury has determined that the Neighborhood Services and Code Compliance Department should process new rental dwelling unit registrations and licenses for new rental dwelling unit owners; and

WHEREAS, the City of Salisbury has decided to modify the fees for failing to properly register a rental dwelling unit or obtain a rental dwelling unit owner's license; and

WHEREAS, the City of Salisbury has decided to amend sections of the Code relating to the consequences for failure to register a rental dwelling unit or obtain a license, or over occupancy of a rental dwelling unit.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SALISBURY, MARYLAND, that the following sections be amended to read as follows:

Chapter 15.26 - Rental of Residential Premises

15.26.040 Rental dwelling unit registration.

~~A. The owner of a rental dwelling unit(s) shall register each unit by filing a registration form with the housing official Neighborhood Services and Code Compliance Department (NSCC) on or before December 31, 2007. The registration fee for each unit shall be set by resolution of the council from time to time. Registration forms shall be provided by the housing official.~~

1. Registration forms shall be provided by NSCC.
2. The fee for annual registration of a rental dwelling unit shall be \$25.00.

~~B. All registration fees shall be paid at the time the registration form is filed with the housing official, unless the owner owns more than one hundred (100) rental dwelling units. The owners of more than one hundred (100) rental dwelling units shall pay the initial registration fee in four equal quarterly installments within twelve (12) months of registration.~~

~~C. Initial registration of all existing rental dwelling units in R-5, R-8 and R-10 zones in the city shall be complete by April 30, 2004. Initial registration of all other existing rental dwelling units in the city shall be complete by June 30, 2004.~~

~~D. Registration of other rental dwelling units shall occur one month after:~~

- ~~1. The rental dwelling unit is annexed into the city;~~
- ~~2. The rental dwelling unit receives a use and occupancy permit;~~
- ~~3. Title to the rental dwelling unit is converted to a new owner;~~
- ~~4. The dwelling unit is converted to rental use.~~

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

B. Annual registration of a rental dwelling unit shall occur on or before March 1st of each year with the Department of Internal Services (Internal Services).

1. Invoices for registration fees shall be sent on or before January 15th of each year by mailing an invoice addressed to the owner at the mailing address shown on the NSCC/Internal Services database. The owner of the rental dwelling unit shall be responsible for providing the same "mailing address" on the Maryland Department of Assessments and Taxation (MSDAT) records to NSCC and Internal Services.

C. A new registration of a rental dwelling unit shall occur within sixty (60) days after:

- (1) a. The rental dwelling unit is annexed into the City; or
- b. The rental dwelling unit receives a Use and Occupancy Permit; or
- c. Title to the rental dwelling unit is transferred to a new owner; or
- d. The dwelling unit is converted to rental use.

(2) A new registration of a rental dwelling unit will be processed by NSCC on registration forms provided by NSCC.

(3) The owner of the rental dwelling unit shall be responsible for providing the same "mailing address" on the MSDAT records to NSCC and Internal Services.

(4) An owner shall notify the City when a rental dwelling unit is converted to a non-rental use.

15.26.050 Annual license for rental dwelling unit owners.

A. Each legal entity, e.g., individual, partnership, corporation, which owns a majority interest in a rental dwelling unit(s) ~~or units~~ shall obtain a license from ~~the housing official~~ NSCC on or before ~~May 30, 2004~~ December 31, 2007. After that date, a legal entity which receives title to a rental dwelling unit(s) ~~or units~~ shall obtain a license from ~~the housing official~~ NSCC within sixty (60) ~~thirty (30)~~ days of the date the legal entity receives title to the rental dwelling unit(s). ~~or units.~~

1. A license form shall be provided by NSCC.

2. The annual license fee shall be \$25.00.

~~B. License forms shall be provided by the housing official. If inaccurate ownership information is provided to the housing official, then the legal entity will be assessed a fee of fifty dollars (\$50.00).~~

~~C. Licenses shall be renewed on an annual basis on or before March 1st of each year. The license fee shall be set by resolution of the council from time to time.~~

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

1. An invoice for a license fee shall be sent on or before January 15 of each year by mailing an invoice addressed to the licensed owner at the mailing address shown on the NSCC/Internal Services database. The licensed owner shall be responsible for providing the same "mailing address" shown on the MSDAT records to NSCC and Internal Services. ~~If inaccurate ownership information is provided to Internal Services, then the ownership entity will be assessed a fee of \$50.00.~~

C. A new owner of a rental dwelling unit(s) shall complete a license form provided by NSCC and pay a license fee within sixty (60) days after:

(1) a. The rental dwelling unit is annexed into the City; or

b. The rental dwelling unit receives a Use and Occupancy Permit; or

c. Title to the rental dwelling unit is transferred to a new owner; or

d. The dwelling unit is converted to rental use.

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

~~A. Failure to timely register a rental dwelling unit, renew a registration, or obtain or renew a license pursuant to this chapter shall result in the issuance of a non-registration fee as adopted by resolution of the council from time to time. The housing official shall issue a notice to the owner advising him of the requirements of this chapter and the fees due as of the date of the notice.~~

~~———— B. If the owner does not register a dwelling unit, renew a registration, or obtain or renew a license within thirty (30) days after said notice, the owner shall be designated a delinquent owner. The housing official shall notify the owner of such designation, cancel any existing license, and require that the owner vacate any tenant occupying a rental dwelling unit within sixty (60) days. Any security deposit shall be returned to the tenant pursuant to the provisions of Real Property Article, Title 8, Annotated Code of Maryland.~~

~~———— C. If a delinquent owner desires to register a rental dwelling unit, the rental dwelling unit shall be subject to an inside and outside inspection by the housing official. All violations must be corrected before the rental dwelling unit is registered. A delinquent owner shall be required to register each of its rental dwelling units for a fee of five hundred dollars (\$500.00). The registration and registration fee shall be required for five consecutive years, unless the 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 the provisions of this chapter. If the new owner complies with the provisions of this chapter, the delinquent owner designation then terminates. If the new owner fails to timely register the rental dwelling unit, then the delinquent owner designation shall continue.~~

~~———— D. If a delinquent owner desires to obtain or renew a license pursuant to Section 15.26.050 of this chapter, the owner shall pay a license fee of five hundred dollars (\$500.00) for five consecutive years.~~

~~F. A. 1. During the 2007 calendar year, the owner of a rental dwelling unit whose rental dwelling unit owner license and/or rental dwelling unit(s) was listed in the Department of Neighborhood Services and Code Compliance (NSCC) data base on March 1, 2007, and who did not renew his rental unit owner license or re-register his rental dwelling unit(s) during the 2007 calendar year, shall be granted an extension until December 31, 2007, to renew a rental unit owner license or re-register each rental dwelling unit for a fee of \$50.00 for each rental dwelling unit owner license and \$50.00 to register each rental dwelling unit. Failure to timely renew the rental dwelling unit owner license or re-register each rental dwelling unit shall cause the owner to be designated a delinquent owner and/or delinquent rental dwelling unit.~~

~~2. During the 2007 calendar year, the owner of a rental dwelling unit whose rental dwelling unit owner license and/or rental dwelling unit(s) was not listed in the NSCC data base on March 1, 2007, and who did not obtain a rental dwelling owner license or register his rental dwelling unit(s) during the 2007 calendar year, shall be granted an extension until December 31, 2007, to obtain a rental dwelling unit owner license and/or register each rental dwelling unit for a fee of \$200.00 for each rental dwelling unit owner license and \$200.00 for each rental dwelling unit. Failure to timely obtain the rental dwelling unit owner license or register each rental dwelling unit shall cause the owner to be designated a delinquent owner and/or delinquent rental dwelling unit.~~

~~B. 1. Failure of the owner of a rental dwelling unit(s), who is listed in the NSCC database, to renew a rental dwelling unit owner license on or before March 1st of each calendar year, shall cause the owner to be assessed a fee of \$200.00 for each license renewed during the remainder of each calendar year. If the rental dwelling unit license is not renewed by the end of each calendar year, then the rental dwelling unit owner shall be designated a delinquent owner. NSCC shall notify the owner of such designation by mailing a notice addressed to the owner at the mailing address shown on the NSCC database. 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 *Annotated Code of Maryland, Real Property Article, Title 8.*~~

2. Failure of the owner of a rental dwelling unit(s), who is listed in the NSCC database, to register a rental dwelling unit(s) on or before March 1st of each calendar year, shall cause the owner to be assessed a fee of \$200.00 for each rental dwelling unit registered during the remainder of each calendar year. If the rental dwelling unit is not registered by the end of each calendar year, then the rental dwelling unit shall be designated as a delinquent rental dwelling unit. NSCC shall notify the owner of such designation by mailing a notice addressed to the owner at the mailing address shown on the NSCC database. 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.*

C. If a delinquent owner applies for a license after the end of the calendar year, then the delinquent owner shall pay a license fee of \$500.00 for each delinquent year, together with the required license fees for the current calendar year.

D. If the owner of a rental dwelling unit was not properly licensed by December 31, 2007, or is not a new owner, then the owner is a delinquent owner. A delinquent owner shall pay a license fee of \$500.00 for each year the owner is delinquent, together with the required license fees for the current calendar year.

E. 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. A delinquent owner shall be required to register a rental dwelling unit for a fee of \$500.00 per unit for each delinquent year. If the 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.

F. If a rental dwelling unit was not properly registered by December 31, 2007, or is not a new registration, then a rental dwelling unit is a delinquent rental dwelling unit and shall pay a \$500.00 registration fee for each year the rental unit is delinquent, together with the required license fees for the current year.

~~E.G.~~ If the full amount of any fees due to the city is not paid by the owner within thirty (30) days after billing, ~~the housing official~~ Internal Services shall cause to be recorded in ~~the finance department~~ 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.

~~3. Any rental dwelling unit previously approved as a non-conforming use for an occupancy of four (4) unrelated persons or three (3) unrelated persons, not including the children of either of them, which was not registered on or before March 1, 2007, shall lose its non-conforming occupancy designation.~~

~~G. A rental dwelling unit owner who was designated as a delinquent owner in 2007 shall have that designation removed provided that the rental dwelling unit owner fully complies with the provisions of Chapter 15.26 prior to December 31, 2007. Any fees collected by NSCC as a result of delinquent owner status shall be refunded to the rental dwelling owner by January 31, 2008, provided the rental dwelling unit registration and the owner license are obtained prior to December 31, 2007.~~

15.26.110 Denial, non-renewal, revocation or suspension of license or registration.

If after any period of compliance ~~of with~~ this chapter has expired, the ~~director~~ 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 ~~director~~ NSCC has initiated an action to deny, revoke, suspend, or not renew a registration or license, ~~the director~~ NSCC shall mail the owner a notice of denial, non-renewal, revocation, or suspension of the license or registration. The notice shall state:

A. That ~~the director~~ NSCC has determined that the ~~building~~ rental dwelling unit fails to comply with the ~~licensing~~ 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 ~~building~~ rental dwelling unit fails to meet licensing or registration standards, including copies of applicable inspection reports, or notices sent to licensee ~~of conduct about the rental dwelling unit; on licensed premises;~~

C. That the director will deny, refuse to renew, revoke, or suspend the license or registration unless the owner appeals the determination within ~~fifteen (15)~~ 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, non-renewal, revocation or suspension, the ~~dwelling or the affected rental dwelling units therein must~~ 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 ~~the housing official~~ 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 ~~building~~ 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 ~~building~~ 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 ~~the city of Salisbury department of building, housing and zoning~~ NSCC. (Ord. 1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

15.26.130 Vacation of ~~affected~~ rental dwelling units.

When an application for rental dwelling license has been denied, or a rental dwelling ~~license~~ 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. giving tenants a reasonable time to arrange new housing and to move their possessions. (Ord. 1942 § 1 (part), 2005)

Article V Notices and Orders

15.24.200 Method of Service.

Such notice shall be deemed to be properly served if a copy thereof is:

- A. Hand delivered to the person to be notified;
- B. Left at the usual residence or place of business of the person to be notified with the person or his agent;
- C. Deposited in the United States Post Office, postage prepaid, addressed to the owner at his last known address as recorded in the real estate assessment records of the city of Salisbury and by posting a copy of the notice or order in a conspicuous place on the property; or, as a last resort;
- D. Posted in a conspicuous place on the property in the presence of a witness and photographed by authorized personnel. (Ord. 1665 Exh. A (part), 1997)

E. If the owner of a rental dwelling unit is not domiciled in Wicomico County, Maryland, the owner must have a designated agent for service of notice of violation and process by the City, who is a permanent resident of Wicomico County, Maryland. The agent shall not be a tenant of the owner. The agent must be an individual who is designated in the owner license application form with the City. If such agent shall resign, fail to be qualified to serve as the agent, or cease to serve in that capacity, then the legal entity shall designate another individual as the agent on the owner license application form within thirty (30) days thereafter.

Article XXIX Occupancy

15.24.1640 Violation of occupancy provisions.

If the department of ~~building~~, neighborhood services and code compliance determines the number of unrelated occupants in a dwelling violates occupancy provisions established by this code, then the number of unrelated occupants, not including the children of either of them, shall be ~~permanently~~ reduced to ~~two~~ comply with City Code. (Ord. 1974 (part), 2005: Ord. 1961 (part), 2005)

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 27th day of May, 2008, 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 14th day of July, 2008.

Brenda J. Colegrove
City Clerk

Louise Smith,
President of the City Council
of the City of Salisbury

Approved by me this
day of _____, 2008.

Barrie P. Tilghman
Mayor of the City of Salisbury