

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND, TO AMEND CHAPTER 15.26 – RENTAL RESIDENTIAL PREMISES TO REVISE THE RANDOM INSPECTION PROGRAM OF RENTAL PROPERTIES IN R-5, R-8 AND R-10 ZONING DISTRICTS, TO ESTABLISH A PROCEDURE FOR INSPECTION, AND TO PROVIDE FOR A DENIAL OF UNIT REGISTRATION AFTER FAILURE TO COMPLY WITH A RANDOM INSPECTION.

WHEREAS, the City of Salisbury finds that:

A. A substantial increase in number of Salisbury citizens reside in rental units in R-5, R-8 and R-10 Zoning Districts;

B. The physical condition of residential rental units and the use and occupancy thereof affects the quality of life in residential neighborhoods, and the value of property generally, and the homes in single-family neighborhoods in particular;

C. Regulation by means of random property maintenance inspections during a three (3) year period to monitor and insure compliance with applicable Code requirements will protect the health, safety and welfare of both the occupants of rental dwelling units, as well as the public at large; and will encourage the owners and occupants of rental dwelling units to maintain and improve the quality of those units within the R-5, R-8 and R-10 Zoning Districts;

D. Most chronic problem rental dwelling units have the following characteristics in common: lack of maintenance responsibility by landlord, owner/occupants and tenants; deteriorating maintenance and repair conditions; and declining neighborhood property values;

E. The City desires to inspect the outside and inside of rental dwelling units in R-5, R-8, and R-10 Zoning Disreicts for Housing Code violations at least once during each thirty-six (36) month period.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Salisbury City Code be amended by repealing Section 15.26.090 – Inspection of Premises to read as follows:

CHAPTER 15.26 – RENTAL OF RESIDENTIAL PREMISES

Section:

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 reasonable 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 housing official ~~city's inspector~~ shall be denied access to the rental dwelling unit or any part thereof that is appropriate for inspection, the housing official ~~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 director housing official shall implement a procedure for random inspections, which shall include the following components:

1. Each rental dwelling unit shall be inspected at least once during each thirty-six (36) month period.

2. A random inspection system shall be established to assure that all rental dwelling units are inspected within the thirty-six (36) month period.

3. Property owners shall be notified of the inspection requirement prior to registration or re-registration of a rental dwelling unit and property owners shall be advised that failure to consent to an inspection shall result in the denial of a rental dwelling unit registration or re-registration.

4. All rental dwelling units shall be inspected prior to initial registration.

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

AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the amendment set forth in this Ordinance shall take effect from and after the date of its final passage.

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the ____ day of _____, 2012, 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 City Council on the ____ day of _____, 2012.

Brenda J. Colegrove
City Clerk

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

Approved by me this
day of _____ 2012.

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