

**ORDINANCE NO. 266  
OF THE  
CITY OF FRUITLAND**

**AN ORDINANCE OF THE CITY OF FRUITLAND, MARYLAND  
ENACTING SECTION 114 OF TITLE XI, BUSINESS REGULATIONS,  
OF THE FRUITLAND CODE OF ORDINANCES TO ESTABLISH A  
RENTAL DWELLING UNIT OWNER'S LICENSE AND A RENTAL  
DWELLING UNIT REGISTRATION SYSTEM.**

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND, that Title XI of the Code of Ordinances be amended by adding the following:

**Title XI, Chapter 114  
RENTAL OF RESIDENTIAL PREMISES**

Sections:

- 114.1. Scope.
- 114.2. Purpose.
- 114.3. Definitions.
- 114.4. Rental Dwelling Unit Registration.
- 114.5. Annual License for Rental Dwelling Unit Owners.
- 114.6. Failure to Register Rental Dwelling Unit or Obtain Owner License.
- 114.7. Inspection of license.
- 114.8. Transfer of Title.
- 114.9. Inspection of Premises.
- 114.10. Administrative Search Warrant.
- 114.11. Denial, Nonrenewal, Revocation, or Suspension of License or Registration.
- 114.12. Appeals Procedure.
- 114.13. Vacation of Rental Dwelling Units.
- 114.14. Violations--Penalties.

**114.1 Scope.**

The provisions of this Chapter govern rental dwelling units within the City of Fruitland, excluding those rented to family members of the landlord provided that the landlord resides in the same dwelling unit.

**114.2 Purpose.**

The purpose of this Chapter is to protect the public health, safety, and the general welfare of the citizens of the City of Fruitland who have, as their place of abode, a dwelling

unit furnished to them for payment of a rental charge (including money, services, or other type of consideration) to another.

### **114.3 Definitions.**

A. The following definitions shall be used in the construction and interpretation of this chapter:

B. "Dwelling unit" means one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental, or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. As used herein, the phrase "physically separated" shall not require a permanent structural separation, but is intended to encompass areas of the structure which are separated by use and convenience, so that different floors or wings of a structure, even if served by only one entrance and not otherwise separated, shall constitute separate dwelling units if containing independent cooking, bathroom, and sleeping facilities and are utilized as separate units." [See: Zoning Ordinance No. 67, XVIII.M.]

C. "Mailing address" means the mailing address of an owner of a rental dwelling unit as recorded in the records of the Maryland Department of Assessments and Taxation (MSDAT). The owner is responsible for maintaining the owner's current mailing address with MSDAT.

D. "New owner" means the owner of:

1. the entity to which title to an existing rental dwelling unit has been transferred; or
2. the entity holding title to property which meets the following definition of a new rental dwelling unit.

E. "New rental dwelling unit" means a dwelling unit held out for rent or lease that is not registered in the City's system, and:

1. has been annexed into the City;
2. has received a use and occupancy permit; or
3. has been converted to rental use.

F. "Person" means any individual, partnership, firm, corporation, limited liability company, association, joint venture, or other legal entity of whatsoever kind and nature.

G. "Rental" means leasing or allowing occupancy or usage of a dwelling unit, either

directly or by an agent, in consideration of value, including personal services, paid or tendered to or for the use or benefit of the lessor, excluding dwelling units leased to a family member of the landlord when the landlord resides in the same dwelling unit, and further excluding individuals who provide personal care services to children, or elderly or disabled persons in return for living space within the same dwelling unit as the lessor or the lessor's family, or a separate dwelling unit, in the same structure as the lessor or lessor's family.

H. "Family Member" for the purposes of this title and particularly of Sections 114.1, 114.3.B., and 114.3.G. and interpretations based thereon, means a relative by blood or marriage of the landlord, whose interest in the rental dwelling unit is held as an individual or member of a joint venture or partnership.

#### **114.4 Rental Dwelling Unit Registration.**

A. 1. The owner of a rental dwelling unit(s) shall register each unit by filing a registration form with the Code Enforcement Officer ("CEO") on or before December 31, 2014. Registration forms shall be provided by the CEO.

2. A new rental dwelling unit shall be registered the later *of* sixty (60) days after becoming a new rental dwelling unit, or December 31, 2014.

3. The fee for annual registration of *each* rental dwelling unit shall be Forty Dollars (\$40.00) which may be changed in the annual budget or by ordinance.

B. 1. Existing rental dwelling units shall *be* registered with the Code Enforcement Officer (CEO) on or before March 1<sup>st</sup> of each year, PROVIDED that any dwelling unit registered on or before December 31, 2014 shall not be required to renew until March 1, 2016 and every March 1<sup>st</sup> thereafter.

2. As a convenience, the City will mail registration renewal forms and annual invoices to the owner's mailing address on or before January 15<sup>th</sup> of each year, however, failure to receive such from the City shall not relieve owner of its duty to register and pay the set fee(s).

C. An owner shall notify the City within sixty (60) days of a rental dwelling unit being converted to a non-rental use.

#### **114.5 Annual License for Rental Dwelling Unit Owners.**

A. 1. Each person who owns a rental dwelling unit(s) shall obtain a Rental Dwelling Unit Owner's license (owner's license) from the CEO. One such license covers the owner for all rental dwelling units owned by the owner, provided that the titled owner is exactly the same for all units. A new owner of a rental dwelling unit(s) shall obtain a license from the CEO within sixty (60) days of becoming a new owner.

2. A license form shall be available from the CEO and the City's Finance Department. The City may elect to provide such form on its website.

3. The annual license fee shall be Forty Dollars (\$40.00) and may be changed by the annual budget ordinance, or otherwise by ordinance.

B. 1. Annual renewal of existing licenses shall be due on or before March 1<sup>st</sup> of each year with the CEO, PROVIDED that dwelling unit owners who are registered on or before December 31, 2014 shall not be required to renew until March 1, 2016 and every March 1<sup>st</sup> thereafter.

2. As a convenience, the City will mail registration renewal forms and invoices to the owner's mailing address on or before January 15<sup>th</sup> of each year, however, failure to receive such from the City shall not relieve owner of its duty to register and pay the set fee(s).

#### **114.6 Failure to Register Rental Dwelling Unit or Obtain Owner License.**

A. An owner or new owner of a rental dwelling unit who does not obtain an Owner's License as required by this title is thereby a delinquent owner as to all the owner's units and guilty of a municipal infraction.

B. An owner or new owner of a rental dwelling unit who does not obtain a Rental Dwelling Unit License as required by this title is thereby a delinquent owner and guilty of a municipal infraction as to each unit which is not registered.

C. The CEO shall notify each delinquent owner that each delinquent unit must be vacated in sixty (60) days, unless before that time the delinquent owner corrects the delinquency status of each unit and the Owner's License.

D. In order to correct the delinquency status, the owner must pay the municipal infraction fine, and thereafter file the necessary registration forms as owner of a rental dwelling unit and the registration of each unit, pay the associated fees, and submit to the inspector referenced below.

E. Before an owner may register a delinquent rental dwelling unit, the rental dwelling unit shall be subject to an inside and outside inspection by the CEO. All municipal violations must be corrected before the rental dwelling unit is registered. If the delinquent 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.

#### **114.7 Inspection of License.**

Licenses issued under this Chapter shall be made available for inspection upon request by the CEO or any law enforcement officer.

### **114.8 Lead Paint.**

As a pre-condition to registering a rental dwelling unit, the owner of each unit must provide the CEO satisfactory evidence that the unit is in compliance with the Maryland Code, Environment Article, §§6-801 through 6-824.

### **114.9 Inspection of Premises.**

A. Each rental dwelling unit will be inspected by the CEO as soon as practicable after it is first registered.

B. In the event that the dwelling unit does not meet the requirements of the Fruitland Building Code (Ordinance No. 265), or the Wicomico County Electric or Plumbing Codes (hereinafter collectively Building Codes), and thereby does not pass inspection, such violation will be noted and the owner will be given notice pursuant to Section 114.11 hereof; PROVIDED THAT, if the CEO determines that the violation creates an immediate danger to the tenants or owner, he may establish and notify the owner of a shorter time period to vacate.

C. A violation of the Building Codes discovered by the CEO as part of a first inspection following registration of a dwelling unit will not result in a fine for such violation; PROVIDED THAT the owner corrects the violation within the time specified by the CEO, but in no case less than ten (10) working days.

D. Once a dwelling unit has passed a first inspection or follow up to a failed first inspection, it will be re-inspected at five (5) year intervals thereafter; PROVIDED, HOWEVER, that if the legal ownership of the dwelling unit changes, a new registration inspection shall be required pursuant to paragraph A above, and the five (5) year inspection period will follow from the date of such inspection.

E. In addition to inspections referenced in paragraphs A through D above, the CEO may inspect a rental dwelling unit as follows:

- i. Upon request by the owner or a tenant of that unit who is so named on the lease;
- ii. Upon the CEO determining that there is reasonable cause to believe that the rental dwelling unit presents a threat to public health, safety, or general welfare, including that of the unit's tenant(s) either with permission of the owner or tenant, or if denied, by seeking an administrative search warrant;
- iii. Upon the CEO or a Fruitland Police Officer obtaining an administrative search warrant or other appropriate court order;
- iv. Emergency inspections necessitated by a reasonable belief that a condition(s) in or about the unit presents an imminent danger to tenants of the unit, building in which it is located, or the general area;
- v. In the event that the CEO is denied access to the dwelling unit for any

inspection requested pursuant to paragraphs A through D above, the owner will be a delinquent landlord subject to Section 114.11 below.

**114.10 Administrative Search Warrant.**

The CEO, law enforcement officer, or any inspector authorized by the City to inspect rental dwelling unit(s) may apply to a judge of the District Court of Maryland for Wicomico County or the Wicomico County Circuit Court for an administrative search warrant to enter and inspect such rental dwelling unit pursuant to Section 114.9, above.

**114.11. Denial, Nonrenewal, Revocation, or Suspension of License or Registration.**

If after any period permitted for compliance with this Chapter or to correct a Building Codes violation has expired, the CEO 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, or remains in violation of the Building Codes, the CEO shall initiate an action to deny, revoke, suspend, or refuse renewal of a registration of an owner's license or unit license by mailing the owner a notice of denial, nonrenewal, revocation, or suspension of the license or registration. The notice shall state:

A. That the CEO has determined that the rental dwelling unit fails to comply with the registration standards for rental dwelling units in this Chapter or is in violation of the City's Building Codes, and/or the owner has failed to comply with the Maryland Department of Environment lead abatement reporting requirements;

B. The specific reasons why the rental dwelling unit fails to meet licensing, Building Codes, or registration standards, including copies of applicable inspection reports, notices sent to licensee about the rental dwelling unit;

C. That the CEO will deny, refuse to renew, revoke, or suspend the license or registration unless the owner appeals the determination within twenty-one (21) days after receipt of the notice, in the manner provided in this title;

D. That after denial, nonrenewal, revocation or suspension, the rental dwelling unit 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 CEO pursuant to this Chapter and the provisions of Annotated Code of Maryland, Real Property Article, Title 8;

E. The notice shall describe how an appeal may be filed under Sub-Section 114.12 of this Title;

F. The CEO shall cause a notice to tenants to be mailed or delivered to each rental dwelling unit without regard as to whether it is registered and prominently posted on the building. The notice shall indicate that the rental dwelling unit registration or owner license for the 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 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 CEO.

**114.12 Appeals Procedure.**

A. Any owner or tenant wishing to appeal a determination of the CEO initiating denial, nonrenewal, revocation, or suspension of a license or registration for an owner or unit may file a written notice of appeal with the CEO within twenty-one (21) days after receipt of the notice of denial, nonrenewal, revocation, or suspension. The notice shall contain a statement of the grounds for the appeal. The notice of appeal shall be accompanied by a fee of One Hundred Dollars (\$100.00).

B. The CEO shall refer the appeal to the Appeals Board. The Board shall meet at the call of the chair to hear appeals. The Board shall notify the owner in writing of the time and place of the hearing at least fifteen (15) days in advance, unless a shorter time is agreed upon in writing.

C. If upon approval the Board rules in favor of the appellant, it may for good cause shown order that the appeal fee be refunded.

D. Any party may appeal the decision of the Appeals Board to the District Court of Maryland for Wicomico County.

**114.13. Vacation of Rental Dwelling Units.**

When an application for rental dwelling license *or owner's license* has been denied, revoked, suspended, or not renewed, the CEO shall order the rental dwelling unit vacated within sixty (60) days pursuant to provisions this Chapter and the Annotated Code of Maryland, Real Property Article, Title 8.

**114.14. Violations-Penalties.**

Any person found in violation of the provisions of this Chapter shall be guilty of a municipal infraction and shall be subject to a fine of One Hundred Dollars (\$100.00) per violation. Each day a violation remains uncorrected after the running of any time set by the CEO for correction of same is a separate violation subject to an additional citation and fine.

**114.5. Building Codes.**

Nothing contained herein shall limit the authority of the CEO to inspect or act pursuant to Ordinance Nos. 262 and 265 of the City.

**114.6. Third Party Agent.**

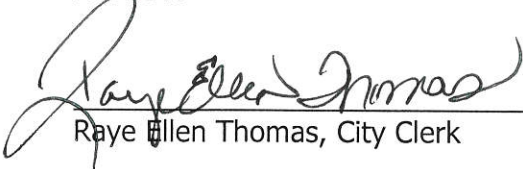
The owner may designate, in writing to the CEO, a third party manager to act for the owner, and in so doing shall provide the name, address, and telephone number of such agent.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND, that the Ordinance shall take effect upon final passage.

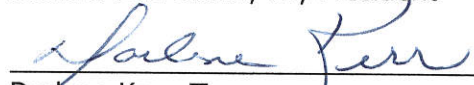
The above Ordinance was introduced and first read to the Fruitland City Council at its regularly scheduled meeting held on the 11<sup>th</sup> day of February, 2014 and passed at a regularly scheduled meeting of the Fruitland City Council held on the 11<sup>th</sup> day of March, 2014, having been published and a public hearing having been held as required by law in the meantime.

ATTEST:

CITY COUNCIL OF THE  
CITY OF FRUITLAND

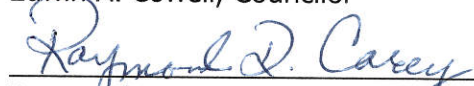
  
Raye Ellen Thomas, City Clerk

Voted NO - Did not Sign  
Richard Lee Outen, Jr., President

  
Darlene Kerr, Treasurer

  
Gloria J. Ortiz, Councilor

  
Edwin A. Cowell, Councilor

  
Raymond D. Carey, Councilor

Effective Date: March 12, 2014