



**THE TOWN OF CAPITOL HEIGHTS
FAIR SUMMARY AND PASSAGE
OF ORDINANCE 2012-003
RENTAL LICENSES**

This is to give notice that the Capitol Heights Town Council approved **ORDINANCE 2012-003: AN ORDINANCE** concerning Rental Licenses. This ordinance was developed for the purpose of providing a comprehensive scheme for the licensing and regulation of rentals of dwellings, dwelling units and rooming units for human habitation in The Town of Capitol Heights; specifying the fees for such licensing and regulation; specifying penalties and enforcement for violations; providing that the provisions of this Ordinance are severable; and all matters generally related thereto. This measure was voted on and passed on Monday, May 29, 2012.

ORDINANCE 2012-003 is available for inspection by the public at Town Hall during normal business hours, 9:00 a.m. to 4:30 p.m., Monday through Thursday and 9:00 a.m. to 1:00 p.m. on Friday.

Capitol Heights Town Council
www.capitolheightsmd.com

MAYOR AND COUNCIL OF THE TOWN OF CAPITOL HEIGHTS

Ordinance No.: 2012-003 Amended

Introduced by: Councilmember King

Date Introduced: May 14, 2012

First Reading: May 14, 2012

Second Reading: *May 29, 2012*

Date Adopted: *May 29, 2012*

Date Effective: *June 19, 2012*

AN ORDINANCE concerning

Rental Licenses

FOR the purpose of providing a comprehensive scheme for the licensing and regulation of rentals of dwellings, dwelling units and rooming units for human habitation in The Town of Capital Heights; specifying the fees for such licensing and regulation; specifying penalties and enforcement for violations; providing that the provisions of this Ordinance are severable; and all matters generally related thereto.

BY adding
Chapter XII, RENTAL LICENSES
Sections 12-101 through 12-115
Code of The Town of Capitol Heights

SECTION 1. BE IT ENACTED BY THE MAYOR AND COUNCIL OF THE TOWN OF CAPITOL HEIGHTS that new Sections 12-101 through 12-115 be and they are hereby added to the Code of The Town of Capitol Heights, to be under new Chapter XII, "Rental Licenses," to follow immediately after Section 11-102 of Chapter XI and to read as follows:

Chapter XII, RENTAL LICENSES

SECTION 12-101. STATEMENT OF POLICY.

IT IS DECLARED TO BE THE POLICY AND INTENT OF THE TOWN OF CAPITAL HEIGHTS THAT ALL DWELLINGS, DWELLING UNITS, AND ROOMING UNITS (WHETHER LOCATED IN A SINGLE DWELLING, MULTIPLE DWELLING, HOTEL, MOTEL, OTHER TOURIST FACILITY, OR OTHER STRUCTURE), LET OR RENTED FOR

HUMAN HABITATION, SHALL BE LICENSED AND REGULATED IN ACCORDANCE WITH THIS CHAPTER TO ENSURE THE PROTECTION OF THE HEALTH, WELFARE, SAFETY AND MORALS OF PERSONS RESIDING IN THOSE UNITS AND ROOMS. THE PROVISIONS AND REQUIREMENTS OF THIS CHAPTER ARE SUPPLEMENTARY TO ALL OTHER APPLICABLE LAWS, BUT DO NOT AUTHORIZE ANY USE OF LAND OR A STRUCTURE THAT IS NOT AUTHORIZED BY THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE.

SECTION 12-102. DEFINITIONS.

A. "CODE ENFORCEMENT OFFICER" MEANS THE DULY APPOINTED CODE ENFORCEMENT OFFICER OF THE TOWN OF CAPITOL HEIGHTS. IN THE ABSENCE OF A DULY APPOINTED CODE ENFORCEMENT OFFICER, THE TOWN ADMINISTRATOR OR THE TOWN ADMINISTRATOR'S DESIGNEE SHALL ACT AS THE CODE ENFORCEMENT OFFICER. FOR PURPOSES OF CONDUCTING INSPECTIONS REQUIRED BY THIS CHAPTER, THE CODE ENFORCEMENT OFFICER, WITH THE CONSENT OF PRINCE GEORGE'S COUNTY, MAY ASSIGN SUCH RESPONSIBILITY TO AN INSPECTOR OF PRINCE GEORGE'S COUNTY ACTING UNDER THE CODE ENFORCEMENT OFFICER'S SUPERVISION.

B. "DWELLING" MEANS ANY BUILDING OR PORTION OF A BUILDING DESIGNED OR USED FOR RESIDENTIAL OCCUPANCY. "DWELLING" INCLUDES A HOTEL, MOTEL AND OTHER TOURIST FACILITY.

C. "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING COMPLETE, INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS, INCLUDING PERMANENT PROVISIONS FOR LIVING, SLEEPING, EATING, COOKING AND SANITATION.

D. "IMMEDIATE FAMILY" MEANS A CHILD, SPOUSE, PARENT, GRANDPARENT OR GRANDCHILD.

E. "OWNER" MEANS THE HOLDER OF LEGAL OR EQUITABLE TITLE TO REAL PROPERTY. "OWNER" INCLUDES THE AGENT OR OTHER INDIVIDUAL WITH ACTUAL OR APPARENT AUTHORITY TO ACT ON BEHALF OF THE HOLDER OF LEGAL OR EQUITABLE TITLE.

F. "ROOMING UNIT" MEANS ANY ROOM OR GROUP OF ROOMS FORMING A SINGLE HABITABLE UNIT OCCUPIED OR INTENDED TO BE OCCUPIED FOR SLEEPING OR LIVING, BUT NOT FOR COOKING, PURPOSES, INCLUDING ROOMS IN HOTELS, MOTELS AND OTHER TOURIST FACILITIES, EXCEPT THAT "ROOMING UNIT" DOES NOT AUTHORIZRE ANY USE NOT ALLOWED BY THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE.

G. "TOWN" MEANS THE TOWN OF CAPITOL HEIGHTS.

SECTION 12-103. OPERATING LICENSE REQUIRED.

A. A PERSON MAY NOT LET OR RENT FOR HUMAN HABITATION BY ANY PERSON OTHER THAN THE OWNER OR MEMBERS OF THE OWNER'S IMMEDIATE FAMILY, ANY DWELLING, DWELLING UNIT OR ROOMING UNIT UNLESS ITS OWNER POSSESSES A CURRENT OPERATING LICENSE ISSUED BY THE TOWN FOR THAT SPECIFIC DWELLING, DWELLING UNIT OR ROOMING UNIT. A SEPARATE LICENSE IS REQUIRED FOR EACH DWELLING, DWELLING UNIT AND ROOMING UNIT LET OR RENTED FOR HUMAN HABITATION.

B. WHEN AN OPERATING LICENSE IS SUSPENDED OR REVOKED, OR AN APPLICATION FOR RENEWAL OF AN OPERATING LICENSE IS DENIED, A PERSON MAY NOT LET OR RENT FOR HUMAN HABITATION THE DWELLING, DWELLING UNIT, OR ROOMING UNIT FOR WHICH THE LICENSE HAS BEEN REVOKED, SUSPENDED OR DENIED UNTIL A NEW LICENSE HAS BEEN REISSUED OR, IN THE CASE OF A SUSPENDED LICENSE, THE LICENSE HAS BEEN REINSTATED.

SECTION 12-104. ISSUANCE OF OPERATING LICENSE.

A. AN OPERATING 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 AND ALL INSPECTION FEES THEN DUE AND OWING.

B. AS PART OF THE OPERATING LICENSE APPLICATION, AND AS A PRECONDITION TO THE TOWN'S ACCEPTANCE OF THE APPLICATION AND ISSUANCE OF THE LICENSE, THE OWNER SHALL:

(1) AGREE TO NOTIFY THE TOWN UPON A CHANGE OF OCCUPANCY OF A LICENSED DWELLING UNIT;

(2) CONSENT TO INSPECTIONS BY THE TOWN BEFORE THE ISSUANCE OR RENEWAL OF AN OPERATING LICENSE, AND DURING THE TERM OF SUCH LICENSE INCLUDING, BUT NOT LIMITED TO, UPON A CHANGE OF OCCUPANCY OF A DWELLING UNIT, OR UPON RECEIPT BY THE TOWN OF A WRITTEN COMPLAINT UNDER OATH, TO DETERMINE IF THE DWELLING, DWELLING UNIT OR ROOMING UNIT FOR WHICH THE LICENSE IS SOUGHT IS IN COMPLIANCE WITH THIS CHAPTER AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS ADOPTED BY THE TOWN;

(3) AGREE TO COMPLY WITH, AND OPERATE AND MAINTAIN THE DWELLING, DWELLING UNIT OR ROOMING UNIT IN ACCORDANCE WITH, THE PROVISIONS OF THIS CHAPTER AND ALL OTHER APPLICABLE LAWS;

(4) DESIGNATE AN INDIVIDUAL WITH AN ADDRESS IN MARYLAND TO RECEIVE NOTICES FROM THE TOWN CONCERNING THE DWELLING, DWELLING UNIT OR ROOMING UNIT FOR WHICH THE LICENSE IS SOUGHT AND THE PROPERTY ON WHICH IT IS LOCATED, AND AGREE TO PROVIDE AT LEAST TEN (10) DAYS PRIOR WRITTEN NOTIFICATION TO THE TOWN OF ANY CHANGE IN THE AGENT OR THE AGENT'S ADDRESS;

(5) CERTIFY TO THE TOWN, UNDER PENALTY OF PERJURY, ON A FORM PROVIDED BY THE TOWN:

(A) THAT THE PROPERTY IS NOT AN AFFECTED PROPERTY AS DEFINED IN § 6-801(B) OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND; OR

(B) THAT THE PROPERTY IS AN AFFECTED PROPERTY, AND THAT THE OWNER HAS REGISTERED AS REQUIRED UNDER § 6-811 OR 6-812(B) OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND, AND/OR RENEWED THE REGISTRATION AS REQUIRED BY § 6-812(A) OF SAID ARTICLE; AND

(C) THE INSPECTION CERTIFICATE NUMBER FOR THE INSPECTION CONDUCTED FOR THE CURRENT TENANCY AS REQUIRED UNDER § 6-815(C) OF SAID ARTICLE, IF THE CURRENT TENANT MOVED INTO THE PROPERTY ON OR AFTER FEBRUARY 24, 1996; OR

(D) ON OR AFTER FEBRUARY 24, 2006, THE INSPECTION CERTIFICATE NUMBER FOR THE INSPECTION CONDUCTED FOR THE CURRENT TENANCY AS REQUIRED UNDER §§ 6-815(C), 6-817(B) AND 6-819(E) OF SAID ARTICLE;

(6) AGREE TO PROVIDE WRITTEN NOTICE TO THE TOWN PROMPTLY AFTER ANY CHANGE IN OWNERSHIP OF A DWELLING, DWELLING UNIT OR ROOMING UNIT FOR WHICH A LICENSE IS ISSUED UNDER THIS CHAPTER, GIVING THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE NEW OWNER; AND

(7) AGREE TO DISCLOSE, WITHIN 24 HOURS AFTER THE TOWN'S REQUEST, FOR CODE ENFORCEMENT OR OTHER NECESSARY PUBLIC PURPOSES, THE IDENTITY OF ANY OCCUPANTS OF THE DWELLING, DWELLING UNIT OR ROOMING UNIT FOR WHICH IS A LICENSE IS ISSUED.

C. THE TOWN MAY NOT ISSUE A NEW OPERATING LICENSE, AND MAY NOT RENEW AN OPERATING LICENSE, UNLESS THE DWELLING, DWELLING UNIT OR ROOMING UNIT FOR WHICH THE LICENSE IS SOUGHT:

(1) HAS BEEN INSPECTED BY THE TOWN AND FOUND BY THE INSPECTOR TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER, AND WITH THE REQUIREMENTS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED BY THE TOWN; AND

(2) COMPLIES WITH ALL OTHER APPLICABLE LAWS.

D. AN OPERATING LICENSE SHALL BE ISSUED FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF ISSUANCE, UNLESS SOONER REVOKED. SUBJECT TO SUBSECTION E. OF THIS SECTION, AN OPERATING LICENSE MAY BE RENEWED FOR SUCCESSIVE PERIODS NOT TO EXCEED ONE (1) YEAR EACH.

E. AN OPERATING LICENSE MAY NOT BE RENEWED UNLESS AN APPLICATION FOR RENEWAL HAS BEEN MADE BEFORE THE EXPIRATION OF THE CURRENT OPERATING LICENSE. UNLESS THE TOWN HAS FAILED TO GIVE NOTICE OF A RENEWAL DATE BY FIRST-CLASS UNITED STATES MAIL NINETY (90) DAYS PRIOR TO THE EXPIRATION DATE, A PENALTY FEE OF FIFTY DOLLARS (\$50) SHALL ACCOMPANY ANY APPLICATION FILED LESS THAN SIXTY (60) DAYS PRIOR TO EXPIRATION.

F. AN OPERATING LICENSE IS NOT TRANSFERABLE AND BECOMES VOID UPON TRANSFER OF OWNERSHIP OF THE DWELLING, DWELLING UNIT OR ROOMING UNIT FOR WHICH THE LICENSE WAS ISSUED.

SECTION 12-105. LICENSE AND INSPECTION FEES.

A. SUBJECT TO SECTION 12-109.B. OF THIS CHAPTER, THE OPERATING LICENSE FEE SHALL BE **ONE HUNDRED AND FIFTY DOLLARS** (\$150). THE FEE SHALL BE PAID IN ADVANCE OF ISSUANCE OF THE LICENSE OR RENEWAL.

B. EVERY APPLICANT AND LICENSEE SHALL PAY A FEE TO THE TOWN FOR EACH INSPECTION OR REINSPECTION CONDUCTED PURSUANT TO THIS CHAPTER. THE INSPECTION FEE SHALL BE **ONE HUNDRED DOLLARS** (\$100) FOR THE INSPECTION OR REINSPECTION OF EACH DWELLING, EXCEPT THAT WHERE MULTIPLE DWELLING OR ROOMING UNITS ARE LOCATED WITHIN A DWELLING, THE FEE SHALL BE FIFTY DOLLARS (\$50) FOR THE INSPECTION OR REINSPECTION OF EACH DWELLING UNIT OR ROOMING UNIT WITHIN THAT DWELLING. THE INSPECTION FEE IN CONNECTION WITH AN APPLICATION FOR THE ISSUANCE OR RENEWAL OF AN OPERATING LICENSE IS DUE AND PAYABLE WITH THE FILING OF THE APPLICATION. EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, THE INSPECTION FEE FOR ALL OTHER INSPECTIONS OR REINSPECTIONS IS DUE AND PAYABLE UPON COMPLETION OF THE INSPECTION.

SECTION 12-106. FAILURE TO OBTAIN OPERATING LICENSE.

ANY PERSON WHO FAILS TO OBTAIN AN OPERATING LICENSE AS REQUIRED BY THIS CHAPTER, AFTER FIRST HAVING BEEN GIVEN FIFTEEN (15) CALENDAR DAYS NOTICE OF THAT PERSON'S FAILURE TO OBTAIN THE REQUIRED LICENSE, IS GUILTY OF A ~~MUNICIPAL INFRACTION MISDEMEANOR~~ AND IS SUBJECT TO A ~~FINE IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100) PER DAY~~ PENALTIES SET FORTH IN SECTION 12-115 FOR EACH DWELLING, DWELLING UNIT OR ROOMING UNIT FOR WHICH A REQUIRED LICENSE HAS NOT BEEN OBTAINED. EACH DAY THAT A DWELLING, DWELLING UNIT OR ROOMING UNIT CONTINUES TO BE LET OR RENTED FOR HUMAN HABITATION WITHOUT HAVING THE REQUIRED OPERATING LICENSE IS A SEPARATE OFFENSE.

SECTION 12-107. SUSPENSION AND REVOCATION OF LICENSE.

A. IF THE CODE ENFORCEMENT OFFICER HAS REASONABLE CAUSE TO BELIEVE THAT ONE OR MORE CONDITIONS EXIST IN THE LICENSED PREMISES THAT MAY CONSTITUTE VIOLATIONS OF THIS CHAPTER OR OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED BY THE TOWN, THE CODE ENFORCEMENT OFFICER MAY INSPECT THE LICENSED PREMISES. IF THE INSPECTION CONFIRMS THAT ONE OR MORE CONDITIONS EXIST IN THE LICENSED PREMISES THAT CONSTITUTE VIOLATIONS OF THIS CHAPTER OR OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED BY THE TOWN, THE CODE ENFORCEMENT OFFICER SHALL ORDER THE LICENSEE, BY WRITTEN NOTICE SENT BY CERTIFIED MAIL TO THE LICENSEE OR THE LICENSEE'S DESIGNATED AGENT, AT THE LICENSEE'S OR AGENT'S MAILING ADDRESS AS SHOWN ON THE OPERATING LICENSE APPLICATION, TO SHOW CAUSE BEFORE THE TOWN ADMINISTRATOR, WITHIN THIRTY (30) DAYS FROM THE DATE OF THE NOTICE, WHY THE OPERATING LICENSE FOR THE LICENSED PREMISES SHOULD NOT BE SUSPENDED. THE ORDER SHALL SET FORTH THE REASONS FOR THE PROPOSED SUSPENSION AND IDENTIFY WHAT CORRECTIVE ACTION IS REQUIRED TO BRING THE DWELLING, DWELLING UNIT OR ROOMING UNIT INTO COMPLIANCE. IF, WITHIN THIS THIRTY (30) DAY PERIOD, THE LICENSEE FAILS TO SHOW CAUSE TO THE SATISFACTION OF THE TOWN ADMINISTRATOR WHY THE LICENSE SHOULD NOT BE SUSPENDED, THE LICENSE SHALL BE SUSPENDED. IF THE VIOLATIONS THAT CAUSED THE SUSPENSION ARE CORRECTED TO THE SATISFACTION OF THE TOWN ADMINISTRATOR WITHIN THIRTY (30) DAYS AFTER THE DATE OF SUSPENSION, THE TOWN ADMINISTRATOR SHALL VACATE THE SUSPENSION AND REINSTATE THE OPERATING LICENSE.

B. (1) IF, WITHIN A SIXTY (60) CALENDAR DAY PERIOD, LAW ENFORCEMENT AGENCIES RESPOND ON THREE OR MORE SEPARATE OCCASIONS TO ONE OR MORE INCIDENTS AT A SPECIFIC DWELLING, DWELLING UNIT OR ROOMING UNIT LICENSED UNDER THIS CHAPTER, THE CODE ENFORCEMENT OFFICER SHALL PROVIDE WRITTEN NOTICE TO THE LICENSEE OR THE LICENSEE'S DESIGNATED AGENT, SENT BY CERTIFIED MAIL TO THE LICENSEE'S OR AGENT'S MAILING ADDRESS AS SHOWN ON THE OPERATING LICENSE APPLICATION, THAT IF A LAW ENFORCEMENT AGENCY IS REQUIRED TO

RESPOND TO ANY FURTHER INCIDENT AT THAT SAME DWELLING, DWELLING UNIT OR ROOMING UNIT WITHIN THE ONE HUNDRED EIGHTY (180) CALENDAR DAY PERIOD COMMENCING ON THE DATE OF SUCH WRITTEN NOTICE, THE TOWN ADMINISTRATOR MAY SUSPEND THE OPERATING LICENSE FOR THAT DWELLING, DWELLING UNIT OR ROOMING UNIT. IF A LAW ENFORCEMENT AGENCY RESPONDS TO AN INCIDENT AT THE SAME DWELLING, DWELLING UNIT OR ROOMING UNIT WITHIN SUCH ONE HUNDRED EIGHTY (180) DAY PERIOD, THE CODE ENFORCEMENT OFFICER SHALL ORDER THE LICENSEE, BY WRITTEN NOTICE, SENT BY CERTIFIED MAIL TO THE LICENSEE'S OR DESIGNATED AGENT'S MAILING ADDRESS AS SHOWN ON THE OPERATING LICENSE APPLICATION, TO SHOW CAUSE BEFORE THE TOWN ADMINISTRATOR, WITHIN THIRTY (30) DAYS FROM THE DATE OF THE NOTICE, WHY THE OPERATING LICENSE FOR THE LICENSED PREMISES SHOULD NOT BE SUSPENDED. THE ORDER SHALL SET FORTH THE REASONS FOR THE PROPOSED SUSPENSION AND IDENTIFY WHAT CORRECTIVE ACTION IS REQUIRED TO RESCIND THE SUSPENSION. IF, WITHIN THIS THIRTY (30) DAY PERIOD, THE LICENSEE FAILS TO SHOW CAUSE TO THE SATISFACTION OF THE TOWN ADMINISTRATOR WHY THE LICENSE SHOULD NOT BE SUSPENDED, THE LICENSE SHALL BE SUSPENDED. IF THE LICENSEE TAKES THE CORRECTIVE ACTION DESIGNATED IN THE WRITTEN NOTICE TO THE SATISFACTION OF THE TOWN ADMINISTRATOR WITHIN THIRTY (30) DAYS AFTER THE DATE OF SUSPENSION, THE TOWN ADMINISTRATOR SHALL VACATE THE SUSPENSION AND REINSTATE THE OPERATING LICENSE.

(2) AS USED IN THIS SUBSECTION B, THE TERM "INCIDENT" MEANS ANY CONDUCT OCCURRING AT A DWELLING, DWELLING UNIT OR ROOMING UNIT THAT, IF PROVEN, WOULD CONSTITUTE ANY OF THE FOLLOWING UNLAWFUL ACTS, WHETHER ARISING UNDER FEDERAL LAW, STATE LAW OR THIS CODE:

- (A) DISTURBING THE PEACE.
- (B) DISORDERLY CONDUCT.
- (C) DOMESTIC VIOLENCE.
- (D) ANY CRIME OF VIOLENCE INCLUDING, BUT NOT LIMITED TO, ASSAULT, BATTERY, MURDER, MANSLAUGHTER, AND THE ATTEMPTS TO COMMIT ANY SUCH ACTS.
- (E) UNLAWFUL USE, POSSESSION AND/OR DISTRIBUTION OF CONTROLLED DANGEROUS SUBSTANCES AND/OR DRUG PARAPHERNALIA.
- (F) MALICIOUS DESTRUCTION OF PROPERTY.
- (G) UNLAWFUL POSSESSION OF WEAPONS.
- (H) UNLAWFUL GAMING.

(I) PROSTITUTION.

(J) RAPE AND OTHER SEXUAL OFFENSES.

C. THE SUSPENSION IMPOSED UNDER SUBSECTIONS A. AND B. OF THIS SECTION SHALL EXPIRE, AND THE OPERATING LICENSE SHALL BE REVOKED, THIRTY (30) DAYS AFTER THE DATE OF THE SUSPENSION UNLESS, DURING THAT THIRTY (30) DAY PERIOD, THE VIOLATIONS OR OTHER ACTIONS CAUSING THE SUSPENSION HAVE BEEN CORRECTED TO THE SATISFACTION OF THE TOWN ADMINISTRATOR. THE TOWN ADMINISTRATOR SHALL SEND TO THE PROPERTY OWNER BY CERTIFIED MAIL AT THE OWNER'S OR DESIGNATED AGENT'S ADDRESS AS SHOWN ON THE OPERATING LICENSE APPLICATION WRITTEN NOTICE OF ANY SUCH REVOCATION AND SHALL SET FORTH THE GROUNDS FOR THE REVOCATION. THE NOTICE SHALL INFORM THE OWNER OF THE RIGHT TO APPEAL THE REVOCATION, PURSUANT TO SECTION 12-108 OF THIS CHAPTER.

D. AN OPERATING LICENSE REVOKED PURSUANT TO SUBSECTIONS A. OR B. OF THIS SECTION MAY NOT BE REINSTATED OR RENEWED. HOWEVER, AFTER AN OPERATING LICENSE HAS BEEN REVOKED, THE OWNER OF THE DWELLING, DWELLING UNIT OR ROOMING UNIT MAY FILE AN APPLICATION FOR A NEW LICENSE PURSUANT TO SECTION 12-104 OF THIS CHAPTER.

SECTION 12-108. APPEALS.

A. THE OWNER OF A DWELLING, DWELLING UNIT OR ROOMING UNIT WHO IS AGGRIEVED BY A DECISION OF THE TOWN TO DENY ISSUANCE, DENY RENEWAL, SUSPEND OR REVOKE AN OPERATING LICENSE MAY APPEAL THE DECISION TO THE MAYOR AND COUNCIL. AN APPEAL DOES NOT STAY THE DECISION BEING APPEALED.

B. APPEALS TO THE MAYOR AND COUNCIL SHALL BE MADE WITHIN TEN (10) DAYS FROM THE RECEIPT OF NOTICE OF DENIAL OF ISSUANCE OR RENEWAL, SUSPENSION OR REVOCATION. THE APPEAL SHALL BE MADE BY FILING WITH THE MAYOR AND COUNCIL A LETTER OR OTHER WRITTEN STATEMENT SETTING FORTH THE DECISION OR DETERMINATION FROM WHICH THE APPEAL IS TAKEN, AND ALLEGING SUFFICIENT FACTS TO SHOW AN ERROR IN THE DECISION OR DETERMINATION, OR THAT COMPLIANCE WITH THE DECISION OR DETERMINATION WILL RESULT IN SEVERE AND UNDUE HARDSHIP UNWARRANTED BY THE CIRCUMSTANCES. THE APPEAL SHALL BE DEEMED TO BE MADE WHEN THE MAYOR AND COUNCIL RECEIVES THE LETTER OR STATEMENT.

C. WITHIN A REASONABLE TIME AFTER RECEIVING NOTICE OF AN APPEAL, THE MAYOR SHALL FIX A TIME AND PLACE FOR THE HEARING OF THE APPEAL, AND SHALL CAUSE NOTICE OF THE HEARING TO BE SENT TO THE APPELLANT OR THE APPELLANT'S ATTORNEY OF RECORD.

D. IN DECIDING AN APPEAL, THE MAYOR AND COUNCIL SHALL DETERMINE, BASED UPON ALL OF THE EVIDENCE PRESENTED TO IT, WHETHER THERE IS ANY ERROR IN THE DECISION OR DETERMINATION FROM WHICH THE APPEAL IS TAKEN, OR WHETHER SEVERE AND UNDUE HARDSHIP WILL RESULT TO THE APPELLANT, OR OTHERS, BY ENFORCEMENT OF THE DECISION OR DETERMINATION, NOT WARRANTED BY CONSIDERATION FOR THE PUBLIC HEALTH, SAFETY AND WELFARE. THE MAYOR AND COUNCIL MAY REVERSE, AFFIRM OR MODIFY, WHOLLY OR PARTLY, THE DECISION OR DETERMINATION APPEALED FROM, AND MAY MAKE ANY FURTHER ORDER, REQUIREMENT, DECISION OR DETERMINATION AS OUGHT TO BE MADE UPON ALL OF THE EVIDENCE PRESENTED TO IT.

E. UPON MAKING A FINAL DETERMINATION, THE MAYOR AND COUNCIL SHALL GIVE WRITTEN NOTICE OF THE DETERMINATION PROMPTLY TO THE APPELLANT OR THE APPELLANT'S ATTORNEY OF RECORD. IF THE DETERMINATION REQUIRES SOME ACTION TO BE TAKEN BY THE APPELLANT, THE NOTICE SHALL STATE A REASONABLE TIME WITHIN WHICH THE ACTION SHALL BE TAKEN, AND FURTHER SHALL STATE THAT UNLESS THE ACTION IS TAKEN WITHIN THE TIME SPECIFIED, THE APPELLANT WILL BE GUILTY OF A MUNICIPAL INFRACTION AND SUBJECT TO A FINE IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100) PER DAY UNTIL THE APPELLANT TAKES THE ACTION REQUIRED BY THE NOTICE. EACH DAY THAT AN APPELLANT DOES NOT TAKE ACTION REQUIRED BY THE NOTICE IS A SEPARATE OFFENSE. THE PENALTIES PROVIDED BY THIS SECTION ARE IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY THIS CHAPTER.

SECTION 12-109. LICENSE SUSPENSION OR REVOCATION; REVALIDATION, REINSPECTION AND REISSUANCE PROCEDURE.

A. REISSUANCE OF A LICENSE THAT HAS BEEN REVOKED, OR DENIED UPON APPLICATION FOR RENEWAL, SHALL BE SUBJECT TO PAYMENT OF THE FULL AMOUNT OF THE ANNUAL OPERATING LICENSE FEE, EXCEPT THAT, AT THE DISCRETION OF THE TOWN ADMINISTRATOR, WHEN THE OPERATING LICENSE HAS BEEN REVOKED OR DENIED FOR FAILURE OF THE DWELLING, DWELLING UNIT OR ROOMING UNIT TO COMPLY WITH THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS ADOPTED BY THE TOWN, THE LICENSE MAY BE REISSUED ON A SIX (6) MONTH BASIS, SUBJECT TO REINSPECTION BY THE TOWN BEFORE EACH SIX (6) MONTH RENEWAL. WHEN SUBSEQUENT INSPECTION CONFIRMS THAT A DWELLING, DWELLING UNIT OR ROOMING UNIT ON A SIX (6) MONTH RENEWAL CYCLE IS BEING MAINTAINED TO THE STANDARDS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE TOWN ADMINISTRATOR THEN SHALL PLACE THE PROPERTY ON A REGULAR LICENSING SCHEDULE.

B. THE FEE FOR A SIX (6) MONTH LICENSE SHALL BE THE SAME AS THE FEE FOR AN ANNUAL LICENSE, EXCEPT THAT THE FEE SHALL DOUBLE, PROGRESSIVELY, FOR ANY SUBSEQUENT DENIAL OR REVOCATION THAT MAY

OCCUR WHILE THE PROPERTY HAS BEEN ISSUED A SIX (6) MONTH OPERATING LICENSE.

C. A REINSPECTION FEE IN THE AMOUNT OF FIFTY DOLLARS (\$50) SHALL BE PAID BEFORE ANOTHER INSPECTION OF A DWELLING, DWELLING UNIT OR ROOMING UNIT IS MADE IF, AT THE TIME OF THE SCHEDULED INSPECTION, ONE OR MORE OF THE FOLLOWING OCCURRED:

(1) THE REQUESTING PARTY REQUESTED OR WAS SCHEDULED FOR INSPECTION, BUT WORK WAS NOT COMPLETED OR VIOLATIONS WERE NOT ABATED.

(2) THE REQUESTING PARTY WAS NOT ON SITE.

(3) ENTRY COULD NOT BE MADE TO THE DWELLING, DWELLING UNIT OR ROOMING UNIT.

SECTION 12-110. POSTING OF UNLICENSED PROPERTY.

WHEN AN OPERATING LICENSE HAS BEEN SUSPENDED, REVOKED, DENIED OR HAS EXPIRED, THE CODE ENFORCEMENT OFFICER MAY CAUSE TO BE POSTED ON THE PROPERTY WHERE THE DWELLING, DWELLING UNIT, OR ROOMING UNIT IS LOCATED A NOTICE THAT STATES AS FOLLOWS:

OCCUPANCY OF ANY DWELLING, DWELLING UNIT OR ROOMING UNIT IN THIS BUILDING IS UNLAWFUL UNTIL A LICENSE TO OPERATE HAS BEEN OBTAINED AND IS DISPLAYED ON THE PREMISES.

A PERSON MAY NOT REMOVE SUCH A NOTICE UNTIL AN OPERATING LICENSE HAS BEEN OBTAINED.

SECTION 12-111. REVOCATION; VACATING PREMISES.

A. WHEN AN OPERATING LICENSE HAS BEEN REVOKED, OR WHEN THE OWNER OF A DWELLING, DWELLING UNIT OR ROOMING UNIT HAS ALLOWED THE DWELLING, DWELLING UNIT OR ROOMING UNIT TO BE OCCUPIED IN VIOLATION OF THIS CHAPTER, WITHIN TEN (10) DAYS AFTER NOTICE FROM THE TOWN ALL TENANTS AND OCCUPANTS OF THE DWELLING, DWELLING UNIT OR ROOMING UNIT MUST VACATE THE DWELLING, DWELLING UNIT OR ROOMING UNIT UNTIL AN OPERATING LICENSE IS ISSUED. THE OWNER OF THE DWELLING, DWELLING UNIT OR ROOMING UNIT SHALL TAKE ALL NECESSARY ACTIONS TO PROCURE THE REMOVAL OF ALL SUCH TENANTS AND OCCUPANTS WITHIN SUCH TEN (10) DAY PERIOD.

B. IN ADDITION TO THE PROCEDURE DESCRIBED IN SECTION 12-107 OF THIS CHAPTER, AND UPON ISSUING AN ORDER REVOKING AN OPERATING

LICENSE, THE TOWN ADMINISTRATOR MAY FURTHER ORDER THAT THE OWNER OF THE DWELLING, DWELLING UNIT OR ROOMING UNIT FOR WHICH THE OPERATING LICENSE WAS REVOKED SHALL BE LIABLE FOR REASONABLE COSTS INCURRED BY AFFECTED TENANTS OR OCCUPANTS, FOR A PERIOD NOT TO EXCEED NINETY (90) DAYS, IN ORDER TO OBTAIN AND RELOCATE TO SUBSTITUTE HOUSING WITHIN PRINCE GEORGE'S COUNTY.

C. ANY PERSON WHO FAILS TO VACATE OR CAUSE TO VACATE THE DWELLING, DWELLING UNIT OR ROOMING UNIT FOR WHICH THE OPERATING LICENSE WAS REVOKED, AFTER DUE NOTICE BY THE TOWN, IS GUILTY OF A ~~MUNICIPAL INFRACTION~~ MISDEMEANOR AND IS SUBJECT TO THE PENALTIES SET FORTH IN SECTION 12-115, EACH DAY THAT THE VIOLATION CONTINUES BEING A SEPARATE OFFENSE.

SECTION 12-112. JUDICIAL RELIEF FOR VIOLATIONS.

IN ADDITION TO ANY OTHER PENALTIES SPECIFIED IN THIS CHAPTER, THE TOWN MAY SEEK INJUNCTIVE OR OTHER APPROPRIATE JUDICIAL RELIEF TO RESTRAIN OR CORRECT VIOLATIONS OF THIS CHAPTER.

SECTION 12-113. PROPERTY MANAGER.

A. THE OWNER OF ANY DWELLING CONSISTING OF FOUR (4) OR MORE RENTAL DWELLING UNITS IS REQUIRED TO HAVE A PROPERTY MANAGER LOCATED ON THE PREMISES OR WITHIN A REASONABLE DISTANCE FROM THE DWELLING. THE PROPERTY MANAGER SHALL BE RESPONSIBLE FOR THE DAY-TO-DAY CARE, MAINTENANCE AND UPKEEP OF THE DWELLING AND ITS GROUNDS. FOR THE PURPOSES OF THIS CHAPTER, THE OWNER MAY BE THE PROPERTY MANAGER.

B. THE OWNER OF EACH MULTIPLE DWELLING REQUIRED BY SUBSECTION A. OF THIS SECTION TO HAVE A PROPERTY MANAGER SHALL POST THE NAME AND TELEPHONE NUMBER OF THE PROPERTY MANAGER IN A CONSPICUOUS PLACE WITHIN EACH DWELLING.

C. SUBSECTIONS A. AND B. OF THIS SECTION DO NOT RELIEVE THE OWNER OF THE MULTIPLE DWELLING OF THE OWNER'S DUTIES AND RESPONSIBILITIES PRESCRIBED IN THIS CHAPTER AND IN THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS ADOPTED BY THE TOWN, AND ANY REGULATIONS PROMULGATED PURSUANT THERETO. AN OWNER SHALL NOT BE RELIEVED FROM ANY SUCH DUTY AND RESPONSIBILITY, AND SHALL NOT BE ENTITLED TO DEFEND AGAINST ANY CHARGE OF A VIOLATION OF THIS SECTION, BECAUSE THE OCCUPANT OR TENANT ALSO IS RESPONSIBLE FOR COMPLYING WITH AND IS IN VIOLATION OF, SUCH PROVISIONS.

SECTION 12-114. MANDATORY DISCLOSURES.

A. EVERY PERSON WHO LETS OR RENTS A DWELLING, DWELLING UNIT OR ROOMING UNIT FOR WHICH A LICENSE IS REQUIRED UNDER THIS CHAPTER SHALL PROVIDE THE FOLLOWING DISCLOSURES TO EACH OF THE PERSON'S TENANTS, RENTERS OR OCCUPANTS AT THE INCEPTION OF THE OCCUPANCY OF THE DWELLING, DWELLING UNIT OR ROOMING UNIT:

(1) A DISCLOSURE PROHIBITING ANY TENANT, OCCUPANT, VISITOR OR GUEST FROM MAKING OR GENERATING ANY LOUD AND RAUCOUS SOUND SO AS TO CAUSE UNREASONABLE ANNOYANCES OR DISTURBANCES TO OTHERS LIVING OR LOCATED NEARBY.

(2) A DISCLOSURE ENUMERATING THE NUMBER OF UNRELATED OR RELATED PERSONS WHO ARE LEGALLY AUTHORIZED TO OCCUPY THE PREMISES AND PROHIBITING ADDITIONAL PERMANENT OCCUPANTS.

(3) A DISCLOSURE REQUIRING ANY TENANT, OCCUPANT, VISITOR OR GUEST TO DISPOSE OF ALL RUBBISH AND GARBAGE IN A CLEAN AND SANITARY MANNER.

(4) A DISCLOSURE RECOGNIZING THE OWNER'S AND THE OCCUPANT'S COLLATERAL RESPONSIBILITY FOR MAINTAINING CLEAN GROUNDS AND PREMISES, FREE OF LITTER.

(5) A DISCLOSURE PROHIBITING ANY TENANT, OCCUPANT, VISITOR OR GUEST FROM PARKING ANY VEHICLE WITH FOUR OR MORE WHEELS OR A SELF-PROPELLED VEHICLE WITH THREE OR MORE WHEELS ON THE GRASS OR LAWN OF THE RENTAL PREMISES OR PROPERTY UNLESS THE SURFACE IS CONSTRUCTED OF EITHER CONCRETE, ASPHALT, GRAVEL OR A SIMILAR DUST-AND MUD-FREE SURFACE.

(6) A DISCLOSURE EXPRESSLY STIPULATING THAT THE OWNER WILL DELIVER THE LEASED PREMISES IN A CLEAN, SAFE AND SANITARY CONDITION.

(7) A DISCLOSURE EXPRESSLY RECOGNIZING THE OWNER'S DUTY TO PROVIDE OR MAKE AVAILABLE HEAT, WATER AND HOT WATER TO THE OCCUPANTS AND TO MAINTAIN THE PREMISES IN A HABITABLE CONDITION.

(8) A DISCLOSURE RECOGNIZING THE AVAILABILITY OF THE PRINCE GEORGE'S COUNTY COMMUNITY MEDIATION CENTER TO ADDRESS, THROUGH MEDIATION, ANY HOUSING DISPUTE OR PROBLEM THAT MIGHT ARISE BETWEEN THE PARTIES.

B. A PERSON REQUIRED TO MAKE DISCLOSURES UNDER SUBSECTION A OF THIS SECTION SHALL MAKE THE REQUIRED DISCLOSURES BY DELIVERING TO THE OCCUPANTS A FAIR SUMMARY OF THE PROVISIONS IDENTIFIED IN

SUBSECTION A OF THIS SECTION, IN A FORM TO BE PRESCRIBED BY THE TOWN, PRIOR TO OCCUPANCY. THE PROPERTY OWNER SHALL ATTEST THAT HE OR SHE HAS DELIVERED A FAIR SUMMARY OF THE PROVISIONS IDENTIFIED IN SUBSECTION A OF THIS SECTION, IN THE FORM PRESCRIBED BY THE TOWN, TO THE OCCUPANTS OF THE DWELLING UNIT IN QUESTION AT THE BEGINNING OF THE OCCUPANCY TERM.

C. AN OWNER IS NOT REQUIRED TO PROVIDE ADDITIONAL COPIES OF THE FAIR SUMMARY AT THE BEGINNING OF A RENEWAL TERM OF OCCUPANCY BY THE SAME OCCUPANTS WHO OCCUPIED THE DWELLING UNIT IN THE IMMEDIATELY PRECEDING TERM IF SUCH OCCUPANTS PREVIOUSLY RECEIVED THE FAIR SUMMARY, EXCEPT THAT AN OWNER SHALL PROVIDE SUCH TENANTS WITH ADDITIONAL COPIES OF THE FAIR SUMMARY IF:

(1) ANY TENANT REQUESTS AN ADDITIONAL COPY; OR

(2) THERE HAVE BEEN INTERVENING CHANGES TO THE FORM OF FAIR SUMMARY PRESCRIBED BY THE TOWN. THE OWNER SHALL BE RESPONSIBLE FOR VERIFYING AT THE BEGINNING OF ANY RENEWAL OCCUPANCY TERM THAT THERE HAVE BEEN NO SUCH INTERVENING CHANGES.

D. THE OPERATING LICENSE SHALL CONTAIN THE AGREEMENT OF THE OWNER TO DISCLOSE, WITHIN 24 HOURS OF THE TOWN'S REQUEST, FOR CODE ENFORCEMENT OR OTHER NECESSARY PUBLIC PURPOSES, THE IDENTITY OF ANY OCCUPANTS OF THE DWELLING, DWELLING UNIT OR ROOMING UNIT WHICH IS THE SUBJECT OF THE LICENSE AND SHALL ALSO CONTAIN THE OWNER'S ACKNOWLEDGMENT THAT THE LICENSE IS ISSUED IN CONSIDERATION OF THAT AGREEMENT AND MAY BE REVOKED FOR BREACH OF THAT AGREEMENT.

E. AN OWNER SHALL DISCLOSE, WITHIN 24 HOURS OF THE TOWN'S REQUEST, PURSUANT TO SUBSECTION F OF THIS SECTION, THE IDENTITY OF ALL OF THE OCCUPANTS OF THE DWELLING UNIT WHICH IS THE SUBJECT OF THE OPERATING LICENSE. EACH DAY THAT AN OWNER FAILS TO MAKE SUCH DISCLOSURE IS A SEPARATE VIOLATION.

F. THE TOWN MAY REQUEST AN OWNER TO DISCLOSE THE IDENTITY OF THE OCCUPANTS OF A DWELLING, DWELLING UNIT OR ROOMING UNIT FOR WHICH AN OPERATING LICENSE HAS BEEN ISSUED WHENEVER TOWN CODE ENFORCEMENT OR OTHER PUBLIC PURPOSES SO REQUIRE, WHICH DETERMINATION SHALL BE MADE IN THE SOLE DISCRETION OF THE TOWN. THESE PURPOSES INCLUDE, BUT ARE NOT LIMITED TO:

(1) OBTAINING AN ADMINISTRATIVE SEARCH WARRANT FOR AN ANNUAL INSPECTION OF THE DWELLING, DWELLING UNIT OR ROOMING UNIT.

(5) VERIFYING THAT THE NUMBER OF OCCUPANTS DOES NOT EXCEED THE NUMBER PERMITTED BY LAW, WHERE A TOWN CODE ENFORCEMENT OFFICER, POLICE OFFICER, OR OTHER TOWN OFFICIAL HAS OBSERVED CONDITIONS GIVE REASONABLE CAUSE TO BELIEVE THAT OCCUPANCY LIMITATIONS ARE BEING EXCEEDED.

SECTION 12-115. VIOLATIONS AS MUNICIPAL INFRACTIONS; ENFORCEMENT.

A. A VIOLATION OF THIS CHAPTER FOR WHICH NO PENALTY IS PROVIDED IN ANOTHER SECTION OF THIS CHAPTER IS A MUNICIPAL INFRACTION, THE PENALTY FOR WHICH IS ONE HUNDRED DOLLARS (\$100) FOR EACH VIOLATION. EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

B. THIS CHAPTER MAY BE ENFORCED, AND MUNICIPAL INFRACTIONS FOR VIOLATIONS OF ANY PROVISIONS OF THIS CHAPTER MAY BE ISSUED, BY THE TOWN ADMINISTRATOR, THE DIRECTOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES, AND THE TOWN'S CODE ENFORCEMENT OFFICERS.


SECTION 2. AND BE IT FURTHER ENACTED BY THE MAYOR AND COUNCIL OF THE TOWN OF CAPITOL HEIGHTS that if any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Ordinance which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

SECTION 3. AND BE IT FURTHER ENACTED BY THE MAYOR AND COUNCIL OF THE TOWN OF CAPITOL HEIGHTS that that this Ordinance shall become effective twenty (20) days following its approval by the Council.


ATTEST:

APPROVED:


Michelle Bailey-Hedgepeth
Town Administrator


Kito A. James
Mayor


Marnitta L. King
Mayor Pro Tem/ Councilmember


Renita A. Cason
Councilmember

Victor L. James, Sr.

Victor L. James, Sr.
Councilmember

Y
Kenneth D. Vinson
Councilmember

Absent

Monique I. Hunter
Councilmember

Absent

Tamil Perry
Councilmember

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.