

**ORDINANCE FOR ADOPTION OF AN OCCUPANCY PERMIT REQUIREMENT
FOR RENTAL HOUSING**

ORDINANCE NO.2006-8

An ordinance of the **Town of Betterton** adopting an **OCCUPANCY PERMIT REQUIREMENT** as a new Article 2 of Chapter 3 of the Code of the Town of Betterton. Said Ordinance establishes a requirement for inspection of rental housing in the **Town of Betterton**; provides for the issuance of permits and collection of fees therefore and establishes penalties for the violation of this Article.

The **Mayor and Council** of the **Town of Betterton** does ordain as follows:

Section 1. A new Article II shall be added to Chapter 3 of the Code of the Town of Betterton, said Article follows.

Article II

BUILDING REGULATIONS

ARTICLE II RENTAL OCCUPANCY PERMITS

Section 3-201, Applicability.

The requirements of this article shall apply to:

- A. Owners of real estate following the occurrence of an activity for which the issuance of a building permit under this chapter is required.
- B. Lessors of residential real estate in the normal course of business, in accordance with the schedule set forth in Section 3-202 hereof.

Section 3-202, Inspection of Rental Units.

Unless the Mayor and Council shall designate a different grouping of rental units for inspection purposes, the following shall constitute the inspection schedule for rental housing.

- A. Biannual inspection. All rental housing units within the Town of Betterton shall be inspected on a biannual basis for compliance with Building, and Property Maintenance Code standards.
- B. Inspection in even-numbered years. In even-numbered years, all rental housing units located on the east of a line drawn down the center of Main Street shall be so inspected

- C. Inspection in odd-numbered years. In odd-numbered years, all rental housing units located on the west of a line drawn down the center of Main Street shall be so inspected.
- D. Administrative convenience. In order to alleviate the grouping of a disproportionate number of rental unit inspections in a single year, the Mayor and Council may assign one or more units to a different inspection year than that provided in Subsections B and C above and shall notify the owners of the units so assigned not less than 30 days prior to the due date of the application as provided in Subsection E.
- E. Inspection process. Every residential housing unit owner, whether such unit is an apartment or a single-family residence, shall make application to the Town of Betterton for inspection on or before the 31st day of December of the year in which inspection is required. It shall be a further requirement of this ordinance that a copy of the owner's Lead Paint Registration Form shall be filed along with the application for inspection

Section 3-203. Permit required.

It shall be unlawful to occupy or to permit the use or occupancy of any building or premises or portion thereof as described in Section 3-201 B until the building or premises have been inspected and an occupancy permit issued stating that the proposed use of the building or premises conforms to the requirements of the Town Building Code and Town Property Maintenance Code.

Section 3-204. Inspection Fee.

The applicant for an occupancy permit shall pay a fee for such inspection in that amount established from time to time by resolution of the Mayor and Council of Betterton.

Section 3-205. Violations and Penalties.

- A. Any person who shall permit the occupancy of property without an occupancy permit where the same is required by this chapter shall be guilty of a Class E municipal infraction. Each day that occupancy without a required permit occurs shall constitute a separate offense.
- B. Any rental property owner who shall fail to make application to the Town of Betterton for the biannual inspection required by this chapter shall be deemed guilty of a Class E municipal infraction.

C. Once inspection shall have been made by the Town Code Enforcement Inspector; such property owner shall have 30 days to correct all violation found by the Inspector that are not subject to the emergency provisions of Section 109 of the 2003 International Property Maintenance Code or its successor code. Each day more than 30 days after the inspection the Town Code Enforcement Officer shall have made that non-emergency violations continue shall constitute a separate offense. Emergency violations shall be governed by Section 109 of the 2003 International Property Maintenance Code or its successor code.

Section 2. The Town Clerk is hereby ordered and directed to cause a fair summary of this ordinance to be published in the Kent County News.

Section 3. This ordinance shall be effective at the expiration of 20 calendar days following approval by the Mayor and Council,

NOW, therefore be it ordained by the Mayor and Council of the Town of Betterton, Maryland that this ordinance is hereby adopted as indicated below:

Date Introduced: August 22, 2006

Date Amended: Sept 26 2006

Date Passed: Sept 26 2006

Date Effective: Oct 16 2006

Attest: Margo M. Turner

Margo M. Turner, Town Clerk

Witness: _____

David S. Teel, Town Administrator

Carolyn C. Sorge

Carolyn C. Sorge, Mayor

Donald E. Sutton

Donald E. Sutton, Council Person

Karen E. Russo

Karen E. Russo, Council Person

Thomas O. Hollidge, Council Person

Date

Name

Address

City, State

Re: Rental Address

Dear Property Owner:

It is again time to have your rental property inspected per the Town of Betterton Ordinance Number 06-08 "Occupancy Permit Requirement for Rental Housing". This ordinance provides that each rental property must be inspected bi-annually by our Code Enforcement Officer. The inspection is to assure the Town that all rental properties are in compliance with building and property maintenance code standards.

On September 15, 2000 HUD's Lead Based Paint Regulations 1012-1013 were adopted by the State of Maryland. The regulation requires that all rental properties built prior to 1950 be registered with the Maryland Department of the Environment. (More information on this regulation may be accessed at www.mde.state.md.us/lead or www.hud.gov/lead).

Enclosed with this letter is the application for the occupancy permit along with the lead paint form to be completed and returned to the Town Office with the permit fee of \$50.00 for each rental unit, within 30 days of this letter. Upon receipt of the completed applications and fee, an inspection will be scheduled with the Code Enforcement Officer.

If you have received this notice and have a property (apartment or house) that is never rented or is used only for family members for no charge, please send us a note attesting to that fact and we will indicate on your records that the property is not a rental at this time.

We request that you, the property owner, or a representative be present for the inspection to answer any questions and understand any problems that the Code Enforcement Officer may wish to point out. If you fail to appear for a scheduled inspection, an additional fee of \$20.00 will be charged.

Unless there are extremely serious problems, you will be issued a temporary 30 day permit to allow time to correct any violations. Once the property has been inspected and brought into full compliance, an occupancy permit will be issued which is valid for a two-year period.

The ordinance provides that any person who shall permit occupancy or occupy a property without an occupancy permit will be in violation of the code. Any property owner failing to make application to the Town for the inspection shall be deemed guilty of a municipal infraction. After inspection, any violations must be corrected within 30 days and then re-inspected and approved by the Code Enforcement Officer. Each day after the 30 days correction period that the violation is not corrected will constitute a separate violation.

Please complete the enclosed applications and return to the Town Office with the permit fee of \$50.00 for each rental unit. Please call Town Office at 410 348 5522 to schedule the inspection of your rental property. The Code Enforcement Officer is in Betterton on Tuesday mornings. If you have 5 or more units to be inspected other arrangements can be made.

Please call the Town Office if you have questions.

Sincerely,

Sheila Dlugoborski
Town Clerk of Betterton

**If you are exempt from the lead paint regulations, please send a copy of exemption to the Town Office for our files.

Town of Betterton- Rental Occupancy Permit
P O Box 339
Betterton, MD 21610
(410) 348 5522

Rental Occupancy Permit # _____
Date of Application _____

Fee \$ 75.00

Property Owner's Name _____
Property Address _____
Mailing Address _____
Phone: Home _____ Work _____ Cell _____
E-Mail Address: _____
Best Time to Contact: _____ Best Number to Call _____

Property Information:

Square Footage of Lot: _____ Square Footage of Building: _____
Type of Structure: _____ Type of Roof: _____
Heat Source: _____ Air Conditioning: _____
Basement or Crawlspace: _____ Attic: _____
Storage Shed: _____ Number of Units: _____

Unit Information:

Unit # _____	Unit # _____	Unit # _____
No. of Rooms _____	No. of Rooms _____	No. of Rooms _____
No. of Bathrooms _____	No. of Bathrooms _____	No. of Bathrooms _____
No. of Bedrooms _____	No. of Bedrooms _____	No. of Bedrooms _____
Occupant's Name & Phone: _____	Occupant's Name & Phone: _____	Occupant's Name & Phone: _____

Unit # _____	Unit # _____	Unit # _____
No. of Rooms _____	No. of Rooms _____	No. of Rooms _____
No. of Bathrooms _____	No. of Bathrooms _____	No. of Bathrooms _____
No. of Bedrooms _____	No. of Bedrooms _____	No. of Bedrooms _____
Occupant's Name & Phone: _____	Occupant's Name & Phone: _____	Occupant's Name & Phone: _____

Preferred inspection date: 1st choice _____ 2nd choice _____
Preferred time of inspection: 1st choice _____ 2nd choice _____

This permit does not in any way relieve the owners, or any other persons in possession or control of the building, or any part thereof, from obtaining such other permits or licenses as may be prescribed by law for the uses or purposes for which the building is designed or intended; nor from complying with any lawful order issued with the object of maintaining the building in a safe or lawful condition. Any occupancy of this property and/or building for the purposes for which this Use Permit is issued without having in your possession a CERTIFICATE OF OCCUPANCY, signed by the Code Enforcement Officer, is a violation of the law and will result in prosecution.

Date: _____ Applicant: _____

Date of Inspection: _____ Time of Inspection: _____
Comments: _____

Date Approved: _____ Code Enforcement Officer _____

BETTERTON, MARYLAND

LANDLORD'S STATEMENT REGARDING LEAD PAINT REGISTRATION

Landlord's name: _____

Landlord's address: _____

Md. Department of the Environment Registration Number, if any:

Pursuant to § 18-103 of the Environmental Article of the Annotated Code of Maryland, the undersigned applicant for an inspection of rental property by the Town under Ordinance No. 06-08 of the Code of Betterton, Maryland hereby solemnly declares or affirms under the penalties of perjury that:

- (1) That the residential rental property known as _____, [insert street address] Unit _____ [insert unit number, if applicable], Betterton, Maryland is not an "affected property" as defined by § 6-801 of the Environmental Article; **OR**
- (2) (a) That the said residential rental property is an "affected property" which the landlord has registered as required under § 6-811 of the Environment Article and for which the landlord has renewed the registration as required under § 6-812 of the Environment Article; **AND**
- (b) i. If the current tenant moved into the said residential rental property on or after February 24, 1996, the inspection certificate number for the inspection conducted for the current tenancy as required under § 6-815(c) of the Environment Article is as set forth above; **OR**
- ii. 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), or § 6-819(e) of the Environment Article is as set forth above.

Corporate or Company signature:

Individual and partners

company

Name of

By: _____

[Printed name]

Authorized agent of company

Here is a list of SOME of the things we will be looking for during the rental inspection:

- Peeling / flaking paint on the inside and outside of the rental property.
- Smoke alarms need to be on the ceiling or wall outside of a sleeping area in the immediate vicinity of bedrooms, in each room used for sleeping purposes, and in each story of the dwelling unit, including the basement.
- Bathrooms without a window that opens, needs an exhaust fan.
- Broken windows, holes in the walls and ceiling, water leaks on ceiling, possible mold from water leaks.
- Windows, other than fixed windows, should be operational.
- Faulty stairs and handrails inside and outside of rental property.
- Decks and porches must be in good repair.
- Address identification numbers on house or mail box.
- All exterior property shall be kept free from accumulation of rubbish or garbage.
- A GFI receptacle in the kitchen and in all bathrooms.

If you have any questions concerning the inspection, please feel free to call me at 443-520-9778 Monday thru Friday 6:30 a.m. to 4:30 p.m.

David George
Code Administrator
Town Of Betterton