

Resolution 1-17

Ordinance 120 – Licensing of Rental Housing Fee and Fine Schedule

WHEREAS, the Mayor and Town Council has determined that Ordinance 120 – Licensing of Rental Housing requires a fee and fine schedule for violations thereof; and

WHEREAS, Section 402 of the Town Charter of the Town of Berwyn Heights vests the Mayor and Town Council with authority to establish and enact such fees and fines; and

WHEREAS, the Mayor and Town Council adopted amendments to Ordinance 120 – Licensing of Rental Housing at its Town Meeting on ____; and

WHEREAS, the Annotated Code of Maryland permits a maximum fine of \$1,000 per violation.

NOW, THEREFORE, BE IT RESOLVED AND, IT HEREBY IS RESOLVED, that the Mayor and Town Council this ___ day of ____ does hereby adopt the following Ordinance 120 – Licensing of Rental Housing fee and fine schedule.

BE IT FURTHER RESOLVED that the fee and fine schedule to amended Ordinance 120 – Licensing of Rental Housing adopted at the Town Meeting on the ___ day of _____ shall become effective _____.

Rental Housing Application License Fee

Rental Housing Application License Fee \$300

The Rental Housing Application License Fee is not refundable if the rental unit fails to pass the inspection.

Licensing and Registration Violations

Ordinance 120 requires rental property owners or agents to file a rental housing license application ~~and a floor plan of the dwelling~~. Whenever a property owner or agent fails to file or complete the required forms, the property owner may be fined as follows:

Failure by property owner or property manager of owner occupied dwelling to apply for or renew an annual rental housing license	\$200
Failure by property owner of non-owner occupied dwelling to apply for or renew an annual rental housing license	\$400
Failure by owner of non-owner occupied dwelling occupied by only family members to register	\$100
Failure to provide all required rental license application information	\$100 \$200
Failure to file required floor plan.....	\$100
Failure to file Housing Disclosure Form.....	\$100
Failure to provide required Housing Disclosure Form information.....	\$100
Failure to file Tenant’s Rights and Responsibilities Disclosure Form...	\$100

Fines may be doubled for each additional twenty (20) business days or portion thereof that the property owner is in violation of Ordinance 120

Crashing Violation

Whenever there is a violation of the crashing provision of Ordinance 120 as defined in Section II of Ordinance 120, the owner may be fined as follows:

For the first occurrence in any given calendar year.....	\$100.00
For the second occurrence in any given calendar year.....	\$200.00
For the third and each successive occurrence in any given calendar year.....	\$300.00

Missed Inspection and Re-Inspection Appointment Violation

Whenever the property owner or agent misses a scheduled appointment for an inspection or re-inspection, the property owner may be fined as follows:

First missed appointment in any given calendar year	\$25 \$50
Second missed appointment in any given calendar year	\$50 \$75
Third and each successive missed appointment in any given calendar year	\$75 \$100

Nuisance Behavior Violation

Whenever there is a violation of the nuisance behavior provision of Ordinance 120 as defined in Section II of Ordinance 120, the owner may be fined as follows:

For the first occurrence in any given calendar year.....	\$100.00
For the second occurrence in any given calendar year.....	\$200.00
For the third and each successive occurrence in any given calendar year.....	\$300.00

Whenever any person being the occupant, tenant, or otherwise having any control to any degree of premises who either sponsors, conducts, hosts, invites, suffers, permits or continues to allow a gathering, which is or becomes a nuisance as defined in Section II of Ordinance 120, then any person being the occupant, tenant, or otherwise having any control to any degree of premises may be fined as follows:

First occurrence in any given calendar year.....	\$100.00
Second occurrence in any given calendar year.....	\$200.00
Third and each successive occurrence in any given calendar year.....	\$300.00

Town reserves the right to either revoke or deny renewal of rental housing license for violation of this provision of the Ordinance.

Public Nuisance Violation

Whenever any person being the property owner, occupant, tenant, or person otherwise having any control to any degree of the premises who either creates, encourages, invites, permits or continues to allow a public nuisance pursuant to Ordinance 120, then the property owner may be fined as follows:

First occurrence in any given calendar year	\$100 \$200
Second occurrence in any given calendar year	\$200 \$400
Third and each successive occurrence in any given calendar year	\$300 \$600

Remedial Violations

In cases where remedial action by the property owner or agent is required and appropriate, the property owner or agent will have twenty (20) business days from date of notice to correct the violation.

Failure to correct violation within twenty (20) business days of first notice	\$100 \$200
Failure to correct violation within twenty (20) business days of second notice	\$200 \$250
Each additional ten (10) business days thereafter	\$200 \$250
Failure to contact for inspection or re-inspection within ten (10) business days of first notice of violation	\$100 \$200
Failure to contact for an inspection or re-inspection within ten (10) business days of second notice of violation	\$200 \$250
Each additional ten (10) business days thereafter	\$200 \$300

All Other Violations

In cases where action by owner is required and appropriate, the property owner may be fined as follows:

Failure to correct violation within twenty (20) business days of first notice	\$100 \$200
Failure to correct violation within twenty (20) business days of second notice	\$200 \$250
Each additional ten (10) business days thereafter	\$200 \$250
Failure to contact for inspection or re-inspection within ten (10) business days of first notice of violation	\$100 \$200
Failure to contact for an inspection or re-inspection within ten (10) business days of second notice of violation	\$200 \$250
Each additional ten (10) business days thereafter	\$200 \$300

Liens

Failure to pay any fine(s) and fees set forth in this Fine Schedule will result in the amount of any fine(s) and fee(s) imposed being recorded as a lien against the property and be collected in the same manner as delinquent Town taxes.

Revocation of or Denial to Renew Rental Housing License

Town reserves the right to either revoke or deny the renewal of rental housing license for any violation(s) of Ordinance 120.

By Order of the Mayor and Town Council

Cheryl Jewitt
Mayor, Town of Berwyn Heights

ATTEST:

Kerstin Harper, Town Clerk