

Agenda
Work Session
February 13, 2017
7:00 pm

1. Announcements

2. Minutes

- Jan. 23 WS

3. Department Reports/ Citizen Comments

4. Action Items

- Small cell facilities
- County Executive listening session: designate Councilmember to attend

5. Discussion Items

- BH Day update
- Commercial vehicle parking enforcement
- Strategic planning action items
- Municipal authority on fences: State Legislation
- Shade Tree Board
- Ordinance 120 – Rental Housing

6. Upcoming Town Council Schedule

- March: March 6 Worksession, March 8 Town Meeting, March 20 Worksession, March 25 Budget Worksession
- Potluck Dinner: March 18, 5:00 pm, Town Center
- Historical Committee Spring Reception: March 26, 2:00 pm, Town Center



Town of Berwyn Heights

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Draft Minutes Worksession January 23, 2017

Executive Session (6:00 p.m. – 6:55 p.m.)

On a motion by CM Dennison and second by CM Rasmussen the Council went into executive session to discuss the Town Administrator's performance evaluation. With the matter discussed, CM Dennison moved and CM Rasmussen seconded to end the executive session.

Regular Meeting

The meeting was called to order at 7:00 p.m. Present were Mayor Cheryl Jewitt, Mayor Pro Tem (MPT) Jodie Kulpa-Eddy and Councilmembers (CMs) Patricia Dennison, Christopher Rasmussen and Gerald Shields. Also present were Town Administrator (TA) Jessica Cowles, Chief Kenneth Antolik, Public Works Director Stevie Cox, Code Compliance Supervisor Freddie Glass and Clerk Kerstin Harper.

1. **Announcements**

Mayor Jewitt will attend her first Mayor's conference on February 2 – 4 and will give a full report at the following worksession. A Four Cities meeting will take place in College Park on January 25 and is open to the public.

2. **Minutes**

There were none.

3. **Department Reports**

Mayor Jewitt thanked Chief Antolik for his timely updates on Part I offenses. MPT Kulpa-Eddy announced an upcoming Four Cities coalition meeting and a February 1 community meeting in Riverdale hosted by County Councilwoman Glaros in Riverdale to connect refugees and recent immigrants with resettlement and social service organizations. She also attended a January 19 PGCMA meeting in Forestville held in their new administration building. Forestville managed to obtain grant funds to construct the building. PGCMA members discussed House bill HB 418-17 that would give municipalities the authority to regulate fences. The Council may want to consider if it wants to support the bill.

MPT Kulpa-Eddy also noted that she has located information about how the Council should interact with Town organizations, a topic the Council discussed at the last worksession. Guidelines for Council Conduct are set forth in Ordinance 124, which includes a section on interacting with committees.

CM Rasmussen reported that two people testified at the last Town meeting in favor of continuing to allow the renting of rooms to just one tenant in an owner-occupied home without requiring a rental license. It is a way for residents to earn a little extra income while helping out friends who, by their presence, provide additional security in this living arrangement.

CM Rasmussen said he received an email from a resident asking if the adoption of Ordinance 120 amendments would affect a rental license that has just been renewed. TA Cowles advised that regulations in the Ordinance normally become effective 3 months after adoption and must be complied with on the effective date. The same resident also asked if the rental license fee might be reduced because more homes would fall under the definition of a rental home in the revised Ordinance, and thus generate more revenue.

CM Rasmussen further reported that Public Works foreman Luis Cardenas attended the last Green Team meeting for the first time and was very helpful. DPW has installed two new dog waste stations and will begin landscaping around the Town Center in 4 to 6 weeks. The Green Team is looking into setting up a used clothing recycling station as a fundraiser and is checking out possible locations. CM Rasmussen informed the Green Team that the Shade Tree Board is being reconstituted and invited them to join. He also asked the Green Team to think about ways to educate residents about the value of the urban forest and tree maintenance.

CM Shields reported that he sent out a brief questionnaire asking Town organizations about their structure and funding sources. His purpose was to gain an understanding of how the Town might work together better with Town organizations and how organizations may support each other. The Education Advisory Committee said that it would be willing to help review educational grant requests, but as yet there are no procedures. MPT Kulpa-Eddy explained that the Council had wanted to adopt standard operating procedures for handling grant requests from residents, community organizations, and schools. CM Shields further stated that he continues to work on a survey of residents and will gladly accept the pro-bono help offered by a resident, who works on survey design professionally.

4. Citizen comments

Mayor Jewitt received comments in support of the “owner plus one” exemption from rental licensing, a thank you for installing additional pet waste stations, and a commendation of the Public Works Department for engaging with a resident on leaf collection.

Mike Attick commented on misuse of pet waste stations; a Prince George’s County grant program for inside-the-Beltway communities, which funded the Forestville Town Hall; on Ordinance 124 – Code of Conduct being disregarded by former Councils; how the Town gets its weather reports; DPW employees opining about being called up on a Saturday for snow removal duties; a PTA fundraiser for College Park Academy, a public charter school that is supported by the University of Maryland.

5. Action Items

There were none.

6. Discussion Items

Strategic plan action items: TA Cowles explained that some of the long range goals identified during a strategic planning workshop last fall still require action plans to implement them. She has prepared a worksheet for the Council to flesh out the remaining strategic issues, which include Town aesthetics, economic development, and some aspects of community engagement. First, however, Chief Antolik,

Code Supervisor Glass and Public Works Director Cox have been asked to help brief the Council on steps already taken to achieve the goals for which action plans were developed.

Strategic Issue 1 – Acquire Improved Facilities for Departments – Improve Facility Adequacy: Short of adding to or remodeling the Town’s current buildings, good progress has been made to implement stopgap measures to improve facility adequacy by using existing space more efficiently. To that end, storage areas have been cleaned out and space created for Town organizations to store supplies; some files have been purged, while electronic archiving for the remaining files will be explored.

Improve Facility Security: Senior staff has explored stopgap measures to improve facility security through better security systems and procedures. Public Works Director Cox reported that he and Chief Antolik have worked together to inventory the security needs at Town buildings. They recommend the following stop-gap improvements:

- New security cameras and recording systems that can store more video footage and allow for remote monitoring. This is especially useful at the Town Center to monitor the activities associated with party rentals, community events and meetings;
- Higher fence and electronic gate at the Public Works yard;
- Electronic keys for all Town buildings. These keys can store information about key usage and limit access to specified buildings and rooms;
- Shared schedule of community events, meetings, and party rentals. This would help DPW staff with setup and cleanup of events, and allow the police to check on events.

Other short-term security measures include:

- Trimming of trees and shrubs around the Town Center to improve visibility (completed);
- New phone system capability to access office with keypad (in progress);
- Employee training for de-escalating confrontational customers and responding to active shooter situations offered through LGIT and State agencies (added).

The long-term (30-year) goal of relocating the Town’s police station into a Town-owned facility will require an architectural and engineering study of the Town Hall and Town Center. TA Cowles and Director Cox are researching the cost of such a study for the purpose of funding it in the FY 2018 budget. Local and state representatives have been consulted about available grants and bond bills, without much success.

Strategic Issue 2 –Create System to Bring Roads up to Standard: The first objective is to conduct a needs assessment for the Town’s roads. TA Cowles and Director Cox are working on a cost estimate for the purpose of funding a road analysis in FY 2018. The drafting of an RFP for the study is in progress. Once the Council approves it, a vendor should be selected by the end of May, and the study completed by end of December 2017. The roads analysis will serve as the basis for a plan to repair all Town streets. This plan should be useful in coordinating street repairs with utilities’ maintenance schedules of water, sewer and gas lines, and avoid having newly-paved streets re-opened. While utilities do not appear to have a multi-year plan for upgrading their infrastructure, the Town has identified contacts they can work with on coordination.

In response to Councilmembers, TA Cowles said that MML is working on finding ways to improve communication between municipalities and utilities regarding road work, but she is not aware of a bill in the General Assembly to mandate it. WSSC has agreed to resurface the entire width of those streets where they have replaced water mains. Further, full-breadth resurfacing will be a permit condition for

any future underground utility work in the Town. The Town commissioned a road analysis a couple of years ago, but with a vendor who also performs road repairs. It is deemed advisable to obtain a roads assessment from a vendor not invested in making repairs.

Strategic Issue 3 - Community Building - Improve Communications: TA Cowles will work with CM Shields and staff to research best practices in other communities on how to communicate with and engage constituents. A survey to better understand the communication preferences of Berwyn Heights residents and businesses will be completed by mid-February 2017, with findings presented in April.

Increase Resident Participation in Town Activities: CM Shields has begun to work with Town organizations to identify best practices on how to engage residents. A formal survey on residents' and businesses' main concerns about governmental programs and community activities will be drafted and presented to the Council for input and possible funding by the end of March. Strategic issues identified by the Council during the workshop should be covered in the survey. A resident has offered his expertise in survey design to assist. The survey is expected to be carried out by the end of June, 2017.

Other ideas for improving community engagement include: recruiting multi-cultural, multi-generational ambassadors; publishing promotional materials in Spanish and possibly other non-English languages frequently spoken; and expanding the Town's presence at local schools.

Strategic Issue 4 – Town Aesthetics – Increase tree canopy and maintain species diversity: This is an issue for which no implantation plans have yet been made. It is proposed that the Green Team and Public Works coordinate with Pepco on a replanting plan around utility lines planned this spring. The Green Team, and the Shade Tree Board, if reconstituted, might be asked to help draft a mailer educating residents about tree maintenance for fall 2017. Public Works and the Shade Tree Board might be asked to develop a maintenance plan for Town trees based on SavATree's recommendations by spring 2018. Once a plan is at hand, an RFP should be issued to perform related tree pruning and removals. The possibility of hiring a Town arborist, perhaps on a shared basis with another municipality, or the training a Public Works employee as an arborist should be explored.

Beautification efforts: Other ways to improve the aesthetics of the Town were discussed. These include signage, landscaping, and memorial trees. As there is funding for signage in the FY 2017 budget, Public Works has begun to replace the old welcome signs, which should be completed by May 2017. Re-installing welcome banners along Greenbelt Road might be explored as well utilizing events banners more frequently. New landscape beds could be installed in high-visibility public areas, as well as a grove of trees with a citizen of the year marker.

Strategic Issue 5 – Economic Development – Implement Greenbelt Metro and MD 193 Sector Plan: The 2013 Sector Plan was considered a good starting point for beautifying the Greenbelt Road commercial corridor and making it more pedestrian friendly. The following ideas for implementing improvements were proposed:

- Work with Greenbelt on advocacy for funding Greenbelt Road improvements with legislators;
- Explore availability of funding, possibly under main street designation;
- Apply sector plan as standard for planned improvements and redevelopment of commercial properties along Greenbelt Road;
- Explore availability of grants for façade and signage improvements for businesses;
- Consider providing tax incentives to businesses for improvements;
- Consider joining with Route 1 communities and the University of Maryland on economic

development efforts

Hire Economic Development Consultant: Once the FBI headquarters location is decided, expected in March 2017, TA Cowles plans to consider options for hiring an economic development consultant in summer 2017. Funding could be allocated in the FY 2018 budget, and an RFP developed in early 2018.

TA Cowles asked the Council to set priorities for the 4 planned RFPs associated with the strategic plans. The following priorities were agreed to: 1) roads assessment; 2) architectural and engineering study for Town Hall complex; 3) economic development consultant, moved up to 2), if FBI relocation to Greenbelt Station is announced; 4) tree maintenance. TA Cowles will adjust the timelines for implementing strategic goals in accordance with the priorities.

Charter amendment on boundaries: MPT Kulpa-Eddy said that the Council wished to amend the Charter to include the 2005 annexation of Branchville Road properties and to cede a boundary overlap area in the 6300 block of Greenbelt Road to the City of Greenbelt. While the annexations are on file with the required State and County agencies, the Charter should be updated to avoid potential jurisdictional conflicts if the FBI headquarters are relocated to Greenbelt Station. The Council was provided a draft Charter Resolution with the revised Town Charter. It deletes Section 202 and leaves boundaries to be defined by Section 201, which references the documentation on file with State and local agencies as the legal description of the Town's limits.

TA Cowles described the boundary overlap area to be ceded, which is mostly SHA right-of-way and has not been maintained by either Berwyn Heights or Greenbelt. MPT Kulpa-Eddy asked for clarification as to whether any commercial property is impacted by the boundary re-alignment which might result in the loss of tax revenues. TA Cowles was asked to provide an aerial map of the area with the new boundary overlaid on top, and to check with the Town attorney on which publication may serve as a paper of general circulation in which the Charter amendment must be advertised.

College Park Good Neighbor Day: CM Rasmussen said that the City of College Park, in partnership with the University of Maryland and M-NCCPC, holds a Good Neighbor Day each year, an opportunity for students and residents to participate in a community service project. Last year, participants removed invasive species at Lake Artemesia. He proposed to announce the date in the Bulletin and invite Berwyn Heights residents to join in. The Council agreed.

Town Council Schedule

The Council reviewed the calendar for the upcoming month. No changes were made.

The meeting was adjourned at 9:11 p.m.

Signed: Kerstin Harper, Town Clerk

MEMORANDUM

DATE: February 9, 2017
TO: Mayor and Town Council
FROM: Jessica Cowles, Town Administrator
SUBJECT: **Follow-up from 4 Cities Item: FCC Small Cell Action**

As a follow-up from the January 4 Cities agenda item on the small cell facilities issue, local governments in Maryland are joining a legal coalition to respond to a Federal Communications Commission (FCC) petition. The subject of the FCC petition is a broad invitation to the wireless industry to create a list of local and state laws and practices that should be preempted, and asks whether the FCC should adopt regulations to prevent local governments from charging fair market rental fees for use of rights-of-way, or regulate rates for access to other state or locally owned property owned such as street lights, poles, conduit and potentially other lands.

Several Maryland local governments have engaged attorney Joe Van Eaton, with Best, Best & Krieger, to put together a plan for a filing with the FCC that represents shared local government interests, including why it is important to charge fair market value for use of the rights of way to incentivize the use of less intrusive deployments, and to encourage use of less intrusive technologies; and demonstrates the impact of structures in the right of way on property values.

The total cost of legal representation is \$50,000. Montgomery County has committed \$20,000 and Gaithersburg \$10,000 toward this cost. Financial commitments from other local governments are on a tiered basis: communities over 100,000 in population at \$20,000; communities between 50,000 – 100,000 at \$10,000; communities between 25,000 – 50,000 at \$5,000; communities between 10,000 – 25,000 at \$2,000 and communities under 10,000 at \$1,000. If excess funds are collected, each community's commitment would be reduced proportionately.

The Town's contribution would be \$1,000 which is significantly cheaper than if the Town engaged the Town's Attorney to represent the Town on this matter. I recommend the Town commit \$1,000 to join the legal coalition to respond to the FCC petition.

MEMORANDUM

DATE: February 9, 2017
TO: Mayor and Town Council
FROM: Jessica Cowles, Town Administrator
SUBJECT: **Commercial Vehicles**

Town Ordinance 119 regulates traffic and parking, including the parking of commercial vehicles. The relevant sections of Ordinance 119 are below:

Section 3. Definition:

- B. Commercial Vehicle - Any vehicle or motor vehicle including school buses, not qualifying as a recreational vehicle or passenger vehicle as defined in this subsection that:
- 1) is designed, used or maintained to carry freight, property, merchandise, or passengers for a fee, in furtherance of a commercial enterprise; or
 - 2) has more than four (4) wheels; or
 - 3) displays commercial lettering or advertising; or
 - 4) has a maximum gross vehicle weight over 7,000 lbs.; or
 - 5) the manufacturer's rate capacity is over 3/4 ton.

Section 4. Restriction:

- B. Commercial Vehicle and Recreational Vehicle - No person shall park any commercial vehicle or recreational vehicle on any public street or public right-of-way in the Town between the hours of 7 PM and 7 AM, Mondays through Fridays, or at any time on weekends or holidays. Exempted are vehicles in the process of making deliveries which do not park for more than a two-hour period. Exempted are vehicles for which a written permit for the same shall have been obtained from the Town Administrator. Such permit shall be issued only for good cause and for a period not exceeding seventy-two (72) hours or unless a written permit for a longer period shall have been granted by action of the Mayor and Council. In cases of unusual circumstances, the Mayor and Council may grant a long-term permit for a period not exceeding one year, and such permit may be renewed only by action of the Mayor and Council.

Prince George's County prohibits overnight and weekend parking of heavy commercial trucks pursuant to County Code, Sec. 26-123. The County does not enforce this section of County Code in Berwyn Heights.

- (a) No person shall park any commercial bus, commercial trailer, or heavy commercial truck on any street or highway in the County, outside the corporate limits of any municipality.
- (b) This Section shall not apply to vehicles which are in the course of a commercial purpose and do not park for more than a two (2) hour period.
- (c) Any vehicle which is parked in violation of this Section shall be subject to being towed by the Police Department from such highway or street and impounded after it has been parked for a twenty-four (24) hour period. The impoundment of the vehicle shall be done pursuant to Division 18 of this Subtitle.
- (d) Any person issued a citation for a violation of this Section shall be subject to a fine of Five Hundred Dollars (\$500.00) for each violation.
- (e) If any municipality in Prince George's County shall adopt this Section as it may be amended from time to time and without modification, and request that the County enforce the provisions hereof within the corporate limits of such municipality, the County shall hereafter administer and enforce the provisions of this Section within such incorporated municipality.

Heavy Commercial Truck means trucks except light commercial vehicles.

Light Commercial Vehicles includes pickups and panel trucks up to and including those of a 3/4-ton capacity and Maryland Motor Vehicle Administration registration restricting vehicles to 10,000 pounds gross vehicle weight.



**Town of Berwyn Heights
Action Plans**

Strategic Issue: Infrastructure/Public Safety

Goal 1: Acquire improved facilities for town departments

Objective 1: Implement stopgap measures to improve facility adequacy

Tasks	Resources Required	Target Dates	Person/Group Assigned
Inventory existing space	Staff time	November 30, 2016	Yvonne and Luis
Perform needs assessment	Staff and volunteer time	December 31, 2016	Yvonne and Luis and other department representatives
Consider moving Code office	Staff time	December 31, 2016	Yvonne, Freddie, and Luis
Determine Police Department short-term storage needs	Staff time	November 30, 2016	Chief and Designee
Determine town committees' short-term storage needs	Staff time	February 28, 2017	Yvonne, Luis, and Committee Designee
Explore electronic archiving	Staff time	March 31, 2017	Yvonne and Kerstin

Strategic Issue: Infrastructure/Public Safety

Goal 1: Acquire improved facilities for town departments

Objective 2: Implement stopgap measures to improve facility security

Tasks	Resources Required	Target Dates	Person/Group Assigned
Research best practices	Staff time	December 31, 2016	Jessica and Chief
Explore funding options	Staff and Council time	December 31, 2016	Jessica, Stevie, Michelle, and Council Members
Perform risk assessment	Staff time	February 28, 2017	Chief and Stevie
Prioritize and present options to Council	Staff and Council time	March 15, 2017	Chief, Stevie and Jessica
Secure funds	Council time	July 1, 2017	Council
Implement adopted improvements	Staff time	July 1, 2017 and beyond	Chief and Stevie



**Town of Berwyn Heights
Action Plans**

Strategic Issue: Infrastructure/Public Safety

Goal 1: Acquire improved facilities for town departments

Objective 3: Conduct comprehensive study of facility security and adequacy

Tasks	Resources Required	Target Dates	Person/Group Assigned
Research best practices	Staff time	December 31, 2016	Jessica and Stevie
Explore funding options	Staff and Council time	December 31, 2016	Jessica, Stevie, Michelle, and Council Members
Estimate budget costs	Staff time	February 1, 2017	Jessica and Stevie
Budget project	Council time	July 1, 2017	Council
Develop RFP	Staff time	October 1, 2017	Jessica, Stevie, Cheryl, and Jodie
Review Proposals	Staff time	November 30, 2017	Jessica and Stevie
Select vendor	Staff and Council time	December 31, 2017	Jessica, Stevie, and Council
Implement project	Staff and vendor	January 31, 2018	Jessica and Stevie
Complete project	Staff and vendor	June 30, 2018	Jessica and Stevie



**Town of Berwyn Heights
Action Plans**

Strategic Issue: Infrastructure

Goal 1: Create a system to bring roads up to standard

Objective 1: Conduct a needs assessment of the road system

Tasks	Resources Required	Target Dates	Person/Group Assigned
Review existing road repair, maintenance and reconstruction plan	Staff time	March 30, 2017	Stevie and Luis
Estimate budget costs	Staff time	February 1, 2017	Jessica and Stevie
Budget project	Council time	July 1, 2017	Council
Develop RFP	Staff time	July 1, 2017	Jessica, Stevie, Cheryl, and Jodie
Review proposals	Staff time	August 31, 2017	Jessica and Stevie
Select vendor	Staff and Council time	September 15, 2017	Jessica, Stevie, and Council
Implement project	Staff and vendor	October 30, 2017	Jessica and Stevie
Complete project	Staff and vendor	December 31, 2017	Jessica and Stevie



**Town of Berwyn Heights
Action Plans**

Strategic Issue: Community Engagement

Goal 1: Encourage local community building

Objective 1: Improve communication with town residents and businesses

Tasks	Resources Required	Target Dates	Person/Group Assigned
Research best practices	Staff and Council time	December 31, 2016	Cheryl, Gerald, and Jessica
Construct survey	Staff time	February 28, 2017	Gerald, volunteer, and Jessica
Present survey to Council	Staff and Council	March 30, 2017	Gerald
Allocate funds (if needed)	Council time	July 1, 2017	Council
Survey to determine communication preferences (consider combining with survey in Objective #2)	TBD (Volunteers or Staff or Vendor)	March 15, 2017	Gerald, Jessica, and volunteer
Tally results	Staff time	April 1, 2017	Yvonne
Present findings to Council	Staff and Council	April 15, 2017	Jessica
Implement new communication strategy	Staff	May 1, 2017	Jessica with Senior Staff

Strategic Issue: Community Engagement

Goal 1: Encourage local community building

Objective 2: Increase resident participation in town activities

Tasks	Resources Required	Target Dates	Person/Group Assigned
Gather best practices from existing committees	Staff and Council time	April 1, 2017	Gerald, Committee Chairs, and designees
Gather feedback from past volunteers	Staff and Council time	April 1, 2017	Gerald, Committee Chairs, and designees
Conduct a survey on activities	Volunteer time	June 30, 2017	PRECA
Recruit multi-generational and multi-cultural ambassadors	Volunteer, staff and Council time	TBD	TBD
Develop promotional materials in English and Spanish (possible additional languages)	Staff time	TBD	TBD
Expand presence at school open houses with a presentation/table	Council time	August/September, 2017	Council



**Town of Berwyn Heights
Action Plans**

Strategic Issue: Town Aesthetics

Goal 1:

Improve the Town's physical appearance in the built and natural environments

Objective 1:

Increase the Town's tree canopy and maintain species diversity

Tasks	Resources Required	Target Dates	Person/Group Assigned
Work with Pepco on replanting plan from 2016 vegetation management work	Staff time	March 1, 2017	Stevie, Green Team, interested residents
Educational effort on preserving and protecting trees	Mailer cost	July 1, 2017	Stevie, Green Team, and Shade Tree Board
Consider hiring an arborist, training an existing Town employee, splitting personnel with another community, or a contractor	Staff time	February 1, 2018	Stevie and Jessica
Develop long-term maintenance and planning RFP from Savatree data, if preferred route	Staff time	April 1, 2018	Stevie and Shade Tree Board
Review proposals	Staff time	May 31, 2018	Jessica and Stevie
Select vendor	Staff and Council time	June 15, 2018	Jessica, Stevie, and Council
Implement project	Staff and vendor	June 30, 2018	Jessica and Stevie
Complete project	Staff and vendor	August 31, 2018	Jessica and Stevie

Strategic Issue: Town Aesthetics

Goal 1:

Improve the Town's physical appearance in the built and natural environment

Objective 2:

Beautification efforts

Tasks	Resources Required	Target Dates	Person/Group Assigned
New Welcome signs	Allocated in FY 2017	May 1, 2017	Stevie
Replenish existing landscape beds, and new landscape bed at Pontiac St. and Edmonston Rd.	Allocated in FY 2017	May 1, 2017	Stevie
Citizen of the Year marker and tree grove planted at Pops Park	Allocated in FY 2017	May 1, 2017	Stevie



**Town of Berwyn Heights
Action Plans**

Strategic Issue: Economic Development

Goal 1: Enhance Economic Development Opportunities

Objective 1: Implement the County's Sector Plan for Commercial and Industrial Areas

Tasks	Resources Required	Target Dates	Person/Group Assigned
Work with Greenbelt on advocacy efforts	Council time	September 1, 2017	Council
Explore Main Street designation	Staff time	September 1, 2017	Kerstin
Explore State funding	Staff and Council time	December 1, 2017	Council and Jessica
Consider aligning with Hyattsville, University Park, the University of Maryland, and others in a coalition	Staff and Council time	December 1, 2017	Council and Jessica

Strategic Issue: Economic Development

Goal 1: Enhance Economic Development Opportunities

Objective 2: Seek Expertise of an Economic Development Consultant

Tasks	Resources Required	Target Dates	Person/Group Assigned
Consider possible approaches after FBI headquarters announcement	Staff time	June 1, 2017	Jessica
Budget consultant	Council time	July 1, 2017	Council
Develop RFP	Staff time	February 1, 2018	Jessica
Review proposals	Staff time	March 31, 2018	Jessica and Stevie
Select vendor	Staff and Council time	April 15, 2018	Jessica, Stevie, and Council
Implement project	Staff and vendor	May 1, 2018	Jessica and Stevie
Complete project	Staff and vendor	June 30, 2018	Jessica and Stevie

MEMORANDUM

DATE: February 9, 2017
TO: Mayor and Town Council
FROM: Jessica Cowles, Town Administrator
SUBJECT: State Legislation through PGCMA

PGCMA has provided copies of two drafts of possible State legislation to its membership. To date, the two items have not been introduced in either the State House or Senate for consideration.

PG 418-17

Draft bill PG 418-17 would permit a municipal corporation located in Prince George's County to adopt a comprehensive local law regulating fences. Draft PG 418-17 is not clear whether the local law may or may not be less restrictive than a County fence regulation. (D)(1) appears to indicate the local law may not be less restrictive than a County fence regulation; however, (2)(I) and (II) appear to indicate the local law can be less restrictive than a County fence regulation. I would recommend the sponsor of this proposed legislation clarify the intention of the draft legislation before the Council takes a position on it.

From PGCMA:

- The bill provides direct authority to municipalities in Prince George's County to enact their own Code regulations regarding fences. Currently, the only way a municipality can regulate fences is by submitting an approved municipal ordinance to Prince George's County for delegated authority to regulate fences.
- The bill allows fence rules approved by municipalities to be less restrictive than the fence regulations of the County Zoning Ordinance.
- In 2008, the Prince George's County Council enacted a law that prohibits any fencing greater than four feet high between a residential dwelling and an adjacent street. This rule presents issues for corner lots and through lots, which are often most in need of privacy fencing in the side or rear yards, and has greatly increased the number of residential variance applications.
- The building industry is not opposed to the approach taken in PG 418-17. Building industry representatives have stated that such a bill would appear to have a positive effect on builders and homeowners trying to erect privacy fences, because permits would be easier to obtain and zoning variances would no longer be necessary to erect fences higher than four feet.
- PG 418-17 is an independent initiative to revise State law to make it possible for municipalities in Prince George's County to have greater control in establishing fence regulations for their communities.

Should the Council be interested in exercising any authority coming from the possible State adoption of PG 418-17, an important consideration is that the Town does not have a Planning/Zoning Department, or dedicated Planning/Zoning staff, and that the Town would need to establish a Board to hear requested variances from any locally adopted fence regulation. Currently, any Town resident that would like to request a variance from the County fence regulation must apply for a variance through the County Board of Zoning Appeals. The County Board of Zoning Appeals does seek the Town Council's input on variances.

PG 413-17

Draft bill PG 413-17 would authorize the Revenue Authority of Prince George's County to release liens for unpaid county real property taxes or other charges and assessments imposed by Prince George's County on certain vacant property under certain circumstances. PG 413-17 does not specifically address liens municipal corporations have filed on real property. The bill appears to have been narrowly drafted to remedy a specific situation within the County that is unclear to me, and since the bill has not been introduced there is no State Policy Note that accompanies all introduced State legislation. My recommendation would be for PGCMA's lobbyist to provide a summary of this proposed legislation before the Council takes a position on it.

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Russell

Typed by: David

Stored – 11/30/16

Proofread by _____

Checked by _____

By: Prince George’s County Delegation

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George’s County – Tax Sales – Release of Liens on Vacant Property**

3 **PG 413–17**

4 FOR the purpose of authorizing the Revenue Authority of Prince George’s County to release
5 liens for unpaid county real property taxes or other charges and assessments
6 imposed by Prince George’s County on certain vacant property under certain
7 circumstances; authorizing the Authority to waive a certain requirement under
8 certain circumstances; requiring that a transferor’s property tax debt be reduced by
9 a certain amount if certain conditions are met; providing that a release of a lien
10 under this Act does not reduce the transferor’s liability for the remaining amount of
11 the tax debt; authorizing the Authority to set additional standards and requirements
12 for approval of the release of liens under this Act; and generally relating to the
13 release of certain liens on certain property in Prince George’s County.

14 BY adding to

15 Article – Tax – Property

16 Section 14–807

17 Annotated Code of Maryland

18 (2012 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Tax – Property**

4 **14-807.**

5 **(A) IN THIS SECTION, “AUTHORITY” MEANS THE REVENUE AUTHORITY OF**
6 **PRINCE GEORGE’S COUNTY.**

7 **(B) (1) TO FACILITATE A TRANSFER OF REAL PROPERTY THE AUTHORITY**
8 **MAY RELEASE ANY LIENS FOR UNPAID COUNTY REAL PROPERTY TAXES OR OTHER**
9 **CHARGES AND ASSESSMENTS IMPOSED BY PRINCE GEORGE’S COUNTY TO WHICH**
10 **THE PROPERTY WOULD OTHERWISE BE SUBJECT, IF:**

11 **(I) THE TOTAL AMOUNT OF LIENS FOR UNPAID COUNTY REAL**
12 **PROPERTY TAXES, CHARGES, AND ASSESSMENTS IMPOSED WITH RESPECT TO THE**
13 **PROPERTY EXCEEDS THE LESSER OF THE TOTAL VALUE OF THE LAND AND ANY**
14 **IMPROVEMENT ON THE LAND AS LAST DETERMINED BY THE DEPARTMENT OR AS**
15 **DETERMINED BY AN APPRAISAL REPORT PREPARED NOT MORE THAN 6 MONTHS**
16 **BEFORE THE REQUEST FOR THE RELEASE OF THE LIEN, BY A REAL ESTATE**
17 **APPRAISER WHO IS LICENSED UNDER TITLE 16 OF THE BUSINESS OCCUPATIONS**
18 **AND PROFESSIONS ARTICLE;**

19 **(II) THE PRINCE GEORGE’S COUNTY DEPARTMENT OF**
20 **HOUSING AND COMMUNITY DEVELOPMENT CERTIFIES THAT THE PROPERTY:**

21 **1. IS A VACANT LOT; OR**

22 **2. HAS A BUILDING OR STRUCTURE THAT IS:**

23 **A. VACANT; AND**

24 **B. UNSAFE OR UNFIT FOR HABITATION;**

25 **(III) THE POTENTIAL TRANSFEREE DEMONSTRATES THE ABILITY**
26 **TO RETURN THE PROPERTY TO PRODUCTIVE USE WITHIN A REASONABLE PERIOD OF**
27 **TIME;**

1 **(IV) THE AUTHORITY FINDS THAT A TRANSFER UNDER THIS**
2 **SECTION IS NECESSARY:**

3 **1. TO ELIMINATE A BLIGHTING INFLUENCE; AND**

4 **2. TO PREVENT THE TAX ABANDONMENT OF A**
5 **PROPERTY; AND**

6 **(V) THE POTENTIAL TRANSFEREE PRESENTS EVIDENCE TO THE**
7 **AUTHORITY THAT FAIR MARKET VALUE IS BEING PAID.**

8 **(2) THE AUTHORITY MAY WAIVE THE REQUIREMENT IN PARAGRAPH**
9 **(1)(V) OF THIS SUBSECTION IF:**

10 **(I) THE POTENTIAL TRANSFEREE IS A NONPROFIT**
11 **ORGANIZATION AS DEFINED IN § 1-101 OF THE HOUSING AND COMMUNITY**
12 **DEVELOPMENT ARTICLE; AND**

13 **(II) THE COUNTY RECEIVES FROM THE TRANSFEROR AN**
14 **AMOUNT EQUAL TO ANY FEDERAL, STATE, OR LOCAL INCOME TAX BENEFIT**
15 **REALIZED BY THE TRANSFEROR AS A RESULT OF A DEDUCTION FROM INCOME FOR**
16 **A CHARITABLE CONTRIBUTION OF THE PROPERTY TO A NONPROFIT ORGANIZATION.**

17 **(3) IF THE CONDITIONS IN PARAGRAPH (2) OF THIS SUBSECTION ARE**
18 **MET, THE TRANSFEROR'S PROPERTY TAX DEBT SHALL BE REDUCED BY AN AMOUNT**
19 **EQUAL TO THE FAIR MARKET VALUE OF THE TRANSFERRED PROPERTY.**

20 **(C) THE RELEASE OF A LIEN FOR COUNTY REAL PROPERTY TAXES,**
21 **CHARGES, OR ASSESSMENTS AS AUTHORIZED UNDER SUBSECTION (B) OF THIS**
22 **SECTION DOES NOT ABATE THE TRANSFEROR'S LIABILITY FOR THE REMAINING**
23 **AMOUNT OF THE TAX DEBT.**

24 **(D) THE AUTHORITY MAY SET ADDITIONAL STANDARDS AND**
25 **REQUIREMENTS FOR APPROVAL OF THE RELEASE OF LIENS UNDER THIS SECTION.**

26 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
27 **October 1, 2017.**

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Selle

Typed by: David

Stored – 11/30/16

Proofread by _____

Checked by _____

By: **Prince George’s County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George’s County – Municipal Authority to Regulate Fences**

3 **PG 418–17**

4 FOR the purpose of exempting the exercise of certain powers by a municipal corporation
5 from a prohibition against the exercise of any powers relating to planning,
6 subdivision control, or zoning by a municipal corporation in Prince George’s County
7 in the Maryland–Washington Regional District; authorizing a municipal corporation
8 in Prince George’s County to enact a comprehensive local law regulating fences in
9 the municipal corporation; establishing that a certain local law regulating fences in
10 a municipal corporation may be less restrictive than certain local and zoning laws;
11 and generally relating to the authority of municipal corporations in Prince George’s
12 County to regulate fences.

13 BY repealing and reenacting, with amendments,

14 Article – Land Use

15 Section 20–709, 22–202, and 22–203

16 Annotated Code of Maryland

17 (2012 Volume and 2016 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

Article – Land Use

2 20–709.

3 **[A] EXCEPT AS PROVIDED IN § 22–203 OF THIS ARTICLE,** A municipal
4 corporation in Prince George’s County that is in the regional district may not exercise any
5 powers relating to planning, subdivision control, or zoning not granted to the municipal
6 corporation by the district council under § 25–303 of this article.

7 22–202.

8 (a) This section applies to any zoning law that imposes a more restrictive height
9 limitation, lesser percentage of lot occupancy, wider or larger courts, deeper yards, or other
10 more restrictive limitations than those provided by State, county, municipal, or other local
11 regulations.

12 (b) **[A] EXCEPT AS PROVIDED IN § 22–203(D) OF THIS SUBTITLE,** A zoning
13 law described in subsection (a) of this section shall prevail in the area where it is imposed
14 over the limitations provided by State, county, municipal, or other local regulations.

15 22–203.

16 (a) A municipal corporation in Prince George’s County shall have concurrent
17 authority in its boundaries with the county Department of Environmental Resources,
18 Licenses and Inspections Group, to seek compliance with zoning requirements to the extent
19 that the requirements pertain to signs.

20 (b) A municipal corporation in Prince George’s County may enact local laws
21 regulating fences erected in front of the building setback lines on all residential property
22 located in the municipal corporation.

23 (c) **A MUNICIPAL CORPORATION IN PRINCE GEORGE’S COUNTY MAY ENACT**
24 **A COMPREHENSIVE LOCAL LAW REGULATING FENCES IN THE MUNICIPAL**
25 **CORPORATION.**

1 **(D) (1) [Any] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
2 **SUBSECTION, ANY local law enacted under this section may not be less restrictive than**
3 **any local law in effect or subsequently enacted by the county council.**

4 **(2) A LOCAL LAW ENACTED UNDER SUBSECTION (C) OF THIS SECTION**
5 **MAY BE LESS RESTRICTIVE THAN:**

6 **(I) A LOCAL LAW IN EFFECT OR SUBSEQUENTLY ENACTED BY**
7 **THE COUNTY COUNCIL; OR**

8 **(II) A ZONING LAW IN EFFECT OR SUBSEQUENTLY ADOPTED BY**
9 **THE DISTRICT COUNCIL.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2017.

ORDINANCE 120 – RENTAL HOUSING

~~Strikethrough~~ indicates text deleted from current ordinance

CAPITAL LETTERS indicate text added to current ordinance

Section 1. Purpose and Authority

- A. Purpose – It is the intent of the Town Council of Berwyn Heights to ~~maintain the single family residential integrity of the Town by monitoring~~ Rental Units to ensure compliance with the ~~R-55 PRINCE GEORGE’S County Zoning HOUSING requirements as defined in Article 27 of the Prince George’s County Code~~ and to ensure compliance with all safety, health and housing requirements of the Town of Berwyn Heights, Prince George’s County and the State of Maryland. This Ordinance shall be applied equally and ~~justly~~ FAIRLY to ensure the public health, safety and welfare of THE citizens of Berwyn Heights.
- B. Authority – The authority is provided for in Sections ~~341 and~~ 401 AND 402 of the Berwyn Heights Town Charter.
- C. THE PROVISIONS OF THIS ORDINANCE SHALL APPLY TO ALL RENTAL UNITS AND CONSTITUTE THE MINIMUM REQUIREMENTS AND STANDARDS FOR PREMISES, STRUCTURES, EQUIPMENT, AND FACILITIES FOR LIGHT, VENTILATION, SPACE, HEATING, SANITATION, PROTECTION FROM THE ELEMENTS, LIFE SAFETY, SAFETY FROM FIRE AND OTHER HAZARDS, AND FOR SAFE AND SANITARY MAINTENANCE.

Section 2. Definitions

In this Ordinance, the following words have the meanings indicated. Where terms are not defined, they shall have their ordinarily accepted meanings such as the context may imply. Words used in the present tense include the future; words used in the masculine gender include feminine and neuter, the singular includes the plural and the plural the singular.

- A. Agent – ~~Any person/company authorized to act for the owner.~~ A PERSON RESIDING WITHIN FIFTY (50) MILES OF THE RENTAL UNIT THAT THE PROPERTY OWNER HAS DESIGNATED TO CARE FOR THE RENTAL UNIT AND TO RESPOND TO ANY TOWN VIOLATIONS CONCERNING THE RENTAL UNIT. THE AGENT MAY BE THE PROPERTY OPERATOR IF THE PROPERTY OPERATOR RESIDES WITHIN FIFTY (50) MILES OF THE RENTAL UNIT.
- B. ACCESSORY STRUCTURE - A BUILDING OR STRUCTURE, RETAINING WALL, WALL OR FENCE THAT IS SUBORDINATE TO THE MAIN BUILDING LOCATED ON THE PROPERTY.
- C. Basement – ~~Any portion of the building located wholly or partially underground having any portion or all of its clear floor to ceiling height below the average grade of the adjoining ground.~~ THAT PORTION OF A BUILDING WHICH IS PARTLY OR COMPLETELY BELOW GRADE.
- D. Bathroom – ~~A room separate from habitable rooms, which affords privacy to a person in said~~

~~room, with a toilet with cold running water, a bathtub or shower with hot and cold running water, and a lavatory or basin with hot and cold running water. A ROOM CONTAINING PLUMBING FIXTURES INCLUDING A BATHTUB OR SHOWER.~~

- E. ~~BEDROOM - ANY ROOM OR SPACE USED OR INTENDED TO BE USED FOR SLEEPING PURPOSES IN EITHER A DWELLING UNIT OR SLEEPING UNIT.~~
- F. ~~Building Code – The basic PRINCE GEORGE’S COUNTY building code, latest edition, and current cumulative supplement officially adopted by Prince George’s County for the regulation of construction, alteration, addition, installation, repair, removal, demolition, use, location, occupancy and maintenance of premises, buildings and structures AS MAY BE AMENDED FROM TIME TO TIME.~~
- G. ~~Central Heating—The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms, and water closet compartments from a source outside of these rooms.~~
- H. ~~Code Enforcement Official – A person or persons appointed or designated by the Town Council to enforce the Rental Housing Ordinance or a portion thereof. THE OFFICIAL WHO IS CHARGED WITH THE ADMINISTRATION AND ENFORCEMENT OF THIS CODE, OR ANY DULY AUTHORIZED REPRESENTATIVE. THE CODE OFFICIAL SHALL BE THE SAME AS THE CODE ENFORCEMENT OFFICER AS NAMED IN THE TOWN CHARTER AND ORDINANCES.~~
- I. ~~Condemn – To declare a structure or part thereof, premises or equipment, unsafe, UNINHABITABLE, or unfit for use or occupation. TO ADJUDGE OR DECLARE UNFIT FOR OCCUPANCY.~~
- J. ~~Crashing—A custom, practice or pattern of permitting an individual, individuals or persons to sleep in areas of the dwelling, dwelling unit or rooming unit not designated and approved by the Code Enforcement Official as areas for sleeping purposes; areas not considered for sleeping purposes such as dining room, family room, hallways, or living room; or permitting the number of persons to sleep in an approved, designated sleeping areas that exceed the standards set forth in Section VI. A of this Ordinance.~~
- K. ~~Designee – A person or persons appointed or designated by the Town ADMINISTRATOR Council to enforce the Rental Housing Ordinance or a portion thereof.~~
- L. ~~Domestic Partner—An individual living with another as the functional equivalent of a spouse where the partners may share living expenses, chores, eat meals together in a close relationship with social, economic and psychological commitments to each other. Domestic partners may be required to show proof of domestic partner relationship.~~
- M. ~~Dormitory—A building or space in a building in which group sleeping accommodations are provided for more than five (5) persons who are not members of the same family in one room or a series of closely associated rooms under joint occupancy and single management, with or without meals, without individual cooking facilities, but including access to and use of a bathroom.~~
- N. ~~Dwelling—Any building that is wholly or partly used or intended to be used for living, sleeping, cooking or eating by human habitant., provided that temporary housing, as hereinafter defined, shall not be regarded as a “dwelling.”~~

- O. ~~Dwelling Unit – Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities, including a bathroom and a kitchen, which are used or intended to be used for living, sleeping, cooking or eating.~~ A SINGLE UNIT PROVIDING COMPLETE, INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS, INCLUDING PERMANENT PROVISIONS FOR LIVING, SLEEPING, EATING, COOKING AND SANITATION.
- P. EASEMENT - THAT PORTION OF LAND OR PROPERTY RESERVED FOR PRESENT OR FUTURE USE BY A PERSON OR AGENCY OTHER THAN THE LEGAL FEE OWNER(S) OF THE PROPERTY. THE EASEMENT SHALL BE PERMITTED TO BE FOR USE UNDER, ON, OR ABOVE A SAID LOT OR LOTS.
- Q. ~~Electrical Code – The basic PRINCE GEORGE’S COUNTY electrical code, latest edition, and current cumulative supplement officially adopted by Prince George’s County for the regulation of construction, alteration, addition, installation, repair, removal, demolition, use, location, occupancy and maintenance of electrical wiring of premises, buildings, structures and electrically operated or controlled appliances, devices, lights and heating, air conditioning and ventilation systems, AS MAY BE AMENDED FROM TIME TO TIME.~~
- R. Emergency –An unforeseen occurrence or condition, or a rapid deterioration of circumstances, necessitating immediate action to avert imminent danger to HEALTH, SAFETY, WELFARE, life, liberty or property.
- S. ~~Exterior Property Areas – All areas external to a dwelling or a lot.~~ THE OPEN SPACE ON THE PREMISES AND ON ADJOINING PROPERTY UNDER THE CONTROL OF THE PROPERTY OWNER OR AGENT OF SUCH PREMISES.
- T. Extermination – The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination methods as allowed by law ~~and approved by the Code Enforcement Official.~~
- U. ~~Family – The spouse, child, parent, grandparent, grandchild, sibling, son in law, daughter in law, parent in law, niece or nephew of the owner; a minor under the age 18; or the domestic partner or legal dependent of the owner or a family member as defined by this Ordinance.~~
- V. ~~Garbage – Human or animal feces; or the animal, mineral or vegetable waste resulting from the handling, preparing, cooking and serving of foods.~~ THE ANIMAL OR VEGETABLE WASTE RESULTING FROM THE HANDLING, PREPARATION, COOKING AND CONSUMPTION OF FOOD.
- W. ~~Gross Floor Area – The total area of all habitable rooms in a building or structure.~~
- X. ~~Habitable Room or Space – A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces, workshops and other rooms used only occasionally. Two sleeping rooms connected by a doorway cannot be used as a communicating corridor. An area or room considered to be a dining room, living room or family room shall not be considered a habitable room for sleeping purposes. The Code Enforcement Official shall determine if a room can be designated as a room for sleeping purposes. “Crashing” is prohibited under this Ordinance.~~ SPACE IN A STRUCTURE FOR LIVING, SLEEPING, EATING OR COOKING. BATHROOMS, TOILET ROOMS, CLOSETS,

HALLS, STORAGE OR UTILITY SPACES, AND SIMILAR AREAS ARE NOT CONSIDERED HABITABLE SPACES.

Y. HOUSING CODE – THE PRINCE GEORGE’S COUNTY HOUSING CODE AS MAY BE AMENDED FROM TIME TO TIME.

Z. ~~Household Items—Items intended for use within a dwelling but not limited to clothing, storage boxes containing household goods, appliances, television sets, and entertainment items or devices intended for indoor use and household cleaning materials.~~

AA. ~~Housing Code—See Rental Housing Code definition.~~

BB. IMMEDIATE FAMILY MEMBER – THE PROPERTY OWNER’S PARENTS, SIBLING(S) OR STEP-SIBLING(S), CHILD OR CHILDREN, SPOUSE, STEP-CHILD AND CHILDREN, FOSTER CHILD AND CHILDREN, STEP-PARENT(S), AND FOSTER PARENT(S).

CC. ~~Infestation – The presence, within or around a dwelling, of insects, rodents, vermin or other pests.~~ THE PRESENCE, WITHIN OR CONTIGUOUS TO, A STRUCTURE OR PREMISES OF INSECTS, RATS, VERMIN OR OTHER PESTS.

DD. ~~Kitchen—A room separate from habitable rooms with a refrigerator for the temporary preservation of perishable foods, a cooking and baking facility for the purpose preparing foods, and a sink with hot and cold running water.~~

EE. LET FOR OCCUPANCY OR LET - TO PERMIT, PROVIDE OR OFFER POSSESSION OR OCCUPANCY OF A RENTAL UNIT BY A PERSON WHO IS OR IS NOT THE LEGAL OWNER OF RECORD THEREOF, PURSUANT TO A WRITTEN OR UNWRITTEN LEASE, AGREEMENT OR LICENSE, OR PURSUANT TO A RECORDED OR UNRECORDED AGREEMENT OF CONTRACT FOR THE SALE OF LAND.

FF. Maintenance – Acts of repair and other acts to prevent a decline in the condition of PREMISES, ACCESSORY STRUCTURES, ~~grounds~~, structures, THE RENTAL UNIT, other appurtenances and equipment such that the condition does not fall below the standards established by this Ordinance and other applicable statutes, codes and ordinances.

GG. Meaning of certain words – Whenever the words RENTAL UNIT, ~~dwelling~~, dwelling unit, rooming unit, sleeping room UNIT, premises or property are used in this Ordinance, they are construed as though they were followed by the words “or any part thereof.” Whenever the words Code Enforcement Official are used in this Ordinance, they are construed as though they were followed by the words “or designee(s) of the Town Council ADMINISTRATOR.

HH. MECHANICAL CODE – THE PRINCE GEORGE’S COUNTY MECHANICAL CODE AS MAY BE AMENDED FROM TIME TO TIME.

II. ~~Multiple dwelling—Any dwelling containing two or more dwelling units.~~

JJ. ~~Nuisance Behavior—Nuisance behavior is behavior of any individual or person or persons who are part of a party or other social gathering conducted in the Town of Berwyn Heights, which, by reason of the conduct of the person or persons, results in any one or more of the following conditions or occurrences: public drinking or drunkenness; public urination or defecation; unlawful sale, furnishing, or consumption of alcoholic beverages; unlawful use of controlled substances; unlawful deposit of trash or litter on public or private property; destruction of public or private property; generation of pedestrian or vehicular traffic, which obstructs~~

~~the free flow of vehicular traffic or interferes with the ability to provide emergency services; excessive, unnecessary or unusual loud noise, which disturbs the repose of the neighborhood; public disturbances, brawls, fights, quarrels or any other activity resulting in conditions that annoy, injure or endanger the safety, health, comfort or repose of the neighboring residents; or results in any obscene conduct, or results in any indecent or inappropriate exhibition or exposure.~~

KK. ~~Occupant – Any person, over one (1) year of age, including the owner, operator and domestic service employees, living, sleeping, cooking or eating in, or having actual possession of, space within a dwelling, dwelling unit, rooming unit, rental unit, sleeping room, premises, or any part thereof.~~ ANY INDIVIDUAL LIVING OR SLEEPING IN A BUILDING, OR HAVING POSSESSION OF A SPACE WITHIN A BUILDING.

LL. Ordinance – For the purposes of this Ordinance, the term “Ordinance” means ORDINANCE 120, the Rental Housing Ordinance AND ALL RULES AND REGULATIONS CONTAINED HEREIN OR PROMULGATED PURSUANT TO AUTHORITY HEREUNDER. ~~All rules and regulations contained herein or promulgated pursuant to authority hereunder as defined in Subsection QQ of this Section.~~

MM. ~~Person – Any individual, natural person, legal entity, joint stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization, PROPERTY owner, PROPERTY occupant, or any other group acting as a unit, principal or agent, or the manager, lessor, lessee, agent, servant, partner, member, administrator, trustee, receiver, or other representative appointed according to law.~~ AN INDIVIDUAL, CORPORATION, PARTNERSHIP OR ANY OTHER GROUP ACTING AS A UNIT.

NN. ~~Plumbing – The practice, materials and fixtures used in the installation, maintenance, extension and alteration of any piping, fixtures, appliances and appurtenances within the scope of the PRINCE GEORGE’S COUNTY plumbing code, including but not limited to, all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, water heating facilities, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplies or fixtures, together with all connections to water, sewer and gas lines.~~

OO. ~~Plumbing Code – The basic PRINCE GEORGE’S COUNTY plumbing code, latest edition, and current cumulative supplement officially adopted by Prince George’s County for the regulation of the practice, materials and fixtures used in the installation, maintenance, extension and alteration of any piping, fixtures, appliances and appurtenances within the scope of the plumbing code including but not limited to all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, water heating facilities, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplies or fixtures, together with all connections to water, sewer and gas lines, AS MAY BE AMENDED FROM TIME TO TIME.~~

PP. Plumbing Fixture – A receptacle or device which is either permanently or temporarily connected to water distribution system of the premises and demands a water supply therefrom; or discharges used water, liquid borne waste materials or sewage either directly or indirectly to the drainage system of the premises, or which requires both a water supply connection and a discharge to the drainage system of the premises.

QQ. ~~Premises – A lot, plot or parcel of land including the building or structures thereon.~~ A LOT, PLOT OR PARCEL OF LAND, EASEMENT OR PUBLIC WAY, INCLUDING

ANY STRUCTURES THEREON.

- RR. ~~PROPERTY Operator – Any person who has charge, care or control of a building or dwelling or part thereof in which a dwelling, dwelling unit, rooming unit, or sleeping room is let. ANY PERSON WHO HAS CHARGE, CARE OR CONTROL OF A STRUCTURE OR PREMISES WHICH IS LET OR OFFERED FOR OCCUPANCY.~~
- SS. ~~PROPERTY Owner – Any person who has complete dominion over a particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, owner means any part owner, joint owner, owner of a community or partnership interest, life tenant, tenant in common, tenant by the entirety, or joint tenant, of the whole or part of such building or land. ANY PERSON, AGENT, OPERATOR, FIRM OR CORPORATION HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY; OR RECORDED IN THE OFFICIAL RECORDS OF THE STATE, COUNTY OR MUNICIPALITY AS HOLDING TITLE TO THE PROPERTY; OR OTHERWISE HAVING CONTROL OF THE PROPERTY, INCLUDING THE GUARDIAN OF THE ESTATE OF ANY SUCH PERSON, AND THE EXECUTOR OR ADMINISTRATOR OF THE ESTATE OF SUCH PERSON IF ORDERED TO TAKE POSSESSION OF REAL PROPERTY BY A COURT.~~
- TT. ~~Owner Occupant – An owner occupant is any owner of a residential unit that has established legal residence at that residence unit and uses that residential unit as their principal place of abode.~~
- UU. PUBLIC WAY - ANY STREET, ALLEY OR SIMILAR PARCEL OF LAND ESSENTIALLY UNOBSTRUCTED FROM THE GROUND TO THE SKY, WHICH IS DEEDED, DEDICATED OR OTHERWISE PERMANENTLY APPROPRIATED TO THE PUBLIC FOR PUBLIC USE.
- VV. Public Nuisance – Situation, condition or action whereby a rental unit tenant or PROPERTY owner creates an environment that is unsafe or threatens the health, SAFETY, OR and welfare of the surrounding area or disturbs the public peace.
- WW. ~~Renovation – A building and its facilities made to conform to present day minimum standards of sanitation, fire and life safety, and building, electrical, plumbing, and heating, air conditioning and ventilation codes.~~
- XX. ~~Rental Housing Code or Rental Housing Ordinance – All rules and regulations contained herein or promulgated pursuant to authority hereunder.~~
- YY. ~~Rental Unit – Any rented or leased room, or group of rooms forming a single habitable space or unit THAT IS LET FOR OCCUPANCY FROM WHICH THE PROPERTY OWNER RECEIVES MONETARY PAYMENT FROM A TENANT OR TENANTS. A RENTAL UNIT INCLUDES THOSE UNITS DEFINED AS A DWELLING UNIT, A ROOMING UNIT, A SLEEPING UNIT, AND ANY PORTIONS THEREOF. dwelling, dwelling unit, rooming unit, or sleeping room that is required to have a rental license under Section IV Rental Property Licensing and Renewal of this Ordinance.~~
- ZZ. ~~Rooming House – Any dwelling, or part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to one or more persons intended to be used for living and sleeping purposes including access to and use of a bathroom.~~
- AAA. ~~Rooming Unit – Any room or group of rooms forming a single habitable unit that is used or intended to be used for living and sleeping purposes, but not for cooking or eating purposes, including access to and use of a bathroom and access to and use of a kitchen sink.~~

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.

- BBB. ~~Rubbish – All combustible and noncombustible waste materials, except garbage; and the term shall include but not limited to rags, paper, cartons, boxes, packing material, rubber, appliances or furniture, motor vehicle parts, building and construction waste, yard and lawn clippings, dead trees and branches, the residue from burning of wood, coal, coke and other combustible materials and all other waste materials which: (1) create or tend to create a danger to the public health, safety, welfare or property, to the extent and in the manner that lot, tract, or parcel of land is, or may become, infested or inhabited by rodents, vermin or wild animals; or (2) may reasonably cause disease; or (3) adversely affects and impairs the economic welfare or status of adjacent property or the neighborhood; or (4) may reasonably constitute a present or potential fire hazard.~~ COMBUSTIBLE AND NONCOMBUSTIBLE WASTE MATERIALS, EXCEPT GARBAGE; THE TERM SHALL INCLUDE THE RESIDUE FROM THE BURNING OF WOOD, COAL, COKE AND OTHER COMBUSTIBLE MATERIALS, PAPER, RAGS, CARTONS, BOXES, WOOD, EXCELSIOR, RUBBER, LEATHER, TREE BRANCHES, YARD TRIMMINGS, TIN CANS, METALS, MINERAL MATTER, GLASS, CROCKERY AND DUST AND OTHER SIMILAR MATERIALS.
- CCC. ~~Structure – A principal building used as the residence and any and all ancillary buildings or structures on the premises regardless of purpose or use of the structure. THAT WHICH IS BUILT OR CONSTRUCTED OR A PORTION THEREOF.~~
- DDD. ~~Sleeping UNIT Room – A room or enclosed floor space with adequate light, heat and ventilation intended for sleeping, excluding bathroom, water closet compartments, laundries, pantries, foyers, or communicating corridors, living rooms, workshops or porches, enclosed or otherwise, but including access to and use of a bathroom and access to and use of a kitchen sink.~~ A ROOM OR SPACE IN WHICH PEOPLE SLEEP, WHICH CAN ALSO INCLUDE PERMANENT PROVISIONS FOR LIVING, EATING AND EITHER SANITATION OR KITCHEN FACILITIES, BUT NOT BOTH. SUCH ROOMS AND SPACES THAT ARE ALSO PART OF A DWELLING UNIT ARE NOT SLEEPING UNITS.
- EEE. ~~Supplied – Means paid for, furnished, or provided by or under the control of, the PROPERTY owner or AGENT operator.~~
- FFF. ~~Temporary Housing – Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.~~
- GGG. ~~Tenant – An occupant other than an owner and the owner's family.~~ A PERSON, CORPORATION, PARTNERSHIP OR GROUP, WHETHER OR NOT THE LEGAL OWNER OF RECORD, OCCUPYING A BUILDING OR PORTION THEREOF AS A UNIT.
- HHH. TOILET ROOM - A ROOM CONTAINING A WATER CLOSET OR URINAL BUT NOT A BATHTUB OR SHOWER.
- III. Town Administrator – The person appointed by the Town Council to monitor the enforcement of all ordinances and regulations of the Town.
- JJJ. ~~Ventilation – The process of supplying and removing air by natural or mechanical means to or from any space.~~ THE NATURAL OR MECHANICAL PROCESS OF SUPPLYING CONDITIONED OR UNCONDITIONED AIR TO, OR REMOVING SUCH AIR FROM, ANY

SPACE.

1. ~~Mechanical—Ventilation by power driven devices.~~
2. ~~Natural—Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks without wind driven devices.~~

KKK. ~~Workmanlike – Whenever the words "workmanlike state of maintenance and repair" are used in this Ordinance, they shall mean that such maintenance and repair shall be made in a reasonable, skillful manner and in accordance with industry standards so as to secure the results intended by this Ordinance.~~ EXECUTED IN A SKILLED MANNER; E.G., GENERALLY PLUMB, LEVEL, SQUARE, IN LINE, UNDAMAGED AND WITHOUT MARRING ADJACENT WORK.

LLL. ~~Yard – An open space surrounding a structure.~~ AN OPEN SPACE ON THE SAME LOT WITH A STRUCTURE.

Section 3. Scope

Every portion of a RENTAL UNIT ~~building, dwelling, premise or structure~~ used or intended to be used for residential rental purposes, ~~as defined in Section II~~ shall comply with the provisions of this Rental Housing Ordinance as set forth herein, ~~irrespective~~ REGARDLESS of when such ~~building~~ RENTAL UNIT shall have been constructed, altered, renovated or repaired.

Section 4. Rental Property UNIT Licensing and Renewal

- A. RENTAL LICENSE REQUIRED – AN ANNUAL RENTAL LICENSE IS REQUIRED FOR ALL RENTAL UNITS REGARDLESS OF THE DURATION FOR WHICH THE PROPERTY IS LET FOR OCCUPANCY DURING A TWELVE-MONTH (12) PERIOD OF TIME. THE PROPERTY OWNER OF EVERY RENTAL UNIT IS REQUIRED TO OBTAIN AND MAINTAIN A RENTAL LICENSE.
- B. NO RENTAL LICENSE IS REQUIRED WHEN THE RENTAL UNIT TENANT OR TENANTS ARE IMMEDIATE FAMILY MEMBER(S) OF THE PROPERTY OWNER.
- C. ~~It shall be unlawful for any person to rent or lease, whether expressed or implied, or cause to be rented or leased, whether expressed or implied, any of the following three classes of rental units within the Town of Berwyn Heights without first obtaining a license to do so as herein after provided.~~
 1. ~~Any owner occupied dwelling, dwelling unit, rooming unit, premises or any part thereof with two (2) or more rented or leased sleeping rooms intended to be used by tenants for living, sleeping, cooking or eating.~~
 2. ~~Any non owner occupied dwelling, dwelling unit, rooming unit, premises or any part thereof intended to be used by tenants for living, sleeping, cooking or eating.~~
 3. ~~Any non owner occupied dwelling, dwelling unit, rooming unit, premises or any part thereof that is occupied by the owner's family plus one (1) or more rented or leased sleeping rooms intended to be used by a tenant or tenants for living, sleeping, cooking or eating.~~
- D. ~~Exception and Registration—Any non owner occupied dwelling, dwelling unit, rooming unit, premises or any part thereof that is occupied exclusively by the owner's family is not required to be licensed under this Ordinance so long as it is registered with the Town.~~

- E. License Application – The legal PROPERTY owner OR AGENT of record or an authorized agent shall SUBMIT TO THE TOWN A COMPLETED RENTAL LICENSE APPLICATION NOT LATER THAN TWENTY (20) BUSINESS DAYS PRIOR TO THE EFFECTIVE DATE OF ANY LEASE. THE PROPERTY OWNER OR AGENT SHALL SUBMIT WITH THE APPLICATION THE APPROPRIATE FEE FOR THE RENTAL LICENSE AS SET BY RESOLUTION OF THE TOWN COUNCIL. ~~make written application to the Town for a rental license upon such form or forms as the Town shall from time to time designate. For any property, or part thereof, proposed to be used as rental property, such application shall be made at least thirty (30) days prior to the effective date of any lease, whether expressed or implied. Said Rental License Application form shall include the owner's address of principal place of abode and home and work telephone numbers for service of any notices required under this Ordinance. Said Rental License Application form shall be accompanied with a floor plan of the interior of the entire premises showing the measurements and use of each room or space including basements, bathrooms, closets, foyers and communicating corridors, laundries, pantries, storage spaces, water closet compartments, workshops and other rooms only used occasionally. Areas to be used for sleeping purposes must be clearly marked on the floor plan. Such Rental License Application form shall be submitted together with a non-refundable rental license fee to the Code Enforcement Official. The amount of such fee is to be established by resolution of the Town Council.~~
- F. Housing Disclosure Form—~~The legal owner of record or an authorized agent shall file with the Town a Housing Disclosure Form as provided by the Town. The form shall provide the name and phone number of each tenant and the year, make, model and license plate number for each of tenant's vehicle(s). This form shall establish that the legal owner of record or an authorized agent understands and consents to the conditions of this Ordinance, including but not limited to the inspection of rental units and exterior property and the enforcement authority. This form shall be signed by the legal owner of record or an authorized agent and filed upon request of the Code Enforcement Official or at the time of license application, renewal application and within 30 days of any change in the lease, the tenants, or the tenants' vehicle(s). Failure to file this form, provide all required information, or maintain current information with the Town shall constitute a violation of this Ordinance.~~
- G. Tenant's Rights and Responsibilities Disclosure Form—~~The legal owner of record or authorized agent shall file with the Town a Tenant's Rights and Responsibility Disclosure Form, as provided by the Town, for each tenant. The form shall set forth the tenant's basic rights and responsibilities under the Ordinance. A separate form shall be signed and dated by each tenant and filed with the Town upon request of the Code Enforcement Official or at the time of license application, renewal application, and no later than 30 days after each change in tenant. Failure to file this form shall constitute a violation of this Ordinance.~~
- H. Inspections – All rental properties UNITS shall be subject to ~~periodic~~ AT LEAST ANNUAL inspection to determine ~~conformance~~ COMPLIANCE with this Rental Housing Ordinance and ~~shall be inspected at least once each year~~ prior to the issuance or renewal of a rental license. THE PROPERTY OWNER OR AGENT SHALL HAVE TEN (10) BUSINESS DAYS TO CORRECT ITEMS NOTED AS FAILING ON THE CODE OFFICIALS' INSPECTION REPORT. Failure to REMEDIATE ITEMS WITHIN THE ALLOWED TIME, FAILURE TO allow entry for such inspection, or to require any tenant to not TO allow entry for such inspection shall constitute sufficient reasons for the denial or revocation of the rental license. ~~Inspection requirements will be detailed on a consent form signed at the time of license application.~~
- I. Issuance of Rental License – Prior to the issuance or renewal of a rental license, the legal PROPERTY owner OR AGENT of record or an authorized agent must satisfy the requirements of this ORDINANCE section. ~~including filing with the Town a Rental Application form, the~~

~~Housing Disclosure Form, and the Tenant's Rights and Responsibilities Disclosure Form. Failure to provide address of owner's principal place of abode and home and work telephone numbers; or provide a floor plan of the interior of the premise acceptable to the Code Enforcement Official; or provide the Housing Disclosure Form with each tenant's name and the year, make, model and license plate number of each of tenant (s) vehicle; or provide a Tenant's Rights and Responsibilities Disclosure Form for each tenant shall constitute a violation of this Ordinance~~ FAILURE TO SATISFY THE REQUIREMENTS OF THIS ORDINANCE SHALL BE sufficient reason for denial or revocation of the rental license.

~~The Code Enforcement Official shall indicate on the Rental License Application and the Rental License the maximum number of tenants permitted. It shall be a violation of this Ordinance to rent or lease to more persons than permitted on the Rental License.~~

- J. License Renewal – A RENTAL License shall run from the ~~first (1st) day of the month~~ DATE of ~~issue~~ ISSUANCE. RENTAL Licenses issued hereunder shall expire one (1) year from the date of issuance and shall be renewable annually at the fees set by RESOLUTION OF the Town Council. AN Application for A RENTAL LICENSE renewals shall be made at least ~~thirty (30)~~ TWENTY (20) BUSINESS days prior to the expiration date. ~~Any license renewal fee, not paid on time, shall be subject to a fifty percent (50%) penalty per month, or any portion thereof, beyond the due date.~~
- K. Revocation or Denial of License – THE TOWN ADMINISTRATOR MAY REVOKE OR DENY A license ~~may be revoked or denied by the Mayor and Council or its designee(s)~~ if the PROPERTY owner OR AGENT, after ten (10) BUSINESS days' notice from the Town, fails to eliminate or to initiate good faith efforts to eliminate violations of ~~the Rental Housing~~ THIS Ordinance. ~~Any premises or occupant thereof deemed by the Mayor and Council or its designee(s) to be a~~ REPEATED public nuisance VIOLATIONS AT THE SAME RENTAL UNIT ~~shall~~ MAY be cause for denial or revocation of the rental license. Revocation or denial of a license shall be in addition to, and not in substitution for, such other penalties as may be provided for violations elsewhere in this Ordinance.
- L. Display of Licenses – A RENTAL Licenses ~~issued under this Ordinance~~ shall be produced ~~on~~ AT the ~~demand~~ REQUEST of a tenant or prospective tenant and shall be available at reasonable times for examination by the Code ~~Enforcement Official of the Town.~~
- M. Change of Address – The PROPERTY owner OR AGENT shall promptly notify the Town of any change of address, ~~of principal place of abode and home and work~~ telephone numbers, AND EMAIL ADDRESS. Failure to provide or file this information shall constitute a violation of this Ordinance.
- N. Transfer of Rental License – A rental license is not transferable. IN THE EVENT OF PROPERTY SALE, the new PROPERTY owner OR AGENT, ~~within 30 days after the closing, must complete a Rental License Application, file a Housing Disclosure Form and a Tenant's Rights and Responsibility Disclosure Form, and pay the Rental License fee in effect at the time of transfer of ownership.~~ Failure to SHALL apply for a NEW Rental License WITHIN TEN (10) BUSINESS DAYS OF CLOSING ON THE PROPERTY. FAILURE TO OBTAIN A RENTAL LICENSE shall constitute a violation of this Ordinance.
- O. The PROPERTY owner shall at all times, regardless of the terms and conditions of any contractual arrangement between the PROPERTY owner OR AGENT and the tenant or occupant, whether expressed or implied, be totally responsible for compliance with the provisions of this ~~Rental Housing~~ Ordinance, other applicable ordinances, applicable Prince George's County codes or ordinances or statutes of the State of Maryland.

Section 5. Authority to Inspect Rental Units

- A. RENTAL UNIT INSPECTIONS ARE CONDUCTED AT LEAST ANNUALLY TO ENSURE COMPLIANCE WITH THIS ORDINANCE. ~~Generally—~~ The Code Enforcement Official is hereby authorized to enforce the provisions of this Ordinance ~~and is directed to make inspections~~ to determine the condition of rental units and premises ~~located within the Town of Berwyn Heights, Maryland,~~ in order ~~that the Code Enforcement Official may perform the duty of TO safe-guarding~~ PROTECT the health, safety and welfare of the occupants of a rental unit, premises or part thereof and the general public. ~~For the purpose of making such inspections,~~ The Code Enforcement Official is hereby authorized, upon presentation of proper credentials, to enter, examine, PHOTOGRAPH, and survey at all reasonable times all premises, or any part thereof. The PROPERTY owner OR AGENT or occupant of every rental unit, ~~or the person in charge thereof,~~ shall give the Code Enforcement Official free access to THE rental unit and its premises at all reasonable times for the purpose of such inspections, examination and survey. ~~Every occupant of any such rental unit shall give the owner thereof, his agent or employee, access to any part of rental unit or its premises, at all reasonable times, for the purpose of making repairs or alterations as are necessary to effect compliance with the provisions of this Ordinance or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Ordinance.~~
- B. Entry – If any PROPERTY owner, TENANT, OR occupant or other person in charge of a RENTAL UNIT, prevents, refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection IS authorized by this Ordinance, ~~structure~~ subject to the provisions of this ~~Rental Housing Ordinance,~~ THE RENTAL LICENSE MAY BE REVOKED OR DENIED AND ANY APPLICABLE FINES MAY BE ASSESSED ~~prevents, refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection authorized by this Ordinance is sought,~~ the Code Enforcement Official ~~may seek in a court of competent jurisdiction an order that the owner, occupant or other person in charge cease and desist with such interference.~~
- C. The Code Enforcement Official is hereby authorized to enter upon the property of all rental units ~~within the Town of Berwyn Heights~~ to examine, inspect, PHOTOGRAPH, and survey the exterior of all structures and the grounds in order to enforce the provisions of this Ordinance, other applicable TOWN ordinances, RULES, OR REGULATIONS, applicable STATE OF MARYLAND AND Prince George's County ordinances CODES, ~~or codes, and/or State of Maryland statutes~~ to perform the duty of ~~safe-guarding~~ PROTECTING the health, safety, and welfare of the occupants of a rental UNIT ~~dwelling, dwelling unit, rooming unit, rental unit, premise~~ or any part thereof and the general public.

Section 6. ADOPTION OF SELECTED PRINCE GEORGE'S COUNTY CODES

- A. ADOPTION OF PRINCE GEORGE'S COUNTY HOUSING CODE, NFPA FIRE CODE, AND PRINCE GEORGE'S COUNTY FIRE SAFETY LAW.
1. THE PRINCE GEORGE'S COUNTY HOUSING CODE, DIVISION 1: SUBDIVISIONS 1 AND 2, AS MAY BE AMENDED FROM TIME TO TIME, IS HEREBY INCORPORATED BY REFERENCE AND ADOPTED IN THIS ORDINANCE TO THE EXTENT IT IS NOT INCONSISTENT HERewith. WHEN A CONFLICT EXISTS BETWEEN THE COUNTY HOUSING CODE AND A TOWN ORDINANCE, THE TOWN ORDINANCE SHALL PREVAIL. REFERENCES IN THE PRINCE GEORGE'S COUNTY HOUSING CODE TO AUTHORIZED COUNTY REPRESENTATIVES SHALL BE INTERPRETED TO INCLUDE THE APPLICABLE TOWN OFFICIALS.

2. THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) FIRE CODE AND THE FIRE SAFETY LAW OF PRINCE GEORGE'S COUNTY, MARYLAND, AS MAY BE AMENDED FROM TIME TO TIME, IS HEREBY INCORPORATED BY REFERENCE AND ADOPTED IN THIS ORDINANCE TO THE EXTENT IT IS NOT INCONSISTENT HERewith. THIS SECTION ALSO ADOPTS BY REFERENCE CHAPTER 24 OF THE NFPA 101 LIFE SAFETY CODE, AS MAY BE AMENDED FROM TIME TO TIME. REFERENCES IN THE NFPA LIFE SAFETY CODE TO THE FIRE CHIEF OR AUTHORIZED REPRESENTATIVES SHALL BE INTERPRETED TO INCLUDE THE APPLICABLE TOWN OFFICIALS.

Section 7. ~~Occupancy Requirements~~ STANDARDS

~~No person shall rent or lease to another for occupancy any rental unit, which does not comply with the following requirements:~~

ALL RENTAL UNITS SHALL COMPLY WITH THE FOLLOWING STANDARDS:

- A. ALL TOWN ORDINANCES INCLUDING, BUT NOT LIMITED TO:
 1. ORDINANCE 101 – ANIMALS
 2. ORDINANCE 107 – CLEAN LOT
 3. ORDINANCE 114 – PEACE, ORDER, AND NUISANCE
 4. ORDINANCE 117 – REFUSE COLLECTION
 5. ORDINANCE 118 – ROADS AND PUBLIC RIGHTS-OF-WAY
 6. ORDINANCE 119 – TRAFFIC AND PARKING
 7. ORDINANCE 153 – NOISE

- B. COMPLIANCE WITH PRINCE GEORGE'S COUNTY LAWS, RULES, AND REGULATIONS:
 1. BUILDING CODE
 2. ELECTRICAL CODE
 3. MECHANICAL CODE
 4. PLUMBING CODE
 5. APPLICABLE SECTIONS OF THE HOUSING CODE
 6. FIRE SAFETY LAW

- C. COMPLIANCE WITH STATE OF MARYLAND LAWS, RULES, AND REGULATIONS, INCLUDING, BUT NOT LIMITED TO, THOSE PERTAINING TO LEAD PAINT FOR RENTAL UNITS. ALL APPROPRIATE DOCUMENTATION PERTAINING TO STATE LEAD PAINT LAWS, RULES, AND REGULATIONS SHALL BE SUBMITTED TO THE TOWN WITH THE RENTAL LICENSE APPLICATION.

- D. COMPLIANCE WITH NFPA FIRE CODE.

- E. WHEN THE PROPERTY OWNER DOES NOT RESIDE WITHIN FIFTY (50) MILES OF THE RENTAL UNIT, A DESIGNATED AGENT RESIDING WITHIN FIFTY (50) MILES OF THE RENTAL UNIT IS REQUIRED. AN AGENT MAY BE THE PROPERTY OWNER'S PROPERTY OPERATOR, IF THE PROPERTY OPERATOR RESIDES WITHIN FIFTY (50) MILES OF THE RENTAL UNIT.

F. Living Space

1. ~~Minimum Ceiling Heights~~—Habitable rooms shall have a clear ceiling height of not less than seven and one third (7 1/3) feet, except that in attics or top half stories the ceiling height shall not be less than seven (7) feet for not less than one third (1/3) of the area when used for sleeping, study or similar activity. In calculating floor area of such rooms, only those portions of the floor area of the rooms having a clear ceiling height of five (5) feet or more may be included.
2. ~~Required Space in A Rental Unit~~—Every rental unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant, and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.
3. ~~Every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of at least seventy (70) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant thereof.~~
4. ~~Each rental unit shall provide clothes closet space measuring at least six (6) square feet, with a height of at least five (5) feet, for each room used for sleeping. In addition, one other clothes closet of like size shall be provided elsewhere in the dwelling.~~
5. ~~Occupancy of a dwelling, dwelling unit, rooming unit or sleeping room below grade—No dwelling unit or rooming unit or sleeping room partially below grade shall be used for living purposes unless:~~
 - a. ~~Floors and walls are watertight; and~~
 - b. ~~Total window area, total operable area, and ceiling height are in accordance with this Ordinance.~~
6. ~~No separate ACCESSORY structure, i.e., A garage, shed or other outbuilding shall be used for occupancy as a RENTAL UNIT dwelling, dwelling unit or rooming unit UNLESS SUCH ACCESSORY STRUCTURE IS AUTHORIZED IN THE PRINCE GEORGE'S COUNTY ZONING CODE.~~
7. ~~NO MORE THAN FIVE (5) UNRELATED TENANTS MAY OCCUPY A RENTAL UNIT.~~

G. Maintenance of Exterior Property Area

8. ~~All exterior property areas shall be maintained in a clean, safe and sanitary condition free from any accumulation of litter, refuse, rubbish, (or) garbage, or animal or human feces or waste.~~
9. ~~All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within the building or structure located thereon.~~
10. ~~All exterior property areas shall be properly maintained and no weeds, briars and grass shall grow taller than allowed in the Town Clean Lot Ordinance 107, as amended. (other than garden and yard plantings properly maintained by the owner) shall be allowed to accumulate or grow on any private property.~~
11. ~~The storage of wood and other materials not proscribed by this Ordinance shall be accomplished in a manner designed to avoid rodents, termites and other insect infestation. Wood shall be stored at least six (6) inches above the ground.~~

12. All exterior property areas shall be kept free from infestation by rodents, vermin, insects, and other pests. Where rodents, vermin, insects and other pests are found, they shall be promptly exterminated by the owner by acceptable processes which will not be injurious to the health of humans or other animals. After extermination, proper precautions shall be taken by the owner and occupant to prevent re-infestation.
6. Exterior property areas shall not be utilized for any period of time for the open storage of garbage, rubbish or refuse, construction materials or equipment, bathroom or kitchen fixtures, glass, furniture, appliances, automotive parts, lawn and garden maintenance equipment or similar items or materials, irrespective of age or condition. Exterior property areas shall be maintained and kept free and clear of excessive accumulation of weeds, garbage, litter and/or rubbish and kept free and clear of abandoned, dismantled, junked or wrecked motor vehicles or vehicles without currently valid registration license plates in accordance with the provisions of Clean Lot Ordinance 107, as amended. Owner of record is subject to the abatement and fines and penalties provisions of said Ordinance.
7. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.
8. Every occupant of a structure or part thereof shall store and dispose of all refuse and rubbish in a clean and sanitary manner by placing it in an appropriate refuse/rubbish containers and place at the curb on appropriate day(s) for collection and disposal, as prescribed in Refuse Collection Ordinance 117, as amended.
9. Every occupant of a structure or part thereof shall store and dispose of garbage or animal feces or other organic waste in a clean and sanitary manner by placing it in appropriate garbage disposal facilities or garbage storage containers and place at the curb on appropriate day(s) for collection and disposal, as prescribed under Refuse Collection Ordinance 117, as amended.
10. It shall be the responsibility of any property owner, lessor, renter, lessee, or other occupant, who shall possess animals on the same premises, to keep said animals in a reasonably sanitary condition and the interior and exterior property areas of the premises free of animal feces and waste.
11. Code Enforcement Official shall require the installation of rodent/vermin proof walls. The rodent/vermin proof walls shall be installed in accordance with the building code.
12. All trees, and shrubbery located on exterior property areas shall be maintained in such a way so as not to pose a danger or obstruction to adjoining property, persons walking on designated walking areas or obstruct sight at street intersections or along streets.
13. All fences shall be maintained in a workmanlike state of maintenance and repair including but not limited to painting, staining and/or replacement. All fences shall be constructed, fabricated, erected and located on site in accordance with Prince George's County building code and zoning ordinance, after securing the necessary Prince George's County approvals.

H. Maintenance of Exterior Structure

1. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the health, safety or welfare of the occupants and so as to protect the occupants from adverse effects of the environment.

2. ~~All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.~~
3. ~~Every foundation, exterior wall, roof and all other exterior surfaces of all structures on the premises shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents and other pests.~~
4. ~~All foundation walls of all structures on the premises shall be maintained so as to carry the safe design and operating dead and live loads, and shall be maintained free from open cracks, and breaks, so as not to be detrimental to public safety and welfare.~~
5. ~~Every exterior wall of every structure on the premises shall be free of holes, breaks, loose or rotting boards or timbers, and any conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition, or metal siding, shall be maintained weather-proofed and shall be properly surface coated when required to prevent deterioration.~~
6. ~~The roofs of all structures on the premises shall be structurally sound, tight and not have defects which might admit rain. Roof(s) shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the building. Roof water shall not be discharged in a manner that creates a nuisance to owners or occupants of adjacent premises or that creates a public nuisance.~~
7. ~~All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and decorative features shall be maintained in good repair with proper anchorage and in a safe condition.~~
8. ~~All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.~~
9. ~~All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of a weather-coating material such as paint or similar surface treatment.~~
10. ~~Every stair, porch, fire escape, balcony and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and in good repair. Every stair, porch and fire escape shall be maintained free of hazardous conditions such as snow, ice, mud and other debris. Every flight of stairs, which is more than three (3) steps or risers high, shall have a handrail on at least one side of the stair and every open portion of a stair, fire escape, porch, landing or balcony which is more than ten (10) inches above the grade below shall have guard rails. Every handrail and guard rail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.~~
11. ~~Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain and rodents as completely as possible and to substantially exclude wind from entering the dwelling or structure.~~

12. ~~Every window and exterior door shall be fitted reasonably in its frame and be weather-tight. Weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.~~
13. ~~Every required window sash shall be fully supplied with approved glazing materials, which are without open cracks and holes.~~
14. ~~Every window, other than a fixed window, shall be capable of being easily opened and held in position by window hardware.~~
15. ~~During the period from April 1 to December 1, every door and window or outside opening used for ventilation purposes shall be supplied with approved tight fitting screens of not less than sixteen (16) mesh per inch material, in good working condition. Every hinged screen door shall have a self-closing device in good working order. Screen doors shall not be required for out swinging doors or other types of openings which make screening impractical, provided other approved means are employed.~~
16. ~~Locking devices. Any swinging entrance door shall be provided with a deadbolt locking device having a minimum throw of not less than 5/8 of an inch and with the deadbolt capable of being activated by key from outside and by turn knob from the inside so as to provide reasonable security against unauthorized entry. Door locks and the matter of installation shall be subject to the specific approval of the Code Enforcement Official. The exterior door, door hinge, door lock, and door latch for each unit shall be maintained in functional condition. All door locks shall be in good working order at all times. and keys for same provided to occupants and tenants.~~
17. ~~Visual detection device. Unless a visual detection device is currently provided, all exterior front doors shall be equipped with a visual detection device (magnifying peephole) which will provide a 180 degree viewing angle so as to allow the occupant of a dwelling unit to inspect the entrance area outside the door while the door is closed. This inspection device may be windows made of transparent material or a magnifying peephole.~~
18. ~~Sliding doors and windows. All patio and balcony sliding entrance doors, and all windows capable of being opened accessible from a balcony or two stories or less above the grade, shall be equipped with a device which locks and secures the door or window within its frame so as to provide reasonable security against unauthorized entry by opening or removal of the door or windows from its frame. Devices such as, but not limited to security bars and jimmy plates, shall be deemed acceptable. The type of device and manner of installation shall be subject to the approval of the Code Enforcement Official.~~
19. ~~All balconies, canopies, cornices and soffits, decks, doors and door frames, exterior walls, fire escapes, foundation walls, metal awnings, patios, porches, sliding doors and windows, stairways, standpipes, and windows and window frames, and all appurtenances attached thereto, of all structures on the premises shall be protected from the elements against decay or rust by periodic application of a weather coating material such as paint, sealant, or similar surface treatment.~~

I. Internal Structure

1. ~~The interior of a structure and its equipment shall be maintained in good repair, structurally sound, unobstructed, and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants or visitors, and to protect the occupants from the environment.~~

2. ~~The supporting structural members of every building shall be maintained structurally sound, not allowing any evidence of deterioration which would render them incapable of carrying the imposed loads.~~
3. ~~Floors, walls (including windows and doors), ceilings and other interior surfaces shall be maintained in good, clean, sanitary and structurally sound condition, free of holes, cracks, loose plaster or wall paper and flaking or scaling paint and shall be substantially insect and rodent proof. Paint applied to the interior surfaces shall be lead free.~~
4. ~~Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition and repaired or replaced at the direction of the Code Enforcement Official.~~
5. ~~Every building, basement and crawl space shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.~~
6. ~~The interior of every structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish refuse or garbage. Rubbish, garbage and refuse shall be properly kept inside temporary storage facilities as required by this Ordinance.~~
7. ~~Garbage, rubbish or refuse shall not be allowed to accumulate or be stored in public halls or stairways.~~
8. ~~Insect and rodent harborage. All structures shall be kept free from insect and rodent infestation. Where insects or rodents are found, they shall be promptly exterminated by approved processes, which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.~~
9. ~~Every door available as an exit shall be capable of being opened easily from the inside.~~
10. ~~All interior stairs, railings and other exit facilities of every structure shall be maintained in sound condition and good repair. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.~~
11. ~~Every flight of stairs, which is more than three (3) steps or risers high, shall have a handrail on at least one side of the stair and every open portion of a stair, landing or balcony which is more than thirty (30) inches above the floor or grade below shall have guard rails. Every handrail and guard rail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.~~
12. ~~All ceilings, closet walls and ceilings, doors and door frames, kitchen and bathroom cabinets, walls, windows and window frames, sash and sills shall be in good condition and in good repair and shall be repaired in a workmanlike manner and painted at the direction of the Code Enforcement Official. All surfaces are to be free of cracks, holes, hook-like devices, loose plaster and flaking and scaling paint at time of painting.~~
13. ~~All carpets rugs shall be in good condition and in good repair and shall be repaired, and/or removed and replaced, and cleaned at the direction of the Code Enforcement Official.~~
14. ~~All bathroom or kitchen tiled or linoleum covered floors shall be in good condition and in good repair and shall be repaired and/or removed and replaced at the direction of the Code Enforcement Official.~~

J. Parking Spaces and Facilities

1. ~~Every owner of a rental unit shall provide one (1) off street parking space. Every owner of a dwelling with four (4) or more leased or rented sleeping rooms shall provide two (2) off street parking spaces.~~
2. ~~Any vehicle with four or more wheels or a self-propelled vehicle with three or more wheels entering any off street parking space must do so via a dropped curb and a driveway entrance. Any vehicle otherwise traversing town property between the street and abutting private property to gain access to an off street parking area may be cited for said violation and subject to the same penalties as prescribed for an infraction.~~
3. ~~Grassy or yard areas shall not be used for the parking of motor vehicles.~~
4. ~~Non-owner occupied premises shall not be used, for any period of time, for the storage of motor vehicles, boats, trailers, furniture, appliances, or similar items or materials, irrespective of age or condition by any person other than the occupants of the premises.~~

K. Plumbing Facilities and Fixtures

1. ~~Plumbing facilities.~~

- a. ~~The owner of the structure shall provide and maintain such plumbing facilities and fixtures in compliance with this section.~~
- b. ~~Every rental unit shall have direct access to a room separate from habitable room, which affords privacy and a toilet supplied with cold running water. A lavatory shall be placed in the same room as the toilet or located in another room, in close proximity to the door leading directly into the room in which said toilet is located. The lavatory shall be supplied with hot and cold running water.~~
- c. ~~Every rental unit shall include plumbing facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.~~
- d. ~~Every rental unit shall contain or have access to a room which affords privacy to a person in said room and which is equipped with a bathtub or shower supplied with hot and cold running water.~~
- e. ~~Every dwelling unit shall contain and every rooming unit shall have direct access to a kitchen sink apart from the lavatory required under sub paragraph a. and such sink shall be supplied with hot and cold running water.~~
- f. ~~Toilet rooms and bathrooms shall not be used as a passageway to a hall or other space. A toilet room or bathroom in a dwelling unit shall be accessible from any sleeping room without passing through another sleeping room.~~

2. ~~Plumbing fixtures~~

- a. ~~All plumbing fixtures shall be maintained in a safe and usable condition. All plumbing fixtures shall be of approved nonabsorbent material.~~

- ~~b. Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the Washington Suburban Sanitary Commission.~~
- ~~e. All plumbing facilities shall be maintained in a clean and sanitary condition free of mold and mildew by the occupant so as not to breed insects and rodents or produce dangerous or offensive gases or odors.~~
- ~~d. Plumbing fixtures shall be installed to permit easy access for cleaning both the fixture and the area about it.~~

~~3. Water system~~

- ~~a. Every sink, lavatory, bathtub and shower, drinking fountain, toilet or other facility shall be properly connected to the public water system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.~~
- ~~b. The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets shall be connected to an approved atmospheric type vacuum breaker or an approved permanently attached hose connection vacuum breaker.~~
- ~~e. The water supply system shall be installed and maintained to provide at all times a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactory.~~
- ~~d. Where hot water is provided, water heating facilities shall be installed in an approved manner, properly maintained and properly connected with hot water lines to the fixtures required to be supplied with hot water. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and lavatory facility or other similar units, at a temperature not less than 110 degrees Fahrenheit.~~

~~4. Sewage system~~

- ~~a. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to the public sewer system.~~
- ~~b. Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the applicable local building code and Washington Suburban Sanitary Commission.~~

L. Fire Safety Requirements

~~1. Means of Egress~~

- ~~a. A safe, continuous and unobstructed means of egress shall be provided for each dwelling unit and rooming unit from the interior of the premises to the exterior at a street, yard, court or passageway leading to a public open area at grade.~~

- ~~b. Every rental unit shall have access directly to the outside or to an exit access corridor that leads directly to the outside.~~
- ~~c. All doors in the required means of egress shall be readily openable from the inner side. Exits from rental units shall not lead through other such units, or through toilet rooms or bathrooms.~~
- ~~d. All required and all existing fire escapes shall be maintained in working condition and structurally sound.~~
- ~~e. Any exit signs shall be maintained illuminated and visible.~~
- ~~f. Every sleeping room located in a basement shall have at least one openable window or exterior door approved for emergency egress or rescue.~~

~~2. Accumulations and storage~~

- ~~a. Waste, refuse, Rubbish, or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.~~
- ~~b. Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids or combustible refuse, such as waste paper, boxes and bags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal usage.~~
- ~~c. A rental unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of 100 degrees Fahrenheit or lower, except as provided for in the applicable law.~~

~~3. Fire resistance ratings~~

- ~~a. Floors, walls, ceilings and other elements and components required to develop fire resistance rating (BOCA code) shall be maintained so that the respective fire resistance rating of the enclosure, separation, or construction is preserved.~~

~~4. Fire protection systems~~

- ~~a. All fire protection systems and equipment shall be maintained in proper operating condition at all times.~~
- ~~b. Fire alarms and detecting systems shall be installed and maintained and must be suitable for their respective purposes in all rental premises.~~
- ~~c. All rental units shall be provided with a minimum of one approved single station smoke detector for each floor of the premises. If there is a sleeping area located on any such floor, the detector shall be placed in the vicinity. The detectors shall be installed in accordance with the manufacturer's requirements. When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within each rental unit.~~
- ~~d. FIRE PROTECTION SYSTEMS SHALL COMPLY WITH THE CURRENT STATE OF MARYLAND AND PRINCE GEORGE'S COUNTY LAWS, RULES, AND REGULATIONS.~~

- e. ~~It is the owner's responsibility to maintain smoke detectors in good working order, such as replacing batteries.~~
- f. ~~Fire suppression systems in units so equipped shall be maintained in good condition, free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion and paint, and not bent or damaged.~~
- g. ~~Hose stations in units so equipped shall be identified and accessible. The hose shall be in proper position, ready for operation, dry and free of deterioration.~~
- h. PROPERTY OWNERS MUST PROVIDE ONE All portable fire extinguishers AND ~~in units so equipped~~ IT shall be visible and accessible, and maintained in an efficient and safe operating condition.

5. ~~Fire doors~~

- a. ~~All required fire resistance rated doors or smoke barriers shall be maintained in good working order including all hardware necessary for the proper operation thereof. The use of door stops, wedges and other unapproved hold open devices is prohibited.~~

M. Light and Ventilation Requirements

1. Light

- a. ~~All spaces or rooms shall be provided sufficient light so as not to endanger health, and safety. Every habitable room shall have at least one window facing directly to the outdoors or to a court except in a kitchen when artificial light may be provided in accordance with applicable law. A window shall be deemed not to face directly outdoors or onto a court whenever it is obstructed by a structure that extends to the ceiling level and is less than three feet from the window. The minimum total window area measured between stops shall be 8% of the floor area of such room.~~
- b. ~~Every common hall and stairway in every building, other than the one and two family dwellings, shall be adequately lighted at all times with an illumination of at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet of floor area, provided that the spacing between lights shall not be greater than 30 feet. Every exit stairway shall be illuminated with a minimum light level of one foot candle at as measured at the floor, landings and treads.~~
- e. ~~All other spaces shall be provided with natural or artificial light of sufficient intensity and so distributed as to permit the maintenance of sanitary conditions, and the safe use of the space and the appliances, equipment and fixtures.~~

2. Ventilation

- a. ~~All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health, and safety. Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of any structure or portion thereof. When part of the air provided by a mechanical ventilation system is re-circulated, the portion or volume of air re-circulated shall not be re-circulated to a different residential space or occupancy of dissimilar use from which it is withdrawn. All habitable rooms shall have at least one easily openable window. The total openable window area in every room shall be equal to at least 45% of the minimum window area required in Section VI.H.1).~~

b. ~~Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms, except that a window shall not be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or water closet compartment must be exhausted to the exterior and may not be re-circulated to any space, including the space from which it is withdrawn.~~

3. ~~Alternative devices~~

a. ~~In place of the means for natural light and ventilation herein prescribed, alternative arrangement of windows, louvers, or other methods and devices that will provide the equivalent minimum performance requirements shall be permitted if complying with the applicable law.~~

N. ~~Mechanical and Electrical~~

1. ~~Heating and refrigeration facilities~~

a. ~~Every owner of any structure who rents, leases or lets one or more dwelling units or rooming units or one or more sleeping rooms on terms, whether expressed or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 16 to maintain a room temperature of not less than then 65 degrees Fahrenheit. In all habitable rooms, bathrooms and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of no less than 60 degrees Fahrenheit during other hours. When, however, the external temperature falls below 0 degrees Fahrenheit and the heating system operates at its full capacity, a minimum room temperature of 60 degrees Fahrenheit shall be maintained at all times. The temperature shall be measured at a point 3 feet above the floor and 3 feet from exterior walls.~~

b. ~~Every residential dwelling or dwelling unit shall contain at least one cooking and baking facility for the purpose of preparing food and at least one (1) refrigeration unit adequate for the temporary preservation of perishable foods. Such refrigeration unit shall be capable of maintaining an average temperature of below 45 degrees Fahrenheit. Hot plates, toaster ovens, microwave ovens and other portable heating devices do not constitute a cooking and baking facility for purposes of this section.~~

c. ~~All cooking and heating equipment, components and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health and accident hazards. All installations and repairs shall be made in accordance with the provisions of the local applicable building code, or other laws or ordinances applicable thereto. Portable cooking equipment employing flame is prohibited, except for approved residential type food trays or servers which are heated by a candle or alcohol lamp.~~

d. ~~All mechanical equipment shall be properly installed and safely maintained in good working condition and be capable of performing the function for which it was designed and intended.~~

e. ~~All fuel burning equipment shall be connected to an approved chimney, flue or vent per manufacturer's instructions.~~

f. ~~All required clearances to combustible materials shall be maintained.~~

- ~~g. All safety controls for fuel burning equipment shall be maintained in effective operation.~~
- ~~h. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel burning equipment.~~
- ~~i. Devices purporting to reduce gas consumption by attaching to a gas appliance, to the gas supply line thereto, or the vent outlet or vent piping therefrom shall not be used unless labeled for such use and the installation is specifically approved.~~
- ~~j. Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe and connected to approved chimneys.~~
- ~~k. When facilities for interior climate control (heating, cooling and/or humidity) are internal functions of structures used as dwelling units or rooming units such facilities shall be maintained and operated in a continuous manner in accordance with the designed capacity.~~

~~2. Electrical facilities.~~

- ~~a. Provided that there is electric service available, Every premises or part thereof used for human occupancy shall be adequately and safely provided with an electrical system in compliance with the requirements of this section. The provisions of this section shall be considered absolute minimum requirements. The size of unit and the usage of appliances and equipment shall be used as a basis for determining the need for additional facilities in accordance with the electrical code adopted by the local jurisdiction.~~
- ~~b. Every habitable room in a dwelling unit shall contain at least two separate and remote receptacle outlets, one of which may be a ceiling or wall type electric light fixture. Every laundry area and bathroom shall contain at least one ground fault interrupter type receptacle. Every bathroom shall contain at least two (2) receptacles and every kitchen shall have three (3) separate and remote outlets, one of which may be a ceiling or wall type electrical light fixture, receptacles within three (3) feet of any sink, tub or laundry area shall be of the ground fault interrupter type.~~
- ~~c. Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electrical lighting fixture.~~
- ~~d. All exterior receptacle outlets shall be of the ground fault interrupter type.~~
- ~~e. When the electrical system requires modification to correct inadequate service, the service shall be corrected to a minimum of 100 ampere, three wire service.~~
- ~~f. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner and in accordance with all applicable laws. All electrical equipment shall be of an approved type.~~
- ~~g. Where it is found, in the opinion of the Code Enforcement Official, that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Enforcement Official shall require the defects to be corrected to eliminate the hazard.~~

Section 8. Unfit Rental Premises

No person shall ~~rent or lease to another~~ LET for occupancy any rental unit, premises or part thereof, which does not comply with the following requirements:

- A. Dangerous Structures and Equipment – Any rental unit, premises or part thereof which shall be found unsafe, unlawful, or to have any of the following defects may be condemned as unfit for human habitation and shall be SO designated by the Code ~~Enforcement~~ Official IN COORDINATION with ~~prior approval~~ of the Town Administrator. It shall not be re-occupied without the approval of the Code ~~Enforcement~~ Official. Unsafe equipment may be condemned and placed out of service pursuant to this section.
1. One which is so damaged, decayed, dilapidated, unsanitary and unsafe or vermin infested, that it creates a serious hazard to the health, ~~or~~ safety OR WELFARE of the occupants or of the public.
 2. One which lacks illumination, fire protection, CARBON MONOXIDE DETECTION, ventilation, sanitation facilities or other essential equipment required by this ~~Rental Housing Ordinance~~ adequate to protect the health, ~~or~~ safety OR WELFARE of the occupants or the public.
 3. One which because of its general condition or location, is unsanitary or otherwise dangerous to the health, ~~or~~ safety OR WELFARE of the occupants or of the public.
 4. One which is occupied by more persons than permitted under this Ordinance or applicable law.
 5. One in which the equipment is unsafe, including any boiler, heating equipment, cooking equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found by the Code ~~Enforcement~~ Official to be a hazard to life, health, WELFARE, property or safety of the tenants of the premises or structure.
- B. Notice to Owner – Whenever the Code ~~Enforcement~~ Official has determined that there has been a violation of this Ordinance and, with approval of the Town Administrator, has condemned a rental unit, premises or any portion thereof as unfit for human habitation or equipment is unfit under THIS ORDINANCE ~~Section VII~~, the Code ~~Enforcement~~ Official shall give written notice to PROPERTY owner AND AGENT, IF APPLICABLE. Such notice to the PROPERTY owner OR AGENT shall:
1. Be in writing;
 2. Include a description of the real ~~estate~~ PROPERTY sufficient for identification;
 3. Include a statement of the reason why ~~it~~ THE NOTICE is being issued WITH REFERENCE TO THE SECTION(S) OF THIS ORDINANCE VIOLATED;
 4. State the date occupants must vacate the rental unit, premises, or portion thereof, or equipment MUST BE REMOVED if the defects have not been eliminated and the order to vacate withdrawn.
 5. State that the PROPERTY owner has the right to appeal the Code ~~Enforcement~~ Official's decision to the Town Council in accordance with the procedures set forth in ~~Section X~~ ~~Right to Appeal~~ of this Ordinance.

- C. Service of Notice – Service of notice that rental unit, premises or any portion thereof or equipment is unfit and must be vacated or placed out of service shall be as follows:
1. By delivery to the PROPERTY owner OR AGENT personally; or by leaving the notice at the ~~usual place of abode~~ PHYSICAL ADDRESS of the PROPERTY owner OR AGENT with a person of suitable age and discretion who shall be informed of the contents thereof: ~~person to be served or his agent a copy of the notice and all necessary papers;~~ or
 2. ~~By certified or registered mail, return receipt requested, addressed to the owner at the address provided to the Town by the owner or as required by this Ordinance with postage pre-paid thereon with return receipt requested, or if the said letter is returned with receipt showing non-delivery; then~~ BY APPROPRIATE MEANS OF EMAIL AND MAIL ADDRESSED TO THE PROPERTY OWNER OR AGENT AT THE ADDRESS PROVIDED TO THE TOWN BY THE PROPERTY OWNER OR AGENT WITH POSTAGE PREPAID THEREON WITH RETURN RECEIPT REQUESTED, OR IF SAID LETTER IS RETURNED WITH RECEIPT SHOWING NON-DELIVERY, THEN
 3. By posting a copy of the notice in a conspicuous place on the premises ~~to be~~ affected by such notice.
- D. Posting Notice – Any rental unit, premises, or portion thereof declared as unfit for human habitation shall be posted at each entrance with a notice by the Code Enforcement Official. It shall be unlawful for any person to enter such rental UNIT ~~dwelling,~~ premises or portion thereof after the date set forth in the notice to vacate except for the reason of making the required repairs or of demolishing the same. The notice shall include the following:
1. ~~Name of town.~~
 2. The section of the Ordinance under which it is issued.
 3. An order that the rental unit shall be vacated by a stated date, and must remain vacant until the order to vacate is withdrawn.
 4. The date the notice is posted.
 5. A statement of the penalty for defacing or removal of the notice.
 6. A statement saying "this building is unfit for human habitation and its use or occupancy has been prohibited by the Town of Berwyn Heights," and the notice shall bear the signature of the TOWN ADMINISTRATOR ~~Mayor.~~
 7. A statement that the PROPERTY owner has the right to appeal the TOWN ADMINISTRATOR's ~~Code Enforcement Official's~~ decision to the Town Council in accordance with the procedures set forth in ~~Section X Right to Appeal of~~ this Ordinance.
- E. CONDEMNATION Service on occupant – When a condemnation order is served on an occupant other than the PROPERTY owner or AGENT ~~person responsible for such compliance,~~ a reasonable time to vacate ~~the~~ after noncompliance shall be stated. A PROPERTY owner or AGENT ~~person responsible for compliance~~ must vacate at the time set for correction of defects if there is failure of ~~compliance~~ TO COMPLY.
- F. Removal of Notice – No person shall deface or remove the notice from any rental unit, premises, or portion thereof which has been declared or noted as unfit for human habitation except

by authority in writing from the Code Enforcement Official.

- G. Vacating of Declared Buildings – Any rental unit, premises, or any portion thereof declared as unfit for human habitation and so designated and noted shall be vacated within a reasonable time as ordered by the Code Enforcement Official, and it shall be unlawful for any PROPERTY owner or AGENT operator to let any person inhabit said rental unit, premises or any portion thereof which has been declared and noted by the Code Enforcement Official, ~~with approval of the Town Administrator,~~ as unfit for human habitation after the date set forth in the notice. The Code Enforcement Official shall remove such notice whenever the defect or defects upon which the declaration and noted action were based have been eliminated.
- H. Sealing of unfit structure – It shall be the responsibility of the PROPERTY owner OR AGENT ~~of the property~~ to remove all unsanitary or flammable material and to SECURE ALL WINDOWS AND DOORS ~~board up all windows and doors after dwelling has been properly determined by the Code Enforcement Official to be necessary for reasons of~~ TO PROTECT health, and safety, AND WELFARE. In the event that the PROPERTY owner OR AGENT ~~of the property~~ fails to properly seal the structure against unlawful entry, the Town of ~~Berwyn Heights~~ shall take action to remove unsanitary or flammable waste material and to SECURE ALL WINDOWS AND DOORS ~~board up all windows and doors~~ so as to prevent entrance. The cost of said action shall be and become a lien on the property and BE COLLECTED ~~collectible~~ in the same manner as delinquent taxes.
- I. Further action – If, after proper notice hereunder, the PROPERTY owner OR AGENT fails to correct defects which have caused the ~~rental dwelling,~~ rental unit, premises or any portion thereof to be unfit for human habitation, the Town Administrator may request additional action from the appropriate State ~~and/or~~ County authority.
- J. Coordination of enforcement
 - 1. Whenever, in the opinion of the Code Enforcement Official initiating an inspection under this ~~Rental Housing~~ Ordinance, it is deemed necessary or desirable to have inspections by any other governmental official or agency, the Code Enforcement Official shall make a reasonable effort to arrange for the coordination of the inspections so as to minimize the number of visits by inspectors.
 - 2. The Code Enforcement Official shall confer with ~~the~~ ANY other governmental official or agency for the purpose of eliminating conflicting orders before any SUCH ORDERS are issued.
 - 3. The Code Enforcement Official may not, ~~however,~~ cause the delay of the issuance of any emergency orders by a governmental official or agency ~~which~~ WHEN the governmental official or agency determines SUCH EMERGENCY ORDERS must be issued.

Section 9. Enforcement Authority

- A. It shall be the duty and responsibility of the Town to enforce the provisions of this Ordinance as herein provided.
- B. ~~The Mayor and Council may waive applicability of this Ordinance if:~~
 - 1. ~~Adequate notice in a form and manner specified by the applicable section of this Ordinance is afforded any occupant of the unit;~~

2. ~~The occupant is afforded an opportunity to comment on the application either in writing or in person; and~~
3. ~~The waiver would not threaten the health, or safety of any tenant.~~

- C. Any code official, ~~officer~~ or OTHER TOWN DESIGNEE ~~employee of the Town~~ who acts in good faith and without malice in the discharge of duties of enforcement of this ~~Rental Housing Ordinance~~ is relieved of all personal liability for, and damage that may occur to, persons or property as a result of such acts or alleged failure to act. Further, the code official or OTHER TOWN designee shall not be held liable for any costs in any action, suit or proceeding that may be instituted by the code official OR OTHER TOWN DESIGNEE in the enforcement of this ~~Rental Housing Ordinance~~. In any of these actions, the CODE official or OTHER TOWN DESIGNEE ~~employee~~ shall be defended or represented by the ~~jurisdiction's attorney-at-law~~ TOWN ATTORNEY until final termination of the proceedings.
- D. A person may not be displaced by enforcement of this Ordinance unless THE TENANT HAS alternate housing ~~is provided~~ within a reasonable time not to exceed thirty (30) days unless an emergency situation exists affecting the health, safety and welfare of the occupant(s) of the property and OR OTHER TOWN RESIDENTS ~~the citizens of the Town of Berwyn Heights~~. In that case, immediate evacuation OF THE RENTAL UNIT may be required.

Section 10. Notice of Violations and Penalty for Violations

- A. Whenever the Code ~~Enforcement~~ Official determines that there has been or is a violation of any provision of this Ordinance or of any rule or regulation adopted pursuant thereto, the Code ~~Enforcement~~ Official shall give notice of such ~~alleged~~ violation to the PROPERTY OWNER OR AGENT, IF APPLICABLE ~~person or persons responsible therefor~~, as herein after provided. Such notice shall:
1. Be in writing;
 2. Include a description of the real ~~estate~~ PROPERTY sufficient for identification.
 3. Include a statement of the reason why ~~it~~ THE NOTICE is being issued WITH REFERENCE TO THE SECTION OF THIS ORDINANCE VIOLATED;
 4. Allow ~~30~~ TWENTY (20) BUSINESS days for the performance of any act it requires.
 5. Such notice shall:
 - a. Contain an outline of remedial action, if any, which, if taken, will effect compliance with the provisions of this Ordinance and with ANY rules and regulations adopted pursuant thereto.
 - b. In cases where remedial action is appropriate, ~~In cases where remedial action is appropriate~~, THE NOTICE SHALL contain the requirement that the violation must be fully corrected within ~~thirty (30)~~ TWENTY (20) BUSINESS days from the date of the notice and that, in the event that the PROPERTY owner OR AGENT fails to do so within the ~~thirty~~ TWENTY BUSINESS-day period, a second notice shall be sent advising of the imposition of a charge payable to the Town. In the event that the violation is not fully corrected within ~~thirty (30)~~ TWENTY (20) BUSINESS days after this second notice, a third notice shall be sent advising of the imposition of a further charge. Each additional ~~fifteen (15)~~ TEN (10) BUSINESS days thereafter that this violation exists will constitute an additional charge. For each additional prescribed period that the violation is not

1. Any person affected by any notice of violation which had been issued in connection with the enforcement of any provision of this Ordinance may request and shall be granted a hearing on the matter by the Town Council, provided that such person shall within ten (10) BUSINESS days after service of a notice of violation, file with the Town Council a signed written notice of appeal, requesting a hearing and setting forth a brief statement of the reasons therefore. Upon receipt of such notice of appeal, THE Town Council shall set a time and place for such hearing and shall determine appeals as promptly as practicable. The Town Council, with a quorum present, shall hear appeals.
 2. After such hearing, the Town Council may, by a majority vote of the members, affirm, amend, modify or withdraw the notice of violation that has been appealed. Any person who shall fail, refuse or neglect to comply with the decision of the Town Council shall be guilty of violating the provisions of this Ordinance.
 3. In the event a person ~~wished~~ WISHES to contest the decision of the Town Council, he or she may notify the Town of his or her intent within ten (10) BUSINESS days after the rendering of the decision by the Town Council. In that event, the Town shall issue a municipal infraction citation to the aggrieved person who may request a hearing in the District Court of Maryland pursuant to the Municipal Infraction procedure. The decision of the Town Council in such a case shall be stayed, pending a decision by the District Court. To the extent of this section of the ordinance, all violations of this Ordinance will be considered municipal infractions of the Town.
- B. Failure to pay after adjudication or request of adjudication by the Town will result in the amount of any fine imposed being recorded as a lien against the property and BE collected in the same manner as delinquent taxes.

Section 12. — Responsibilities of Owners and Rental Units

~~Only the property owner shall be responsible for compliance with the provisions of this Ordinance except as provided herein.~~

- ~~A. Every occupant of a structure or part thereof shall keep that part of the structure or premises thereof which that occupant occupies, controls or uses in a clean and sanitary condition. Every owner of a dwelling containing a rental unit shall maintain, in a clean and sanitary condition, the shared or public areas of the dwelling and premises thereof.~~
- ~~B. The occupant of a structure or part thereof shall keep the owner-supplied equipment and fixtures therein clean and sanitary, and shall be responsible for the exercise of reasonable care in their proper use and operation. The owner shall maintain the equipment and fixtures in good and proper operating condition.~~
- ~~C. The equipment and fixtures furnished by the occupant of a structure shall be properly installed and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.~~
- ~~D. The owner of any premises shall be responsible for extermination within the rental unit.~~
- ~~E. The owner of any premises shall be responsible for the continued rodent proof condition of the structure.~~
- ~~F. For any dwelling containing a rental unit, it shall be the responsibility of the owner to supply~~

~~adequate rubbish containers and garbage disposal facilities and storage containers.~~

- ~~G. Every owner of a rental unit shall be responsible for hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this Ordinance or of any rule or regulation adopted pursuant thereto.~~
- ~~H. The owner shall be responsible for the maintenance, repair and/or replacement of equipment and fixtures furnished by the owner. The equipment and fixtures shall be properly installed and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.~~
- ~~I. No owner or owner's agent may prevent any tenant from talking to the Code Enforcement Official.~~
- ~~J. The owner shall provide and maintain venetian blinds, curtains, non-see through fabric blinds, or some other appropriate window covering as determined by the Code Enforcement Official for each window that looks directly to the outside or onto a court.~~

Section 13. Interpretation and Waiver

- ~~A. The Mayor and Town Council of Berwyn Heights shall decide questions of interpretation of this Ordinance.~~
- ~~B. Upon written request, the Mayor and Town Council may waive or vary particular provisions of this Ordinance to the extent that the waiver is not inconsistent with Annotated Code of Maryland if:
 - ~~1. Geographic differences or unique local conditions justify the waiver.~~
 - ~~2. The waiver would not threaten the health, or safety of a tenant or occupant.~~~~

Section 14. Validity

- ~~A. If any section or part of a section of this Ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance.~~
- ~~B. This Ordinance shall not effect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be ~~punishable~~ ENFORCED to the full extent of the law under the provisions of these ordinances, codes or regulations in effect at the time the violations were committed.~~

Section 15. Rules and Regulations

~~The Town Council shall pass such rules and regulations as are consistent with the purpose, intent and enforcement of this Ordinance.~~

Revised: May 4, 1993
Revised: December 8, 2004
Revised:

**Town of Berwyn Heights
Application for a Rental Housing License**

Application is due to the Code Compliance Office at least twenty (20) business days prior to the effective date of any lease

**Code Compliance Office
5700 Berwyn Road
Berwyn Heights, Maryland 20740
301-474-9331
Code@BerwynHeightsMD.gov**

Owner(s) Name (not Agent/Property Operator)

Owner(s) Physical Address (if different from Rental
Property address – No P.O. Boxes)

Owner(s) Phone Number:

Owner(s) E-mail

If the property owner does not reside within fifty (50) miles of the rental unit, an agent is required. The agent may be the property operator if the property operator resides within fifty (50) miles of the rental unit.

Agent/Property Operator

Agent/Property Operator Phone Number

Agent/Property Operator Contact Name:

Agent/Property Operator Cell Number

Address City, State, ZIP

Agent/Property Operator E-mail

Number of Floors/Number of Bedrooms

Number of Unrelated Tenants

All rental units are subject to inspection to determine compliance with the Town of Berwyn Heights' Ordinances and as a condition of the rental license pursuant to Ordinance 120. The applicant acknowledges and agrees that by conducting inspections of rental units, the Town does not assume any responsibility to individual property owners or tenants to ensure or warrant the suitability or fitness of a rental unit for habitation or its compliance with any particular housing standards or regulations, nor does the Town assume any liability for any failure of the rental unit to meet such standards or regulations. The Town will provide at least ten (10) business days' notice prior to any scheduled interior inspection, unless the inspection is necessary to resolve an emergency. Failure to allow entry for such inspections or to prohibit any tenant to allow entry for such inspections shall constitute sufficient reason for the denial or revocation of a rental license.

All property owners are responsible for compliance with all applicable Town Ordinances and any expenses the Town may incur as a result of violations of any Town ordinance. Any unpaid fines or fees the property owner incurs, or fines or fees associated with the property owner's failure to assume responsibility for any violations will be collected in the same manner as delinquent Town taxes.

I acknowledge the provisions in the Property Owner/Tenant Responsibilities Form, and I have made this Form available to the tenants.

Property Owner/Agent/Property Operator Signature:

Date:

Please sign and send payment of \$300 application fee by check or money order to the Code Compliance Office
*Credit card payments are accepted when payment is made in person at the Code Compliance Office Monday-Friday 8:30
a.m.-5:00 p.m. Credit card payments are subject to applicable service fees posted at the time of payment.*

Property Owner and Tenant Responsibilities Form

The Code Compliance Office handles all code and ordinance complaints, building permits and rental inspections and is available at code@berwynheightsmd.gov and (301) 513-9331. The Town Office, located at 5700 Berwyn Road, operates Monday through Friday from 8:30 a.m. – 5:00 p.m.; the phone number is (301) 474-5000. The Town Government consists of a Mayor, Mayor Pro Tem, and three Council Members. Town Meetings are held the second Wednesday of each month at 8:00 p.m. in the Town Office. Residents are encouraged to attend.

The Police Department, located at 5411 Berwyn Road, operates 24 hours a day for your safety. Please call 911 for emergencies. The non-emergency, administrative phone number for the Berwyn Heights Police Department is (301) 474-6554. Free parking decals are available at the Police Department to assist Town public safety personnel in identifying vehicles that belong to residents. The Fire Department, located at 8811 60th Avenue, is also available 24 hours a day for your safety. If it is an emergency, please call 911; if it is a non-emergency, please call (301) 474-7866.

The Public Works Department has refuse and yard waste pickup North of Pontiac on Monday and Thursday; South of Pontiac on Tuesday and Thursday of each week. Recycling collection for the entire Town is on Wednesday. Questions regarding trash pickup should be directed to (301) 474-6897. Please check berwynheightsmd.gov for holiday schedule changes and important notices.

Property owners and tenants should consult two State of Maryland websites for additional information:

- Maryland Attorney General offers tips for property owners and tenants, available online at <http://www.marylandattorneygeneral.gov/Pages/CPD/landlords.aspx>
- Maryland Courts offers information for property owners and tenants, available at <http://www.courts.state.md.us/legalhelp/housing.html>

As a Berwyn Heights resident or rental property owner, you should be aware of the following rights and responsibilities to safeguard the health, safety, and welfare of the community:

Tenants' Responsibilities:

- Each tenant shall comply with all applicable provisions of all Town codes, regulations and ordinances, and in particular:
 - Keep the premises safe and sanitary.
 - Dispose of all refuse, recycling, and other waste in a clean, safe, and sanitary manner.
 - Conduct themselves and require other persons on the premises with tenants' consent to conduct themselves in a manner that will not disturb your neighbors' peaceful enjoyment. Nuisance behavior such as public drinking or drunkenness, public urination, unlawful sale, furnishing or consumption of alcoholic beverages or controlled substances constitute violations of Town ordinances. Repeat offenders are subject to possible revocation or denial of the rental license and eviction.
 - Vehicles parked on the street must bear current, valid license plates and be parked, in accordance with Town's Ordinance 119 (Parking), passenger side to the curb and no more than twelve (12) inches from the curb. Vehicles may not be left idling while unattended.
 - No more than five (5) non-related tenants are permitted to occupy a rental premise.

Property Owners' Responsibilities:

- No property owner may prevent any tenant from talking to a Code Official or any other Town officials.
- The property owner shall maintain the shared or public areas of the rental unit in a clean and sanitary condition.
- The property owner shall maintain the property owner-supplied equipment and fixtures in good and proper operating condition.
- The property owner shall be responsible for extermination of pests within the rental unit.
- The property owner shall be responsible for the continued rodent-proof condition of the structure.
- The property owner shall supply adequate refuse, recycling, and yard waste containers.
- The property owner shall be responsible for hanging all screens and double or storm doors and windows as required in Ordinance 120 and any rules or regulations adopted pursuant to Ordinance 120.

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	_____	_____
Failure by property owner of non-owner occupied dwelling to apply for or renew an annual rental housing license	_____	_____
Failure by owner of non-owner occupied dwelling occupied by only family members to register	_____	_____
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