



TOWN OF BERWYN HEIGHTS

5700 Berwyn Road
Berwyn Heights, MD 20740
Tel. (301) 474-5000
Fax (301) 474-5002

ORDINANCE 120 – RENTAL HOUSING

Section 1. Purpose and Authority

- A. Purpose – It is the intent of the Town Council of Berwyn Heights to monitor rental units to ensure compliance with the Prince George’s County Housing 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 fairly to ensure the public health, safety and welfare of the citizens of Berwyn Heights.
- B. Authority – The authority is provided for in Sections 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. The definitions may be amended from time to time pursuant to any definitions changed in the Codes adopted pursuant to Sections 6 and 7 of this Ordinance.

- A. Agent –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. Bathroom —A room containing plumbing fixtures including a bathtub or shower.

- D. Building Code – The Prince George’s County Building Code 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.
- E. Code Official – 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.
- F. Condemn –To adjudge unfit for occupancy.
- G. Designee – A person or persons appointed or designated by the Town Administrator to enforce the Rental Housing Ordinance or a portion thereof.
- H. Dwelling Unit —A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- I. 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.
- J. Electrical Code – The Prince George’s County Electrical Code 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.
- K. Emergency –An unforeseen occurrence or condition, or a rapid deterioration of circumstances, necessitating immediate action to avert imminent danger to health, safety, welfare, life, or property.
- L. Exterior Property – The open space on the premises and on adjoining property under the control of the property owner or agent of such premises.
- M. Garbage – The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- N. Habitable Space – 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.
- O. Housing Code – The Prince George’s County Housing Code as may be amended from time to time.
- P. Immediate Family Member – The property owner’s parents, child or children, spouse, step-child and children, foster child and children, step-parents, and foster parents.
- Q. 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.

- R. Maintenance – Acts of repair and other acts to prevent a decline in the condition of premises, accessory structures, 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.
- S. Meaning of certain words – Whenever the words rental unit, dwelling unit, rooming unit, sleeping 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 Official are used in this Ordinance, they are construed as though they were followed by the words “or designee(s) of the Town Administrator.
- T. Mechanical Code – The Prince George’s County Mechanical Code as may be amended from time to time.
- U. Occupant – Any individual living or sleeping in a building, or having possession of a space within a building.
- V. 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, except as noted in Section 7 of this Ordinance.
- W. Person – An individual, corporation, partnership or any other group acting as a unit.
- X. 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.
- Y. Plumbing Code – The Prince George’s County Plumbing Code 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.
- Z. Plumbing Fixture – A receptacle or device which is either permanently or temporarily connected to the 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.

- AA. Premises – A lot, plot or parcel of land, easement or public way, including any structures thereon.
- BB. Property Operator – Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
- CC. Property Owner – 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.
- DD. 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.
- EE. Public Nuisance – Situation, condition or action whereby a rental unit tenant, occupant, or property owner creates an environment that is unsafe or threatens the health, safety, or welfare of the surrounding area or disturbs the public peace.
- FF. Rental Unit – Any room, or group of rooms forming a single habitable space or unit that is let for occupancy from which the property owner expects monetary payment or any other consideration under a written or oral agreement 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.
- GG. Rooming Unit – 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.
- HH. Structure – That which is built or constructed or a portion thereof.
- II. Sleeping Unit - 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.
- JJ. Supplied – Means paid for, furnished, or provided by or under the control of, the property owner or agent.
- KK. Tenant – A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.
- LL. Toilet Room - A room containing a water closet or urinal but not a bathtub or shower.
- MM. Town Administrator – The person appointed by the Town Council to monitor the enforcement of all Ordinances and regulations of the Town.

NN. Ventilation – The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

OO. Yard – An open space on the same lot with a structure.

Section 3. Scope

Every portion of a rental unit used or intended to be used for residential rental purposes shall comply with the provisions of this Rental Housing Ordinance as set forth herein regardless of when such rental unit shall have been constructed, altered, renovated or repaired.

Section 4. Rental 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. License Application – The property owner or 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.

D. License Renewal – A rental license shall run from the first (1st) day of the month of issue. 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 renewal shall be made at least twenty (20) business days prior to the expiration date.

E. Inspections – All rental units shall be subject to at least annual inspection to determine compliance with this Ordinance 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 correct items within the allowed time, failure to allow entry for such inspection, or to require any tenant not to allow entry for such inspection, shall constitute sufficient reasons for the denial or revocation of the rental license.

F. Issuance of Rental License – Prior to the issuance or renewal of a rental license, the property owner or agent must satisfy the requirements of this Ordinance. Failure to satisfy the requirements of this Ordinance shall be sufficient reason for denial or revocation of the rental license.

G. Revocation or Denial of License – The Town Administrator may revoke or deny a license 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 this Ordinance. Repeated public nuisance violations at the same rental unit 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.

- H. Display of Licenses – A rental license shall be produced at the request of a tenant or prospective tenant and shall be available at reasonable times for examination by the Code Official.
- I. Change of Address – The property owner or agent shall promptly notify the Town of any change of address, telephone number, and email address. Failure to provide or file this information shall constitute a violation of this Ordinance.
- J. Transfer of Rental License – A rental license is not transferable. In the event of property sale, the new property owner or agent shall apply for a new Rental License within five (5) business days of closing on the property. Failure to obtain a rental license shall constitute a violation of this Ordinance.
- K. 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 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. The Code Official is hereby authorized to enforce the provisions of this Ordinance to determine the condition of rental units and premises in order to protect the health, safety and welfare of the tenants and occupants of a rental unit, premises or part thereof, and the general public. The Code Official is hereby authorized, upon presentation of proper credentials, to enter, examine and survey at all reasonable times all premises, or any part thereof. The property owner or agent, or tenant or occupant of every rental unit, shall give the Code Official free access to the rental unit and its premises at all reasonable times for the purpose of such inspections, examination and survey.
- 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, subject to the provisions of this Ordinance, the rental license may be revoked or denied, and any applicable fines may be assessed.
- C. The Code Official is hereby authorized to enter upon the property of all rental units to examine, inspect and survey the exterior property area to enforce the provisions of this Ordinance, other applicable Town Ordinances, rules, or regulations, applicable State of Maryland and Prince George’s County Codes to perform the duty of protecting the health, safety, and welfare of the tenants and occupants of a rental unit 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 House 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, 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. Standards

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 the following Prince George's County Codes:
1. Building Code
 2. Electrical Code
 3. Mechanical Code
 4. Plumbing Code
- C. Compliance with State of Maryland laws, rules, and regulations, including, but not limited to, those pertaining to lead paint for rental units. Appropriate documentation shall be submitted to the Town with the rental license application.
- D. 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.

E. Living Space

1. No accessory structure shall be used for occupancy as a rental unit unless such accessory structure is authorized in the Prince George's County Zoning Code.
2. No more than five (5) unrelated tenants may occupy a rental unit.

F. Fire Safety Requirements

1. Fire protection systems

- a. All rental units shall be provided with a minimum of one approved single station smoke detector and carbon monoxide detector for each floor of the premises. The detectors shall be installed in accordance with the manufacturer's requirements. When actuated, the smoke detector and carbon monoxide detector shall provide an alarm suitable to warn the tenants and occupants within each rental unit.
- b. It is the property owner's responsibility to provide and maintain 10-year smoke detectors in good working order.
- c. Property owners must provide one portable fire extinguisher, and in units so equipped, it shall be visible, accessible, and maintained in an efficient and safe operating condition.

Section 8. Unfit Rental Premises

No person shall 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 Official in coordination with the Town Administrator. It shall not be re-occupied without the approval of the Code 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, safety or welfare of the tenants and 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 Ordinance adequate to protect the health, safety or welfare of the tenants and occupants or the public.
3. One which because of its general condition or location, is unsanitary or otherwise dangerous to the health, 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 Official to be a hazard to life, health, welfare, property or safety of the tenants or occupants of the premises or structure.

B. Notice to Owner – Whenever the Code 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, the Code Official shall give written notice to the 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 property sufficient for identification;
3. Include a statement of the reason why the notice is being issued by referencing the Section(s) of this Ordinance violated;
4. State the date the tenants and 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 Official's decision to the Town Council in accordance with the procedures set forth in this Ordinance.

C. Service of Notice – Service of notice that a rental unit, premises or any portion thereof or equipment is unfit and must be vacated or equipment 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 address of the property owner or agent with a person of suitable age and discretion who shall be informed of the contents thereof, or;
2. 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 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 Official. It shall be unlawful for any person to enter such rental unit 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. The Section of the Ordinance under which it is issued.

2. An order that the rental unit shall be vacated by a stated date, and must remain vacant until the order to vacate is withdrawn.
 3. The date the notice is posted.
 6. A statement of the penalty for defacing or removal of the notice.
 7. 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.
 8. A statement that the property owner has the right to appeal the Town Administrator's decision to the Town Council in accordance with the procedures set forth in this Ordinance.
- E. Service on tenants and occupants – When a condemnation order is served on a tenant or occupant other than the property owner or agent, a reasonable time to vacate after noncompliance shall be stated. A property owner or agent must vacate at the time set for correction of defects if there is failure 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 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 Official, and it shall be unlawful for any property owner or agent to let any person inhabit said rental unit, premises or any portion thereof which has been declared and noted by the Code Official as unfit for human habitation after the date set forth in the notice. The Code 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 to remove all unsanitary or flammable material and to secure all windows and doors to protect health, safety, and welfare. In the event the property owner or agent fails to properly seal the structure against unlawful entry, the Town shall take action to remove unsanitary or flammable waste material and to secure all windows and doors to prevent entrance. The cost of said action shall become a lien on the property and be collected 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 unit, premises or any portion thereof to be unfit for human habitation, the Town Administrator may request additional action from the appropriate State or County authority.
- J. Coordination of Enforcement
1. Whenever, in the opinion of the Code Official initiating an inspection under this Ordinance, it is deemed necessary or desirable to have inspections by any other gov-

ernmental official or agency, the Code Official shall make a reasonable effort to arrange for the coordination of the inspections to minimize the number of visits by inspectors.

2. The Code Official shall confer with any other governmental official or agency for the purpose of eliminating conflicting orders before any such orders are issued.
3. The Code Official may not cause the delay of the issuance of any emergency orders by a governmental official or agency 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. Any Code Official or other Town designee who acts in good faith and without malice in the discharge of duties of enforcement of this 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 Ordinance. In any of these actions, the Code Official or other Town designee shall be defended or represented by the Town Attorney until final termination of the proceedings.
- C. A person may not be displaced by enforcement of this Ordinance unless the tenant has alternate housing within a reasonable time not to exceed thirty (30) days unless an emergency exists affecting the health, safety and welfare of the occupant(s) of the property or other Town residents. 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 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 Official shall give notice of such violation to the property owner or agent, if applicable, as herein after provided. Such notice shall:
 1. Be in writing;
 2. Include a description of the real property sufficient for identification.
 3. Include a statement of the reason why the notice is being issued by referencing the Section of this Ordinance violated;
 4. Allow 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 affect compliance with the provisions of this Ordinance and with any rules and regulations

adopted pursuant thereto.

b. In cases where remedial action is appropriate, the notice shall contain the requirement that the violation must be fully corrected within twenty (20) business days from the date of the notice and that, in the event the property owner or agent fails to do so within the twenty (20) business-day period, a second notice shall be sent advising of the imposition of a charge payable to the Town. In the event the violation is not fully corrected within twenty (20) business days after this second notice, a third notice shall be sent advising of the imposition of a further charge. Each additional ten (10) business days thereafter that this violation exists will constitute an additional charge. For each additional prescribed period that the violation is not fully corrected, notice will be issued of the fine amount as due and payable to the Town of Berwyn Heights. Fines for failure to take remedial action shall be established by Resolution of the Town Council and shall not exceed the amount of one thousand dollars (\$1,000) for each violation pursuant to the Annotated Code of Maryland.

c. In all other cases, contain the amount of the fine, which shall be assessed according to a schedule established by Resolution of the Town Council and shall not exceed one thousand dollars (\$1,000) for each violation pursuant to the Annotated Code of Maryland. The Town reserves the right to either revoke a rental license or deny renewal of a rental license for violations of this Ordinance.

B. Failure to pay fine(s) and fee(s) will result in the amount of any fine(s) and fee(s) imposed to be collected in the same manner as delinquent Town taxes.

C. Service of notice that a rental unit is in violation 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 of the property owner or agent or with a person of suitable age and discretion who shall be informed of the intent thereof, or;

2. 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 affected by such notice.

D. The Town shall inform the property owner or agent, in writing, of all written verified complaints pertaining to the rental unit.

E. Any Town resident or Town business may make a verbal or written complaint about any rental unit to the Code Official for investigation and resolution.

Section 11. Right to Appeal

A. Any person affected by any notice of violation may elect to appeal to the Town Council.

1. Any person affected by any notice of violation which had been issued in con-

nection 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 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. Interpretation and Waiver

A. The Town Council shall decide questions of interpretation of this Ordinance.

B. In the event of a conflict in the definitions or provisions in this Ordinance, the more stringent provisions shall prevail.

C. Upon written request, the Town Council may waive particular provisions of this Ordinance to the extent that the waiver is not inconsistent with the Annotated Code of Maryland if:

1. Unique conditions of the property in question or situation presented justify the waiver; and

2. The waiver would not threaten the health, safety, or welfare of any tenant, occupant, or the public.

a) Request. A request to waive the requirements of this Ordinance shall:

i. Be in writing in a form required by the Town;

ii. Be accompanied by supporting documentation that justifies the request, including letters, statements, or test results; and

iii. Include, where applicable, technical documentation to demonstrate that compliance cannot be achieved.

Section 13. Severability

- 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 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 14. 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: March 8, 2017

Effective: May 8, 2017