

Agenda Work Session March 6, 2017 7:00 pm

Executive Session (6:30 p.m)

- Citizen of the year selection

Regular Meeting (7:00 p.m.)

1. Announcements

2. Minutes

- Feb. 6 WS, Feb. 8 TM

3. Department Reports/ Citizen Comments

4. Action Items

5. Discussion Items

- Green Team purchasing policy
- FY 2018 proposed budget: Town Administrator presentation
- FY 2018 municipal tax differential
- Town Organizations
- Ordinance 120 – Rental Housing

6. Upcoming Town Council Schedule

- March: March 6 Worksession, March 8 Town Meeting at 7:00 p.m., 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

5700 Berwyn Road
Berwyn Heights, MD 20740
Tel. (301) 474-5000
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Draft Minutes Worksession February 6, 2017

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, and Christopher Rasmussen. CM Gerald Shields ~~had an excused absence~~. 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, as well as McDonald's representatives Daniel Lynch and Gary Kilfeather.

Commented [KJA-A1]: I don't think all these people were present. Please confirm.

1. Announcements

The Council received a letter from the General Services Administration (GSA) announcing public hearings on the relocation of the FBI headquarters. The hearing for the Greenbelt Station site will be on February 13, 6:00 p.m. at the Greenbelt library. Hearings for the Springfield, VA and Landover site will be held on February 14 and 15, respectively. At a recent Four Cities meeting in College Park it was learned that WMATA plans to end the B30 bus service from Greenbelt Station to ~~the~~ BWI airport. Greenbelt will take the lead ~~to in writing~~ a letter to oppose ~~this~~ ~~plan~~ ~~proposal~~. Further, Greenbelt's Community Animal Response Team (CART), an animal oriented disaster and emergency response team, gave a presentation and reported that it ~~received~~ ~~is working to obtain~~ a \$22,000 grant to purchase an emergency trailer for helping animals in an emergency.

2. Presentation

McDonalds restaurant site plan for reconstruction: Mayor Jewitt welcomed David Lynch, Attorney, and Gary Kilfeather, McDonald's representative, for a presentation of detailed site plans (DSP) for the reconstruction of the McDonald's restaurant at Greenbelt Road and 63rd Avenue. TA Cowles explained that the Council first received a presentation on the conceptual plans in July 2013 and subsequently gave some input. Now, ~~McDonald's has filed~~ the detailed site plans ~~are ready to be filed~~ with the County and ~~presented tonight~~ ~~is presenting them to the Council~~ for any additional comments.

Mr. Lynch said that the McDonald's restaurant in Berwyn Heights was constructed in the 1960s and is due for renovation. This is part of an area-wide effort of McDonald's Corporation to modernize its older restaurants to remain competitive in the fast food market. The plans call for reconfiguring the property to comply with the latest stormwater and landscaping regulations, and replacing the old structure with a new building that can handle more drive-through traffic. It is proposed to build 2 lanes with ordering stations, plus one escape lane exiting onto 63rd Avenue, and 3 service windows. Traffic will be directed from one entrance off Greenbelt Road to circle the building and exit back onto

Greenbelt Road. Parking will be available on both sides of the restaurant but not in front.

In commenting on the site plan, MPT Kulpa-Eddy suggested to remove a sidewalk ~~that is proposed~~ to be built on the ~~restaurant-west~~ side of 63rd Avenue, ~~as there is now a sidewalk on the east side of 63rd Avenue. A sidewalk on the west side might lead to prevent pedestrians to try from~~ crossing the drive-through lane to reach the front entrance. Mr. Kilfeather said that the sidewalk was added to the plans per an earlier request by the Council. Further, the parking lot is separated from the sidewalk by landscaping obstacles to direct pedestrians to a safer crosswalk nearer to Greenbelt Road. The Council agreed to keep the sidewalk.

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TA Cowles said that residents near the McDonald's have lately complained about an increase in tour buses parking on 63rd Avenue ~~top~~ drop off travelers at the restaurant. She asked if McDonald's has made accommodations for this. Mr. Lynch replied that they have no accommodations as this is the first time they ~~have heard~~ about it. Deleting the sidewalks along the ~~restaurant west side of 63rd~~ will not create enough room for tour buses. It was proposed that McDonald's approach the Presbyterian Church about an arrangement to park ~~buses~~ in its parking lot.

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Mr. Lynch concluded by noting that they anticipate a hearing with Park & Planning in ~~the~~ spring and receipt of a permit in approximately a year.

3. Minutes

On a motion by CM Dennison and second by CM Rasmussen, the January 9 ~~worksession~~ minutes were approved 4 to 0. The January 11 Town meeting minutes were distributed.

4. Department Reports/ Citizen Comments

CM Rasmussen reported that Upper Marlboro received a \$50,000 Community Legacy Grant for façade improvements in the downtown area. Berwyn Heights may want to explore what it takes to qualify for such a grant. In addition, the Maryland Preservation Society provides grants for rehabilitating historic properties to serve as community activity centers, another funding source the Town may ~~look~~ intoresearch. Clerk Harper said the Town of Berwyn Heights applied for a \$300,000 Community Legacy Grant in 2002 for improvements in the commercial district. Although a lot of effort went into defining the project the application was not funded. Welcome banners along Greenbelt Road were among the proposed improvements proposed in the grant but funded from other sources. CM Rasmussen also reported that the Council received reports of fences that are in disrepair. The issue is a violation under Ordinance 107 – Clean Lot, but may require further clarification. CM Rasmussen received an inquiry as to whether the Town would issue a refund to rental home owners, who were renting to just one tenant in the past, ~~and~~ paid for a license, but did not need one.

MPT Kulpa-Eddy reported that the Berwyn Heights CERT ~~opened-started~~ a Facebook page using the Town seal. The Town may want to consider if there should be some guidance for committees on the content of their websites. On February 21, County Executive Baker will hold a listening session for municipalities on the Prince George's County FY 2018 proposed budget. This would be a good opportunity for Berwyn Heights to ask about a stormwater system feasibility study DPW&T was to conduct this year. She suggested a Berwyn Heights councilmember should attend. Lastly, the NW/EP's Wine Festival, scheduled for April 29, will be postponed.

Mayor Jewitt reported that she attended her first Maryland Mayors' Association (MMA) conference in Annapolis. It was attended by many high-level State officials, including Comptroller Franchot. He said

that his office was responsible for the accounting error that resulted in an income tax overpayment to a number of Maryland municipalities, Berwyn Heights among them. Asked if his office would consider forgiveness of the debt, he replied it would. A call center has been set up to handle inquiries about the matter.

At the conference, Mayor Jewitt met with Delegate Gaines and discussed the Maryland Department of Disability Services, which coordinates delivery of services to individuals with disabilities, and Program Open Space. She also met with Governor Hogan, who offered to visit Berwyn Heights for a community event. Maryland Department of Transportation Deputy Administrator Slater gave a speech on the increase in air and road traffic and answered questions about self-driving cars. Lastly, Mayor Jewitt commended the Berwyn Heights CERT on a successful training course, which was attended by some 30 people, including the Mayor of Greenbelt.

5. Action Items

There were none.

6. Discussion Items

Ordinance 120 – public comments: CM Rasmussen said that there are some outstanding issues before the amended Rental Housing Ordinance can be adopted. The Council received several comments on the amendments to Ordinance 120 at the January 11 Town meeting. Two were opposed to requiring a rental license for owner-occupied homes with only one rental unit, and another suggested a differential fee structure for different types of rentals, with “owner-plus-one” and short-term rentals being charged a lower license fee.

TA Cowles and Code Supervisor Glass obtained answers to several questions raised at the last worksession. It was verified that all rentals, without exception, must comply with the Maryland lead paint, smoke detector and carbon monoxide detector requirements. New regulations normally become effective 20 days from the date of adoption of the Ordinance, but rentals may not necessarily be inspected for compliance until their license is renewed. The Town Attorney advises deleting Section 13 B, which authorizes the Council to waive provisions of the Ordinance under certain conditions. However, if the Council wishes to keep the waiver provision, alternate language is provided describing a waiver process. Further, the title of Section 14 can be changed from “Validity” to “Severability” without affecting the meaning.

The Council discussed whether to retain the owner-plus-one exemption from the rental license requirement. MPT Kulpa-Eddy argued in favor of keeping the exemption because a number of residents have submitted comments to support it. To close the loophole of non-resident landlords claiming the exemption, more information could be required of rental owners so that the Code Department can verify if the owner actually lives in the house where the room is rented. Short-term rentals (e.g., Airbnbs) would not qualify for the exemption as since they are running a business. They can usually be identified by researching websites where they advertise. MPT Kulpa-Eddy proposed to change the language in Section 2 YY, the definition of a rental unit, to replace the words “receive a monetary payment” with “require a monetary payment” for renting rooms. This would indicate an intent to seek monetary compensation for renting rooms and disqualify a rental owner from the exemption.

Mayor Jewitt disagreed with the change in the definition of a rental unit and favored requiring a license for all types of rentals, excepting exempting only immediate family. However, she would not expect the

~~Code Department to catch them all.~~ CM Rasmussen and CM Dennison agreed with ending the owner-plus-one exemption. The Council voted 3 to 1, with MPT Kulpa-Eddy opposed, to ~~adopt the Ordinance only with~~include only the changes proposed by the Town attorney and without the owner-plus-one exemption ~~when the Ordinance is adopted~~ at the upcoming Town meeting.

The Council also decided the fine schedule for rental license violations. Fines for missed inspection and re-inspection appointments were confirmed as \$50 for the first, \$75 for the second, and \$100 for the third missed appointment in a calendar year. Further, it was agreed that the effective date for the new regulations is 60 days after adoption of the revised Ordinance, which will require a waiver of Council Rule 5. This will be explained in the “whereas” clauses of the amended Ordinance. The Town Attorney’s proposed language for Section 13 B and change of title of Section 14 to “Severability” were approved as well.

TA Cowles advised that the adoption of the Prince George’s County Fire Code in the amended Ordinance 120 carries a notice requirement of three weeks in a newspaper of general circulation. This would ~~put delay~~ adoption of the amended Ordinance ~~off~~ to the March 8 Town meeting. She will check if the Town has at some point adopted the Prince George’s County Fire Code and confirm the notice requirements with the Town Attorney. She will also consult the Attorney on the definition of a rental unit.

Charter Amendment resolution: MPT Kulpa-Eddy explained that the Council sought clarification on whether the revised municipal boundaries to be adopted with the Charter Amendment would result in the loss of any commercial property to the City of Greenbelt. TA Cowles confirmed that this is not the case. The only land to be ceded is the access ramp from Greenbelt Road to Edmonston Road and a small stand of trees immediately to the west. The access road is in bad shape and Berwyn Heights will need to work with Greenbelt to get it resurfaced. TA Cowles also found out that the Charter Amendment notice can be published in the Sentinel, a County-wide newspaper, at lesser cost than publication in the Washington Post. Without any further Council questions, the Charter Amendment can be introduced at the February 8 Town meeting.

Follow-up on Town meeting citizen comments: Mayor Jewitt said that TA Cowles and Code Supervisor Glass have looked into whether the Metropolitan Family Planning Clinic at 5905 Greenbelt Road is in compliance with Town Ordinances in response to citizens’ concerns raised at the January Town meeting. It was determined that the rental home ~~owned by the operators of the clinic at the~~ property is in compliance with the Rental Housing Ordinance, and the clinic is in compliance with Ordinance 105 – Business Licensing. A letter to that effect has been drafted, and copies provided to the Council, to be sent to the resident and non-residents, who brought the complaint. Without objections, the letter will be sent as drafted.

Town meeting time change: Mayor Jewitt said that she is proposing to change the start time for Town meetings from 8:00 p.m. to 7:00 p.m. beginning in March. Clerk Harper checked to assure that this would not conflict with the Charter, Ordinances or Council Rules. Since department directors have been asked to give reports at the Town meeting it would be more convenient ~~for them, as if they do~~ would not have to stay until 8:00 p.m. after their regular workday concludes. The Council is requested to give input. CM Rasmussen wondered if this would make it more difficult for people who come home late from work to attend, including perhaps committee members, who report at Town meetings. This was not deemed to be a significant obstacle. CM Rasmussen moved and CM Dennison seconded to start Town meetings at 7:00 p.m. starting in March on a trial basis. The motion passed 4 to 0. The

decision could be revisited if CM Shields has difficulty attending the earlier meeting.

Mayor Jewitt said she was also considered holding worksessions at an earlier time but this would make it difficult for some Councilmembers to attend executive sessions held prior to regular worksessions. Therefore, she will not pursue it at this time.

Town Council Schedule

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

The meeting was adjourned at 9:38 p.m.

Signed:



Town of Berwyn Heights

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Draft Minutes Town Meeting February 8, 2017

The meeting was called to order at 8:00 p.m. Present were Mayor Cheryl Jewitt, Mayor Pro Tem (MPT) Jodie Kulpa-Eddy, Councilmembers (CMs) Patricia Dennison, and Gerald Shields. CM Chris Rasmussen had an excused absence. Also present were Town Administrator (TA) Jessica Cowles, Code Supervisor Freddy Glass, Public Works Director Stevie Cox, Officer Ramirez, Treasurer Michelle Rodriguez, Clerk Kerstin Harper, Recreation Council President Susan Jones, Green Team Representative Diana Agonoy, and citizens.

Mayor Jewitt led the Pledge of Allegiance.

1. Minutes

Clerk Harper read a summary of the January 11 Town meeting minutes. On a motion by and second by CM Dennison and second by CM Shields, the minutes were approved 4 to 0.

2. Mayor's Report

Mayor Jewitt reported that she attended her first Maryland Mayors' Association conference in Annapolis. She profited from the opportunity to meet with and learn from the experiences of other mayors, as well as the presentations from a number of State officials and delegates. She sat with Delegate Gaines and discussed financial, technical and open space issues concerning Berwyn Heights. State Comptroller Franchot addressed the assembled and spoke about the income tax overpayment to certain Maryland municipalities that occurred between 2010 to 2014. Those municipalities affected by the overpayment, including Berwyn Heights, had been asked to pay back the excess revenues by 2024. When asked, Franchot said he would support a forgiveness program as the mistake was not the fault of the municipalities.

In January, the Council participated in a Four Cities meeting in College Park. Greenbelt's Community Animal Response Team (CART) which is in the process of organizing a team to assist citizens and communities take care of pets during an emergency. CART is fundraising for an emergency trailer to help pets and asked the Four Cities for contributions.

In other news, the Town received a letter from the General Services Administration (GSA) inviting public comments on the relocation of the FBI Headquarters. The hearing for the Greenbelt Station location will be on February 13 at the Greenbelt Library. Hearings for the

Springfield, VA and Landover, MD sites will be held on February 14 and 15, respectively. The Town of Morningside was impressed with Berwyn Heights' new employee handbook and requested permission to copy it, which was granted. Mayor Jewitt had a productive meeting with the Police Chief and the Neighborhood Watch/ Emergency Preparedness Committee discussing events, needs and supplies. At its last worksession, the Council decided to move the start time for Town meeting up to 7:00 p.m. beginning in March. The Council also approved a letter responding to a citizen complaint from the January 11 Town meeting about the Metropolitan Family Planning Clinic on Greenbelt Road. The letter informs that the rental home owned by the proprietor of the clinic is in compliance with the Rental Housing Ordinance, and the clinic is in compliance with *Ordinance 105 - Business Licensing*.

3. Department Reports

Administration: Town Administrator Cowles reported that she and Treasurer Rodriguez are busy finalizing the proposed FY 2018 budget for presentation to the Council on March 6. She is also working on making the latest changes to Ordinance 120 – Rental Housing and has prepared the Charter Amendment on the Town's boundaries for introduction tonight. The Department is getting ready to implement live stream Council meetings and deploy a new VOIP telephone system. The Town's FY 2017 budget is in good shape, having received the latest real estate and income tax revenue disbursements that account for approximately 75% of projected revenues.

Treasurer Rodriguez gave the Treasurer's report for January. The General Fund balance stands at \$3,239,700, with FY 2017 receipts totaling \$2,144,600 and expenditures totaling \$1,379,600. The health reimbursement account, which is no longer needed under the new health insurance plan, was closed and the funds transferred to the payroll account. A designated reserve for purchasing a new emergency trailer was established with a balance of \$6,956.

MPT Kulpa-Eddy asked residents to provide additional comments on particular changes made to *Ordinance 120 - Rental Housing* during the recent rewrite. The amended Ordinance 120 tightens regulations to exempt only renting to immediate family members from the licensing requirement. It deletes the long-standing exemption of renting to only one tenant in an owner-occupied home, the so-called owner-plus-one exemption.

The Council received a number of public comments in support of keeping the family and owner-plus-one exemptions. Some of those commenting have on occasion rented a room but are not interested in running a business. They were primarily trying to help a family member, friend or acquaintance find temporary accommodations. The Council chose not take these comments into account when deciding to proceed with ending the owner-plus-one exemption. MPT Kulpa-Eddy disagreed with the decision and would feel more comfortable with ending this exemption if she has a sense that it is supported by the residents. Residents are requested to call or email her with comments or drop off a statement at the Town office.

Code Compliance: Code Supervisor Glass gave the department report for January. The Department issued 56 violations and 9 commercial clean lot notices, collected 5 code fines, issued 13 rental licenses and inspected 8 rental properties. For March, the Department will focus on bringing accessory structures into compliance.

Parks and Recreation, Education and Civic Affairs: CM Shields reported that he was tasked by the Neighborhood Watch/ Emergency Preparedness Committee with drafting a social media

policy. He submitted the draft policy to the Committee chairs for review. He continues to work on surveying all the volunteers that participate in Town organizations and thanks all those, who have replied to his inquiries. At the last Four Cities meeting, he picked up some pointers on how to encourage volunteerism, which he will apply in his effort to broaden the Town's volunteer base. Lastly, CM Shields joined MPT Kulpa-Eddy's appeal for more public comments on Ordinance 120.

Public Health and Safety: Officer Yomyra Ramirez gave the police activities report for January. There were 8 Part I offenses including 1 robbery and 1 burglary. The officers issued 142 state and municipal citations and 127 speed camera tickets, all on Greenbelt Road.

MPT Kulpa-Eddy said that 2 park police vehicles responded to an incident at Lake Artemesia recently. She found it disconcerting that they had not notified Berwyn Heights Police. Officer Ramirez said that Park Police will be called first because Lake Artemesia is their jurisdiction. They usually ask the dispatcher to also notify Berwyn Heights police when they notice the station. MPT Kulpa-Eddy suggested that Berwyn Heights police request that they be informed when County or Park police respond to an incident in or near the Town.

Public Works: Public Works Director Stevie Cox reported that in January he conducted interviews to fill 2 vacant Public Works positions, and filled one. The other position will be re-advertised. He and foreman Cardenas recently met with officials of the Town of Morningside to share information about the Town's snow and ice removal program. On January 26, he held a pre-construction meeting with the contractor that will make repairs in the Senior Center. Construction is to begin around February 13 and be completed by March 13. February 10 will be the last day for Administrative Assistant Tracy Jones. She has taken another job with NOA. She was a great asset and will be missed.

Director Cox said that there have been 3 minor snow events this winter. Another snow fall is predicted for tomorrow but he does not anticipate much accumulation as the weather has been mild. Foreman Cardenas will be on call tonight in case the Department needs to mobilize. Further, Director Cox thanked Mayor Jewitt for her assistance with a recent WSSC water line break on Natasha Drive.

Mayor Jewitt said that the line had broken in the same place before, suggesting that WSSC ought to replace rather keep patching it. She spoke with the WSSC crew, who were forthcoming, but did not have a lot of information. She hopes, however, that Berwyn Heights has gained a good contact at WSSC as the foreman is resident.

Director Cox replied that Natasha Drive is just one of several places in Town where WSSC has made repeated repairs to the same stretch of pipe. In his experience, pipes should be replaced if there are more than 3 leaks a year. It is critical that the Town has some idea what WSSC's plans for replacement of pipes are before launching a large scale road repair project. MPT Kulpa-Eddy said that the Town was notified 2 years in advance of the WSSC water main replacement project that was completed last year. She believes it should be possible to learn of WSSC's plans at least within a 2-year timeframe.

CM Dennison said that the Public Works Department continues to pick up trash and recycling and be prepared for weather-related events.

4. Committee Reports

Green Team: Diana Agonoy, a member of the Green Team, Recreation Council and Historical Committee, announced an upcoming energy efficiency workshop on February 11, community garden orientation on March 18, as well as a school garden spring cleanup on March 18. A dog walking meet & greet has been postponed to a later date.

Historical Committee: Clerk Harper announced a March 26 spring reception of the Historical Committee. The Committee will host a discussion about the post War years, 1950s through 70s.

Neighborhood Watch/Emergency Preparedness: NW/EP Co-chair Joan Hayden announced that the next meeting will take place on March 1, during which Greenbelt's Community Animal Response Team will give a presentation.

CM Shields noted that some 30 people participated in the February 4 – 5 CERT training course, hosted by NW/EP. They learned how prepare for emergencies and save lives, were provided a free lunch and a much appreciated backpack of emergency supplies. Mayor Jewitt added that the Mayor Emmitt of Greenbelt attended the workshop and said it was great. MPT Kulpa-Eddy said that NW/EP's April 29 wine tasting had to be postponed because some vendors could not attend.

Recreation Council: Recreation Council President Susan Jones announced a February 11 Valentine's party, and a March 18 potluck dinner. Those who bring a dish to share can participate for free, but others are asked for a \$5 contribution. The Recreation Council is in the midst of planning Berwyn Heights Day and urgently needs volunteers to sell tickets, snow cones, cotton candy and help in other ways. Any residents who make crafts or represent an organization are encouraged to have a booth and sell their wares or share information. Interested residents can attend a Recreation Council meeting on the first Tuesday of the month or contact her at violindreams@verizon.net.

CM Shields called on the Quilting Club to showcase their quilts on Berwyn Heights Day. Ms. Jones recommended from personal experience that vendors have cards to hand out. Interested buyers might contact vendors later.

5. Unfinished Business

Ordinance 120 – Rental Housing, continued: Mayor Jewitt explained that the adoption of Ordinance 120 had to be postponed to the next Town meeting because adoption of the Prince George's County Fire Code set forth in the amended Ordinance requires a 3 weeks of notices being published in newspaper of general circulation. The notices will be published in the Sentinel starting next week. CM Dennison moved and CM Shields seconded to postpone adoption of the amended Ordinance 120. The motion passed in a 4 to 0 roll call vote.

6. New Business

Charter Amendment on Town Boundaries – 1st Reading & Introduction: Clerk Harper read the adopting language of the Charter Amendment. MPT Kulpa Eddy moved to introduce it and CM Dennison seconded. MPT Kulpa-Eddy explained that the Charter Amendment process was taken up last year to have the Charter reflect the latest changes in Berwyn Heights' municipal boundaries prior to a GSA decision on relocating the FBI headquarters. This will eliminate any confusion about which land belongs to Berwyn Heights and which to Greenbelt. The boundary

changes adopted in the Charter Amendment include the 2005 annexation of properties on the north-side of Branchville Road, and the 2016 cession of land in the north-east corner of block 45 to the City of Greenbelt. The land ceded to Greenbelt comprises the access ramp from Greenbelt Road to Edmonston Road and a small stand of trees immediately to the west. The 7 Eleven and Greenbelt Shell station will remain in Berwyn Heights. The Council voted 4 to 0 to introduce the Charter Amendment.

7. Citizens Discussion

Joan Hayden, Seminole Street, posed a number of questions about the amended Rental Housing Ordinance to clarify at which point friends and family staying at one's home might trigger the need to obtain a rental license. The Council responded that visits and extended stays by family and friends with a Berwyn Heights home owner do not require a license. The trigger point is when a monetary compensation for allowing someone other than a family member to stay at one's home is received. This could include payment of utility or grocery bills. The Council may need to further clarify when renting becomes a business. Short term renting to unrelated persons under the rubric of Airbnbs requires a license.

In response to other questions by Ms. Hayden, Mayor Jewitt stated that the Council was not rushing to approve Ordinance 120 and gave residents plenty of opportunity for review and feedback. CM Rasmussen's leading the discussion on revising the Rental Housing Ordinance while being a rental home owner does not constitute a conflict of interest, as his vote has the same weight as that of other Councilmembers. Moving the start time for Town meetings up to 7:00 p.m. is deemed preferable to allowing department directors to delay their arrival time when they have to stay late because it could disrupt normal departmental operations.

Further, the new Council chamber conference phone will be in place for the next Town meeting, allowing residents to call in with questions. Until then, the Council has opted not have a phone into the Council chamber because a caller cannot be well understood on TV. Recycle bins on wheels are in the works but await the outcome of a forthcoming survey of Town services. Councilmembers who attend the MML conference and resign shortly thereafter have not been asked to repay the cost. The attendance of the conference is not a vacation in Ocean City but a valuable training and networking opportunity that benefits the Town. Materials from the conference can be made available to interested residents and are posted on the MML website.

Susan Jones, Pontiac Street, asked if the Council decided to revise the Rental Housing Ordinance because it wanted to crack down on undesirable rentals and Airbnbs or for other reasons. Mayor Jewitt replied that the Ordinance had become outdated since its last revision in 2004. New regulations on fire safety and lead paint have come into effect since then. But issues such as Airbnbs also needed to be addressed.

CM Shields commented that his goal for amending Ordinance 120 was to make it more compatible with Prince George's County codes and the International Housing Code by referencing them in the Ordinance. This obviates the need for having to update the Ordinance every time a new regulation goes into effect while making it easier to find new Code personnel when needed.

The meeting was adjourned at 9:26 p.m.

Kerstin Harper, Town Clerk

Berwyn Heights Green Purchasing Policy

1. Purpose

The Town of Berwyn Heights recognizes its responsibility to minimize negative impacts on human health and the environment while supporting a diverse, equitable, and vibrant community and economy. The Town recognizes that the types of products and services the Town buys have inherent social, human health, environmental and economic impacts, and that the Town should make practical procurement decisions that embody the Town's commitment to sustainability whenever.

This Green Purchasing Policy is intended to:

- Identify those sustainability factors that shall be incorporated into procurement decisions;
- Provide implementation guidance;
- Empower employees to be innovative and demonstrate leadership by incorporating practical sustainability factors into procurement decisions;
- Communicate Town's commitment to sustainable procurement.

2. Policy

2.1 General Policy Statement

Town employees will procure materials, products or services in a manner that whenever possible integrates fiscal responsibility, performance requirements, social equity, and community/environmental stewardship. This policy is a tool to help take sustainability into consideration when making purchases. The policy is not intended to interrupt the efficiencies of the procurement process nor is it intended to prevent proceeding in the most fiscally prudent manner.

2.2 Sustainability Factors

Town employees will incorporate the following factors when writing specifications for, or procuring, materials, products, or services.

Environmental factors to be considered include, but are not limited to, the life cycle assessment of:

- Pollutant releases
- Toxicity, especially the use of persistent, bioaccumulative, and toxic (PBT) chemicals
- Waste generation
- Greenhouse gas emissions
- Energy consumption
- Depletion of natural resources
- Impacts on biodiversity

Social equity factors to be considered include, but are not limited to:

- Human health impacts
- Use of local businesses
- Use of State of Maryland Minority, Women, and Emerging Small Businesses

Fiscal Factors to be considered include, but are not limited to:

- Use reduction; buy only what you really need
- Product performance and quality
- Life-cycle cost assessment; reasonable total cost while meeting performance requirements
- Leveraging buying power
- Impact on staff time and labor
- Long-term financial/market changes

While not all factors will be incorporated into every purchase, it is the intent of this policy that Town employees will make a good faith effort to incorporate and balance these factors to the maximum extent possible.

2.3 Use of Best Practices

Town employees will utilize best practices in sustainable procurement as they evolve. As it applies to this policy, best practices in sustainable procurement are those that utilize leading edge sustainability factors, standards, and procedures in an efficient and effective way that is successful and replicable.

2.4 Toxics in Products and Services

Town employees will utilize the framework of the Precautionary Principle as a guide when evaluating the comparative toxicity of products and services.

2.5 Use of Social and Environmental Product or Service Labels

Town employees are encouraged to use independent, third-party social and/or environmental (eco) product or service label standards when writing specifications for, or procuring materials, products, or services, so long as such labels:

- Were developed and awarded by an impartial third-party;
- Were developed in a public, transparent, and broad stakeholder process; and
- Represent specific and meaningful leadership criteria for that product or service category.

In addition, whenever possible, label standards used in product or service specifications should represent standards that take into account multiple attributes and life-cycle considerations, with claims verified by an independent third-party.

2.6 Town Code and State Law

It is the intent of this policy to complement, but not supersede the Town code and State laws and regulations.

3. Implementation and Responsibilities

3.1 Product and Service Standards

Town Senior Staff shall be responsible for:

- Ensuring Town staff utilize product and service standards and best practices that comply with this policy. Examples include, but are not limited to, standards for: minimum recycled content, energy efficiency, and prohibited toxic ingredients;
- Ensuring that when the need for developing a Town standard or best practice in sustainable procurement arises, the Town Administrator will participate and collaborate with other applicable Town staff so as to harmonize and continuously improve standards throughout the Town;
- Encouraging pilot testing for environmentally preferable/sustainable products; and
- Ensuring internal policies and procedures reference this policy and incorporate the use of sustainable products and services that meet the intent of this policy.

The Town Administrator shall be responsible for:

- Providing resources for assisting Town departments with standards and best practices in sustainable procurement.

3.2 Specifications and Contracts

The Town Administrator shall be responsible for:

- Ensuring that specifications written by Town departments comply with this policy and incorporate sustainable procurement best practices.

The Town Administrator, assisted by staff, shall be responsible for:

- Ensuring purchasing manuals and other internal procedures reference this policy and incorporate best practices for specifying products and services that meet the intent of this policy;
- Ensuring that evaluation criteria for determining the responsibility of prospective contractors incorporate sustainability factors that meet the intent of this policy; and
- Developing and integrating sustainable procurement boilerplate language into solicitation document templates.

3.3 Education

The Town Administrator, assisted by staff, shall be responsible for:

- Building awareness of this policy through information dissemination and incorporation into routine employee trainings;
- Encouraging employee attendance at internal and external trainings related to sustainability; and
- Encouraging the use of environmentally preferable/sustainable products and services through information dissemination, development of internal procedures, pilot testing, and leading by example.

The Town Administrator, assisted by staff, shall be responsible for:

- Developing employee sustainable procurement resources such as, but not limited to, standards, specifications, tools, and best practices;
- Developing buyer-specific training on sustainable procurement best practices that meet the intent of this policy;
- Developing buyer competency in communicating to other Town departments about this policy and opportunities for incorporating sustainable procurement best practices into solicitations and contracts;
- Developing inter-department communication about sustainable procurement best practices; and
- Taking the lead in communicating to existing and potential contractors and the public about this policy and related Town requirements.

3.4 Data Collection and Performance Reporting

The Town shall be responsible for:

- Cooperating in gathering information for the purposes of tracking, reporting, and evaluating the Town's sustainable procurement activities and evaluating the effectiveness of this policy.
- Integrating department-specific sustainable procurement goals into Town's sustainability plans.
- Incorporating a progress report on sustainable procurement activities and the effectiveness of this policy as needed.

3.5 Resources

The Town shall commit to providing the appropriate dedicated staff levels and related funding to support the implementation and coordination of this policy. This includes activities such as, but not limited to, employee training and resources, professional services, product/service pilot tests, and educational materials.

3.6 Policy Review

The Town Administrator shall be responsible for periodically bringing together internal stakeholders to review this policy for updates or to otherwise determine whether this policy is in alignment with other Town sustainability efforts and policies.

DRAFT

APPENDIX A: DEFINITIONS

“Biodiversity”: the total diversity of all organisms and ecosystems at various spatial scales (genes, populations, species, ecosystems, and biomes). Biodiversity is often used as a measure of the health of biological systems.

“Environmentally Preferable”: products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service.

“Life Cycle Assessment or Life Cycle Analysis (LCA)”: the comprehensive examination of a product’s environmental and economic effects throughout its lifetime including new material extraction, transportation, manufacturing, use, and disposal.

“Life Cycle Cost Assessment (LCCA)”: the comprehensive accounting of the total cost of ownership, including initial costs, energy and operational costs, longevity and efficacy of service, and disposal costs.

“Persistent, Bioaccumulative, and Toxic (PBT) Chemicals”: chemicals that are toxic, persist in the environment, and bioaccumulate in food chains.

“Precautionary Principle”: a framework that guides decision makers to take anticipatory and protective measures when an activity raises threats of harm to human health or the environment, even if some cause and effect relationships are not fully established scientifically.

“Sustainable Procurement”: purchasing materials, products, and services in a manner that integrates fiscal responsibility, with performance requirements, social equity, and community and environmental stewardship.

“Toxicity”: the quality, relative degree, or specific degree of being toxic or poisonous.



Rushern L. Baker, III
County Executive

PRINCE GEORGE'S COUNTY GOVERNMENT

OFFICE OF MANAGEMENT AND BUDGET

January 31, 2017

The Honorable Cheryl Jewitt
Mayor
Town of Berwyn Heights
5700 Berwyn Road
Berwyn Heights, MD 20740

Dear Mayor Jewitt:

Thank you for promptly responding to the County's decision included in the December 5, 2016 correspondence, regarding the Town of Berwyn Heights tax differential submission. The Office of Management and Budget has reviewed the additional information provided. As a result, the County has revised its tax differential decision with the following modifications:

Community Safety – Police Support Services

The Town requested 90% tax differential for community safety – police support services, the same level received in the FY 2017. The Town is requesting credit for providing burglar alarm, which was not previously requested. Based on the Town's agreement with the Prince George's County Police Department to respond to burglar alarms, in addition to providing crime analyst and detective services, the tax differential will be increased to 80% from the original 60%. This is consistent with other municipalities providing similar level of service.

A spreadsheet is enclosed which summarizes the Town of Berwyn Heights original tax differential submission and the County's revised decision. We appreciate your cooperation throughout this process. Please feel free to contact Ms. Latasha Coates via telephone at (301) 952-5141 or via email at lcoates@co.pg.md.us for additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Terri Bacote-Charles", is written over a horizontal line.

Terri Bacote-Charles
Director



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 ~~344 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. 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 – ~~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.~~

- 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. 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.~~
- F. 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.~~
- G. 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.~~
- H. Condemn – ~~To declare a structure or part thereof, premises or equipment, unsafe, UNINHABITABLE, or unfit for use or occupation. TO ADJUDGE UNFIT FOR OCCUPANCY.~~
- I. 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.~~
- J. Designee – ~~A person or persons appointed or designated by the Town ADMINISTRATOR Council to enforce the Rental Housing Ordinance or a portion thereof.~~
- K. 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.~~
- L. 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.~~
- M. Dwelling – ~~Any building that is wholly or partly used or intended to be used for living, sleeping, cooking or eating by human habitants, provided that temporary housing, as hereinafter defined, shall not be regarded as a “dwelling.”~~
- N. 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.

- O. 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.
- P. 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.
- Q. 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.
- R. 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.
- S. 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.~~
- T. 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.~~
- U. 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.
- V. Gross Floor Area ~~The total area of all habitable rooms in a building or structure.~~
- W. 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.
- X. HOUSING CODE – THE PRINCE GEORGE’S COUNTY HOUSING CODE AS MAY BE

AMENDED FROM TIME TO TIME.

- Y. ~~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.~~
- Z. ~~Housing Code—See Rental Housing Code definition.~~
- AA. 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.
- BB. ~~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.
- CC. ~~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.~~
- DD. 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.
- EE. 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.
- FF. 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.
- GG. MECHANICAL CODE – THE PRINCE GEORGE’S COUNTY MECHANICAL CODE AS MAY BE AMENDED FROM TIME TO TIME.
- HH. ~~Multiple dwelling—Any dwelling containing two or more dwelling units.~~
- II. 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.~~

JJ. 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.

KK. 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. ~~All rules and regulations contained herein or promulgated pursuant to authority hereunder as defined in Subsection QQ of this Section.~~

LL. 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.

MM. 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.

NN. 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.

OO. 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.

PP. 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.

QQ. 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.~~

RR. ~~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 entireties, 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.~~

SS. ~~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.~~

TT. ~~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.~~

UU. ~~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 and welfare of the surrounding area or disturbs the public peace.~~

VV. ~~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.~~

WW. ~~Rental Housing Code or Rental Housing Ordinance – All rules and regulations contained herein or promulgated pursuant to authority hereunder.~~

XX. ~~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 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. 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.~~

YY. ~~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.~~

ZZ. ~~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.

- AAA. ~~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.
- BBB. ~~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.~~
- CCC. ~~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.
- DDD. ~~Supplied – Means paid for, furnished, or provided by or under the control of, the PROPERTY owner or AGENT operator.~~
- EEE. ~~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.~~
- FFF. ~~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.
- GGG. ~~TOILET ROOM - A ROOM CONTAINING A WATER CLOSET OR URINAL BUT NOT A BATHTUB OR SHOWER.~~
- HHH. ~~Town Administrator – The person appointed by the Town Council to monitor the enforcement of all ordinances and regulations of the Town.~~
- III. ~~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.~~

JJJ. ~~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.~~

KKK. ~~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. 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 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.~~
- I. 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 CORRECT 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.~~

- J. 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.~~

- 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 FIVE (5) 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 EN-

SURE 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 TENANTS AND 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 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, 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 and survey the exterior PROPERTY AREA 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 TENANTS AND 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 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. 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.~~

F. ~~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.~~

G. 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.

H. 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 sealing 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.~~

I. ~~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.~~

J. 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.~~

~~c. 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.~~
- c. ~~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.~~

K. 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 AND CARBON MONOXIDE 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 AND CARBON MONOXIDE DETECTOR shall provide an alarm suitable to warn the TENANTS AND occupants within each rental unit.~~

~~d. It is the PROPERTY owner's responsibility to PROVIDE AND maintain 10-YEAR smoke detectors in good working order, such as replacing batteries.~~

~~e. 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.~~

~~f. 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.~~

~~g. 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.~~

L. 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.~~
- ~~c. 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.~~

M. 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 CO-ORDINATION 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 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 ~~Rental Housing~~ Ordinance adequate to protect the health, ~~or~~ 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, ~~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 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 ~~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~~ 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 ~~Mayer~~.
 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. Service on TENANTS AND occupantS – When a condemnation order is served on a TENANT OR 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 to a RENTAL UNIT if:
1. Adequate notice in a form and manner specified by the applicable section of this Ordinance is ~~afforded~~ PROVIDED TO any TENANT AND occupant of the unit;
 2. The TENANT AND occupant is ~~afforded~~ PROVIDED an opportunity to comment on the application either in writing or in person; and
 3. The waiver would not threaten the health, or safety OR WELFARE of any tenant, OCCUPANT, OR THE PUBLIC.
- 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 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 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 (\$1,000.00) 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 ~~which~~ shall not exceed

one thousand dollars (\$1,000.00) FOR EACH VIOLATION PURSUANT TO THE ANNOTATED CODE OF MARYLAND. ~~Violation under this subsection shall include, but are not limited to, missing an inspection or re-inspection; nuisance behavior; and renting or leasing without a license.~~ The Town reserves the right to either revoke a rental license and/or deny renewal of a rental license for ~~incidences of nuisance behavior in~~ 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 ~~being TO BE recorded as a lien against the property and~~ collected in the same manner as delinquent TOWN taxes.
- C. Service of notice that A RENTAL UNIT ~~dwelling~~ 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 certified or registered mail, return receipt requested, addressed to the owner at the address provided to the Town by the owner as required by this Ordinance with postage prepaid thereon with return receipt requested, or if 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 affected by such notice.
- D. The Town shall inform the ~~legal owner~~ legal PROPERTY owner OR ~~of record or an authorized agent of a rental unit,~~ in writing, of all written verified complaints pertaining to the rental unit.
- E. ~~Whenever three (3) or more households within 500 ft. of a rental unit petition the Town Council that a violation of this Ordinance has occurred, the Town Council, within 30 days of receipt of petition, shall schedule a hearing. A quorum of Town Council members, Code Enforcement Official, PROPERTY owners of record or their agent, occupant or tenant and petitioners shall attend.~~ 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 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 ~~Mayer and~~ Town Council of ~~Berwyn Heights~~ 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 ~~Mayer and~~ Town Council may waive ~~or vary~~ particular provisions of this Ordinance to the extent that the waiver is not inconsistent with THE Annotated Code if:
 - 1. ~~Geographic differences or unique local~~ conditions OF THE PROPERTY IN QUESTION OR SITUATION PRESENTED justify the waiver-;AND
 - 2. The waiver would not threaten the health, ~~or~~ safety, OR WELFARE of a ANY tenant, OCCUPANT, or THE PUBLIC ~~occupant~~.
 - 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 14. ~~Validity~~ 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 ~~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: March 6, 2017
Effective: May 8, 2017

