

ORDINANCE NO. 2016-05

Town of Rising Sun

Cecil County, Maryland

AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, AMENDING THE GENERAL LAWS OF THE TOWN OF RISING SUN BY AMENDING AND ADDING LANGUAGE TO ARTICLE 2 OF CHAPTER 5 OF THE CODE OF ORDINANCES OF THE TOWN OF RISING SUN, AND DELETING AND REPEALING CERTAIN ARTICLES AND PROVISIONS IN CONFLICT THEREWITH, IN ORDER TO INCORPORATE A NEW CHAPTER 9 INTO THE PREVIOUSLY ADOPTED PROPERTY MAINTENANCE, MINIMUM HOUSING AND QUALITY OF LIFE CODE, EDITION 2016-1 IN ORDER TO CREATE A RENTAL INSPECTION PROGRAM; AND TO REPEAL ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Code of Ordinances of the Town, contains Chapter 5, titled Building and Housing Regulations which contains Article 2 titled Property Maintenance, Minimum Housing and Quality of Life Code which establishes 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; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises; to preserve the peace, harmony and tranquility of the community; and

WHEREAS, the Mayor and Commissioners have recently identified trends showing significant declines in assessed property values in the Town of Rising Sun; and

WHEREAS, the decline of property values is directly tied to the decline and decay of a community, which evolves into loss of financial equity for homeowners and loss of financial resources for the Town to continue to provide needed services for the community; and

WHEREAS, more importantly, rental properties make up an very important housing component and play a vital role in making the community more attractive for residential living; and

WHEREAS, tenants and occupants of rental properties have a reasonable expectations to have a safe and healthy dwelling unit in which to reside, raise a family and live, and or to conduct a business in a property that is safe for public occupancy and the transaction of business; and

WHEREAS, there are roughly 350 or more properties and dwelling units that are offered for rent each year in Rising Sun but unfortunately, many are not complying with any

recognized property maintenance codes and are the source of multiple complaints from adjoining property owners and the source of increase law enforcement activity related to illegal activities and disturbances due in large part to absentee landlords that do not properly monitor the activities of their tenants; and

WHEREAS, our police are reporting numerous instances where the conditions of occupancy related to rental units is substandard, unsafe and unsanitary in many instances; and

WHEREAS, appraisals and assessed values of properties are directly tied to market sales and therefore properties that are offered for sale and are located near properties that have significant property maintenance issues or are unsafe or unsanitary, will typically sell for and or appraise for less due to the unkempt property, which in turn drives market value down. This leads to declines in appraisal and assessed values, which results in the direct impact to property owners and businesses alike; and

WHEREAS, the residents of Rising Sun have routinely spoken about the negative impacts that these properties are having on the community and have requested the Mayor and Commissioners to take action; and

WHEREAS, the Mayor and Commissioner find it vitally important to the future of the Town of Rising Sun that these properties be brought into compliance with basic property maintenance codes and standards and to insure that occupants of such rental properties are living or working in conditions that

- (1) Meet minimum property maintenance standards for basic equipment and facilities used for light, ventilation, heating and sanitation for rental units and premises and for safe and sanitary maintenance of rental units and premises;
- (2) Meet minimum requirements for rental units and premises for means of egress, fire protection systems and other equipment and devices necessary for safety from fire;
- (3) Fix and establish the responsibilities of property owners, operators and tenants of rental units and premises.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Town Commissioners of the Town of Rising Sun, Cecil County, Maryland, and it is hereby enacted and ordained by its authority that Chapter 5 of the Town Code shall be modified as follows:

SECTION 1

Article 2 titled Property Maintenance, Minimum Housing and Quality of Life of Chapter 5, edition 2016-1 shall be modified by adding a new Chapter 9 titled Rental Inspection Program, to the

Towns Property Maintenance, Minimum Housing and Quality of Life Code, and furthermore adopt the terms and provision as set out in this new chapter, of which one (1) copy is hereby attached to this ordinance and will be made a part of a revised document titled The Town of Rising Sun Property Maintenance, Minimum Housing and Quality of Life Code, edition 2016-2

SECTION 2.

All ordinances or parts thereof inconsistent herewith are repealed, rescinded, canceled and annulled.

SECTION 3.

Should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable for a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code text adopted hereby. The Town of Rising Sun hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

SECTION 4.

That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5.

That the Rising Sun Town Clerk is hereby ordered and directed to cause this ordinance to be published in a newspaper in general circulation.

SECTION 6.

NOW THEREFORE BE IT FURTHER RESOLVED that this ordinance was introduced on this 23rd day of August, 2016.

SECTION 8.

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor and Commissioners of the Town of Rising Sun passed, approved and adopted this ordinance on this 27th day of September, 2016

AYES:

NAYES:

Draft for Consideration

ATTEST:

ON BEHALF OF
THE MAYOR AND COMMISSIONERS
OF THE TOWN OF RISING SUN

BY: _____
Calvin A Bonenberger Jr
Town Administrator Acting Town Clerk

BY: _____
Travis Marion - Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

THIS _____ DAY OF AUGUST, 2016

BY: _____
Jack A. Gullo, Jr., - Town Attorney

Draft for Consideration

CHAPTER 9

RENTAL INSPECTION PROGRAM

SECTION 901 GENERAL

901.1 Scope. The purpose of this Chapter and the policy of the Town of Rising Sun shall be to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to residential and commercial rental units in the Town, and to encourage owners and occupants to maintain and improve the quality of rental units within the community. This ordinance provides for a regular inspection program, registration and licensing of residential and commercial rental units and penalties for noncompliance.

901.2 Program Mission & Objective. to protect the public health, safety and welfare in rental housing units and commercial rental units by:

- (1) Establishing minimum property maintenance standards for basic equipment and facilities used for light, ventilation, heating and sanitation for rental units and premises and for safe and sanitary maintenance of rental units and premises;
- (2) Establishing minimum requirements for rental units and premises for means of egress, fire protection systems and other equipment and devices necessary for safety from fire;
- (3) Fixing the responsibilities of property owners, operators and tenants of rental units and premises.

901.3 Definitions; word usage. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

AGENT or REPRESENTATIVE. A person who shall have charge, care or control of any structure as owner, or agent of the owner, or as executor, executrix, administrator, trustee or guardian of the estate of the owner. Any such person representing the actual owner shall be bound to comply with the provisions of this code to the same extent as if that person was the owner.

APPLICANT. Shall mean the owner, buyer, or agent thereof, including but not limited to a realtor, broker, etc. who shall have control, authority and responsibility for the orderly processing of any property regulated by this chapter.

BOARDING HOUSE. A building arranged or used for lodging, with or without meals, and not occupied as a single-family unit.

COMMON AREA. Space which is not a part of the rental unit and which is shared with other occupants of a rental unit, whether they reside in the rental unit or not. Common areas shall be considered part of the premises for the purpose of this ordinance.

DWELLING. Any building that contains one (1) or two (2) dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

DWELLING UNIT. A single unit providing complete, independent living facilities, for one (1) or more persons, including permanent

provisions for living, sleeping, eating, cooking and sanitation.

FACTORY INDUSTRIAL GROUP F OCCUPANCY. Includes, among others, the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations that are not classified as a Group H hazardous occupancy. Factory occupancies shall include all such occupancies as listed and defined in the Building Code as adopted in the Codified Ordinances of Rising Sun Town.

HIGH HAZARD OCCUPANCIES. Includes, among others, the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard due to the quantities of the material, and shall include all such occupancies as listed and defined in the Building Code as adopted in the Codified Ordinances of Rising Sun Town.

MERCANTILE OCCUPANCY. Includes, among others, buildings and structures or a portion thereof, for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public. Mercantile occupancies shall include all such occupancies as listed and defined in the Building Code as adopted in the Codified Ordinances of Rising Sun Town.

MULTIPLE-FAMILY DWELLING UNIT or APARTMENT HOUSE. A building or portion thereof containing more than two (2) dwelling units and not meeting the requirements of multiple single family dwellings.

MULTIPLE SINGLE FAMILY DWELLING. A building or portion thereof containing more than two (2) dwelling units.

OWNER OCCUPIED PORTIONS OF RENTAL PROPERTIES. Areas or portions of a rental property that are used or occupied primarily by the property owner.

RAPID ENTRY KEY SYSTEM. A system approved by the Director of Code Enforcement or the Fire Marshal, that provides emergency access to the fire department only in the event of a fire, rescue or other potentially life or property threatening situation. The system consists of a *Rapid Entry Key Box* and/or a *Rapid Entry Pad lock*. The system is not to be used for any unlawful entry to the property or for the purpose of performing inspections without proper consent, unless the property owner or local agent is present and consents to such inspection or a legal search warrant has been issued.

RENTAL AGREEMENT. A legal agreement between the owner and tenant, embodying the terms and conditions concerning the use and occupancy of a rental unit, whether rented for profit or non-profit use.

RENTAL LICENSE. A document issued by the Code Department to the owner of a rental unit under this ordinance, which is required for the lawful rental and occupancy of any rental dwellings, buildings or structures.

RENTAL REGISTRATION. A document issued by the Code Department to the owner of a rental unit(s) evidencing the formal recognition of said rental unit by the Town of Rising Sun. This registration shall be required until the Code Officer inspects the unit and issues a rental license for each rental unit.

RENTAL PROPERTY. A premises, property or portion thereof that is under a rental agreement, and/or contains one (1) or more rental units.

RENTAL UNIT. Any dwelling, structure, building or portion thereof, that is occupied or used under a rental agreement.

RESIDENTIAL COMMERCIAL MIXED OCCUPANCIES. A premises containing a combination of residential and commercial occupancies, approved for operation in accordance to the Codified Ordinances of the Town of Rising Sun.

RESIDENTIAL GROUP R OCCUPANCIES. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping accommodations when not classified as an Institutional Group I. Residential occupancies shall include the following:

- (a) **R-1:** Residential occupancies where the occupants are primarily transient in nature (less than thirty (30) days) including:
 - (1) Boarding houses (transient)
 - (2) Hotels (including motels)

- (b) **R-2:** Residential occupancies containing more than two (2) dwelling units where the occupants are primarily permanent in nature, including:
 - (1) Apartment houses
 - (2) Boarding houses (not transient)
 - (3) Convents
 - (4) Dormitories
 - (5) Fraternities and sororities
 - (6) Monasteries

- (c) **R-3:** Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2 or I and where buildings do not contain more than two (2) dwelling units, or adult and child care facilities that provide accommodations for five (5)

or fewer persons of any age for less than twenty-four (24) hours.

- (d) **R-4:** Residential occupancies shall include buildings arranged for occupancy as Residential Care/Assisted Living Facilities including more than five (5) but not more than sixteen (16) occupants, excluding staff.

ROOMING HOUSE. A building, which has a dwelling unit, occupied by the owner and which has accommodations for not more than three (3) roomers.

SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

SINGLE-FAMILY DWELLING UNIT. A building on a lot designed and occupied exclusively as a residence for one (1) family.

SLEEPING ACCOMMODATIONS. Rooms in which people sleep, including but not limited to, dormitory, hotel, motel guest rooms or suites.

STORAGE GROUP S OCCUPANCY. Includes, among others, the use of a building or structure, or a portion thereof, for storage that is not classified as a hazardous occupancy. Storage occupancies shall include all such occupancies as listed and defined in the Building Code as adopted in the Codified Ordinances of Rising Sun Town.

TENANT. Any individual or individuals that are a part of a legal agreement, such as a rental agreement, with the property owner, in which permission to use a dwelling, structure, building, ground or portion thereof, is granted by the owner to the tenant. Tenant includes

other individuals that due to a relationship with the tenant shall share such use of the rental unit as allowed for by the rental agreement, and are not covered under a separate rental agreement.

TWO-FAMILY DWELLING UNIT. A building on a lot designed and occupied exclusively as a residence for two (2) families living independently of one another.

UTILITY AND MISCELLANEOUS OCCUPANCIES. Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Group U occupancies shall include all such occupancies as listed and defined in the Building Code as adopted in the Codified Ordinances of Rising Sun Town.

SECTION 902 REGULATED PROPERTIES

902.1 Regulated Properties. It shall be unlawful for the owner of any premises, or any agent acting for such an owner, to operate, rent or lease any premises or any part thereof, whether rented for profit or non-profit use, without a valid rental license issued by the Code Department as outlined below:

- (1) A Residential Rental License. Must be secured for the following property types, if they are rented:
 - All one (1) and two (2) family residential homes, converted into dwelling units with no more than two (2) units or tenants
 - Single Family Homes
 - Rooming house with no more than one (1) tenant

- (2) A Rental Housing License. Must be secured for the following property types, if they are rented:

- Apartment Houses
- Boarding Houses, (non transient)
- Convents
- Monasteries
- Multiple Family Dwelling Units
- Multiple Single Family Dwellings
- Residential Group R-2 Occupancies
- Rooming Houses with more than one (1) tenant.

- (3) A Commercial Rental License. Must be secured for the following property types, if they are rented:

- Business Occupancies
- Factory, Industrial Type “F” Occupancies
- High Hazard Occupancies
- Mercantile Occupancies
- Storage Group S Occupancies
- Portions of ground or structures not intended for human occupancy, not to include lands used exclusively for harvesting crops, but does include, sites rented to house equipment related to telecommunications facilities.

- (4) Mixed Occupancies. Any premises that contains two (2) or more of the above occupancies types shall be considered a mixed occupancy and shall require a separate rental license for each rental unit.

EXCEPTION: A Residential Rental License shall cover up to two (2) dwelling or rental units in a one (1) and two (2) family residential home.

- (5) Commercial Properties Regulated by the State Fire Prevention Code. Any property subject to annual inspection under the State Fire Prevention Code shall comply with both programs but will only be charged by the Town with fees associated with the rental inspection program and will be required to register in accordance to this code.
- (6) Exempt Occupancy Types. Any occupancy not specifically mentioned above are exempt from this chapter, but are not exempt from other inspection requirements contained in the Rising Sun Town Code.

SECTION 903 REGISTRATION OF RENTAL PROPERTIES

903.1 Registration Process. Prior to the occupancy by a renter, the agent thereof shall register each rental unit on the property with the Code Department and shall pay the required registration & inspection fees in accordance with the Town's Fee Schedule.

903.2 Payment of Fees. All required fees will be due at the time of registration. Fees shall not be prorated for any reason.

903.3 Applications and Forms. Registration forms shall be available in the Code Department office or can be found on the Town's website.

903.4 Required Information. The following information shall be submitted with the registration form:

- (1) The names, addresses, and phone numbers of all owners of the premises.
- (2) The name, local address and telephone numbers, business, home, cell phone, and pager, if available, of the local agent, if different from the owner.
- (3) The address of the premises.
- (4) The type of premises.
- (5) The number of rental units in each building on the premises.
- (6) Emergency Contractors List. The applicant shall provide a list of contractors who are available to respond to emergencies involving general construction, roofing, plumbing, heating and electrical incidents, twenty-four (24) hours per day, three hundred and sixty-five (365) days per year. These contractors must be licensed and approved to work in the Town of Rising Sun, prior to performing any work in the Town.
- (7) Designation of Local Agent. The applicant shall provide the name, mailing address, actual street address and telephone number of a designated responsible agent, who shall reside on the premises or within ten (10) miles of the property. The agent shall provide access to the premises for emergency personnel during any fires or medical emergencies, or access to the Code Department for the purpose of making inspections necessary to ensure compliance. It shall be the duty of the owner of a rental unit to notify the Code Official of any change in the identity of

the responsible local agent, not more than fifteen (15) calendar days of the change.

EXCEPTION: The local agent may reside more than ten (10) miles and up to fifty (50) miles of the Town of Rising Sun, if the agent provides a Rapid Entry Key System, as approved by the Code Department.

- (8) The owner may serve as the local agent if he/she complies with the above.
- (9) Annual Submittal of Emergency Occupancy List. For each rental unit, the property owner shall submit the name of each lessee, including their apartment/unit numbers. The emergency occupants list shall be updated with each license renewal in accordance with this chapter and shall be updated as part of the annual registration.
- (10) Registration shall be deemed complete when the owner has submitted the information required and received a registration certificate.

903.5 Residential and Commercial Mixed Occupancies. A separate rental registration must be secured and appropriate fees paid for each rental occupancy type contained in a mixed occupancy building.

903.6 Change in Owner Occupied Portions Notification. Any owner-occupied portions of a rental property that are converted into a rental unit must register and inspect the unit in order to secure a rental license, prior to allowing occupancy of the rental unit.

903.7 License Calendar Year. All rental licenses shall be valid for a twelve (12) month period from the date of issuance after which time they shall become invalid, and must be renewed.

SECTION 904 INSPECTION PROCESS OF RENTAL UNITS

904.1 Request and Scheduling of Inspections.

It shall be the responsibility of the applicant to contact the Code Department and schedule all inspections. Inspection requests must be made to the Code Department no less than forty eight (48) hours prior to the time of the inspection.

904.2 Inspection Representative. The Code Officer shall not enter on or upon any property or rental unit, or continue the inspection of such units without being accompanied by the applicant or a representative thereof.

904.3 Applicants Choice of Inspection Method. All rental units shall be inspected using one of the following options:

- (1) Rising Sun Code Department Inspections. Upon payment of all required registration and inspection fees, as described in the Town's Fee Schedule, the Code Department shall inspect all rental units in accordance with section 905
- (2) Third-party Inspections. In lieu of paying inspection fees to the Code Department, the agent of any property regulated by a Rental Housing License may elect to secure an approved third-party inspection agency to perform all required inspections using forms issued by the Code Department and in accordance with section 905 of this Chapter. 3rd Party Inspectors or agencies must comply with section 907 of this Chapter and must be approved by the Town. The Town shall charge a nominal fee to review the inspection reports of any third-party inspectors.

**SECTION 905
SCOPE OF INSPECTIONS.**

- (A) Applicants responsibilities for Inspection Requests. It is the responsibility of the applicant to contact the Code Department and schedule all inspections. Inspection requests must be made to the Code Department no less than forty eight (48) hours prior to the time of the inspection.
- (B) Inspection Representative. The Code Officer shall not enter on or upon any property, or continue the inspection without being accompanied by the applicant or representative thereof, for the full duration of the inspection.
- (C) Areas required to be inspected. The required areas of inspection shall be as follows:
- (1) Residential Rental License. For a premises covered by a Residential Rental License, all exterior and interior areas of the premises must be available for inspection at the same time, to include all dwelling units in a Multiple Single Family Dwelling, Multiple Family Dwelling, and Two (2) Family Dwelling Unit.
 - (2) Rental Housing License. For a premises covered by a Rental Housing License:
 - (a) Residential / Non Commercially Mixed Occupancies. All exterior areas, interior common areas, and the individual rental unit in question must be made available for inspection at the same time.
 - (b) Residential / Commercially Mixed Occupancies. All areas of occupancies such as and similar to Residential / Commercial Storefronts, shall be available for inspection at the same time to include each individual dwelling unit.
- (3) Commercial Rental License. For a premise covered by a Commercial Rental License:
 - (a) Commercial / Non Residentially Mixed Occupancies. All exterior and interior areas must be made available for inspection at the same time.
 - (b) Residential / Commercially Mixed Occupancies. All areas shall be available for inspection at the same time to include each individual dwelling unit.
- (D) Owner-Occupied Portions of Rental Properties. The owner-occupied portion of a rental property shall be inspected by the Code Department in addition to the rental unit. However, there shall be no fee for the inspection of the owner-occupied portion.
- (E) Special Inspections and Certifications. The Code Officer has the right to require additional engineering or specialty inspections and certifications for conditions that are beyond the scope of the Code Officer's expertise.
- (F) Date Stamp. All reports and certifications required in this section shall have the date of inspection noted.
- (G) Notice of Correction. The Code Officer or Third-party Inspector, who performs an inspection, shall issue a Notice of Correction, if the property is found to be in non-compliance with Town Codes. Any rental unit regulated by this section

found to have violations of any Town Code provisions shall have the violations corrected and brought into compliance, before a rental license is issued.

- (H) Buildings Unfit For Occupancy and Correction of Violations. All violations that render the rental unit unfit for occupancy must be corrected within a period as specified by the Code Officer.
- (I) Correction of Violations. Violations that do not render the rental unit unfit for occupancy must be corrected within a period of not more than ninety (90) days, unless a Provisional Rental License is issued, which permits violations to be corrected within a period of not more than six (6) months.
- (J) Third-party Certifications and Inspection Results. As with Code Department inspections, all third-party certifications and inspections, which must be obtained under this chapter, shall be valid for ninety (90) days, at which time they shall become null and void and a new rental application must be submitted and rental fees paid.
- (K) Permit and License Requirements. The owner, applicant, contractor or agent thereof will be held liable for the failure to secure any required permits and/or contractors' licenses in accordance with the Town Code.

SECTION 906
3RD PARTY INSPECTION AGENCY
REQUIREMENTS

906.1 Town Approval of 3rd Party Inspector/Agency. Any 3rd party inspector or inspection agency used to perform the inspections required of this Chapter must be registered with the Town of Rising Sun.

Registration shall be as follows:

- (1) Registration and Payment of fees. Submittal of a registration form and payment of any required registration fees as spelled out in the Town of Rising Sun Fee Schedule; and
- (2) Certificate of Insurance. The Town shall be provided with a certificate of insurance or declaration page relating to professional errors and omissions liability insurance.

Note carefully the Certificate of Insurance shall reflect the following three points:

- A. All third party agencies must carry errors and omissions liability insurance in at least the amount of \$1 million, to satisfy claims or judgments for property damage or personal injury, or both, related to its employees' performance of construction code administration and enforcement activities.
- B. The Town of Rising Sun must be listed as the certificate holder (not as an additional insured) in the following manner:

Town of Rising Sun
PO BOX 456
1 East Main Street
Rising Sun Maryland, 21911

- A. If the third party agency is an architectural or engineering firm, the certificate or declarations page must also contain a statement indicating that the errors and omissions coverage extends to residential and/or commercial construction code enforcement services (plan reviews and inspections) performed by the firm.

- (3) Required Credentials for Inspectors. The inspector or inspectors used by the agency must have the following certifications and credentials:

Such inspector must:

- (a) Be properly licensed with the State of Maryland and the Town of Rising Sun as a contractor/inspector; and
- (b) Must hold current certifications with the International Code Council as:
- Property Maintenance and Housing Inspector
 - Residential Building Inspector
 - Residential Plumbing Inspector
 - Residential Mechanical Inspector

**SECTION 907
COMPLIANCE, FIELD CORRECTION
NOTICES & PERMITS.**

907.1 Compliance. The Code Department shall issue a Rental License to the owner or agent thereof, if upon completion of the rental license inspection, the rental unit is found to be in compliance with all requirements of this chapter and any applicable Town Zoning Codes.

907.2 Field Correction Notice. If the Code Officer, upon completion of the rental license inspection, finds that the applicable codes have not been met, a field correction notice shall be issued to the owner or agent thereof.

907.2.1 The owner shall not be issued a rental license until the code violations have been corrected.

907.2.2 Any rental unit regulated by this

Chapter found to have violations of any Town Code provision shall be brought into compliance.

907.3 Permit and License Requirements. Permits and proper licensing will be required for any work or repairs of code issues that are regulated by the Maryland Building Performance Standards and Town of Rising Sun Building Codes. A list of activities regulated by these codes can be found in Chapter 11 of this code.

907.4 Responsibility for permit compliance. The owner, applicant, contractor or agent thereof will be held liable for the failure to secure any permits, and subject to the violations set forth in this chapter for failing to secure such permits.

907.5 Issuance of Rental License. A rental license shall not be issued until the property is in compliance with this chapter.

**SECTION 908
FINAL OR PROVISIONAL RENTAL
LICENSE AND CERTIFICATES OF
OCCUPANCY**

908.1 Certificate of occupancy required. No property regulated by this chapter, shall be occupied as a rental unit unless a Final or Provisional Rental License has been applied for and the owner, applicant or agent therefore has otherwise complied with the requirements of this Chapter.

908.2 Final license process. The owner, applicant or agent thereof may receive a Final Rental License upon completion of the following:

- A. Property must be free and clear of any violations at the time of the inspection.
- B. All required certifications and other documentation must be received in the

code office no less than seventy-two (72) hours prior to settlement or intent to occupy; unless the payment of an accelerated fee has been forwarded to the Town as per the Town's Fee Schedule.

908.3 Provisional license process. The owner, applicant or agent thereof that is unable to correct violations as outlined in section 107.4 may receive a Provisional Rental License as spelled out in Chapter 12 of this code.

SECTION 909 ADDITIONAL OWNER RESPONSIBILITIES.

909.1 Responsibility for Code Compliance. It shall be the duty of every owner, local agent or operator to keep and maintain all rental units in compliance with all applicable codes and ordinances of the Town. Tenants may also be held liable at the discretion of the Code Officer if it is determined that their conduct is a contributing factor to the code violation in question.

909.2 Illegal Activity. The owner shall not knowingly permit others on the premises to:

- (1) Engage in any conduct declared illegal under the Maryland Crimes Code, or Liquor Code, or Controlled Substance, Drug and Device Cosmetic Act; or
- (2) Use the rental unit in violation of the Town Code.

909.3 Rental Agreement: There shall be no less than, nor more than, one (1) rental agreement for each rental unit, or tenant.

SECTION 910 NON-COMPLIANCE & VIOLATIONS

910.1 Unlawful acts. It shall be unlawful for an owner, agent thereof or tenant to be in conflict with or in violation of any of the provisions of this code.

910.2 Violations of this chapter. Whoever violates or fails to comply with any of the provision of this chapter shall be identified, notified and cited in accordance to sections 107 & 108 of this code.

SECTION 911 INTERPRETATION; CONFLICT OF LAWS.

In interpreting and applying the provisions of this chapter, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare. Where the provisions of this chapter impose greater restrictions than those of any other chapter, ordinance or regulation, the provisions of this chapter shall control. Where the provisions of any other chapter, statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, other ordinance or regulation shall control.

SECTION 912 EQUITABLE REMEDIES & ENFORCEMENT ACTIONS

912.1 The Town shall have the authority to institute any appropriate action to restrain, correct or abate a violation, or safeguard the general public or occupants of a rental unit as spelled out in Chapter 1.

**SECTION 913
APPEALS.**

912.1 Any person directly affected by a decision of the Code Officer or a notice or order issued under this code shall have the right to appeal in accordance with section 113 of this code.

**SECTION 914
EFFECTIVE DATE.**

The registration and permitting of all rental units and the designation of a responsible local agent shall occur immediately upon enactment of this ordinance and shall be valid for the remainder of the license calendar year.

**SECTION 915
DISCLAIMER.**

Nothing herein is intended to modify, enlarge or diminish any rights or responsibilities under Rising Sun's Planning and Zoning Code.

