

TOWN OF NORTH BEACH

ORDINANCE NO: 23-05

**AN ORDINANCE AMENDING NORTH BEACH TOWN CODE, CHAPTER 69 "LICENSING," ARTICLE II "RENTAL HOUSING LICENSES," §69-14 "LICENSES REQUIRED", TO ESTABLISH A NEW DEADLINE WITHIN WHICH TO OBTAIN A RENTAL INSPECTION, AND TO AMEND § 69-16, "INSPECTIONS", TO INCORPORATE THE REQUIREMENTS OF MARYLAND'S REDUCTION OF LEAD RISK IN HOUSING LAW**

**WHEREAS**, pursuant to the Local Gov't Art., of the Maryland Annotated Code, the Town of North Beach ("the Town") has the authority to enact ordinances to assure the good government of the municipality; protect and preserve the municipality's rights, property, and privileges; preserve peace and good order; secure persons and property from danger and destruction; and protect the health, comfort, and convenience of the residents of the municipality; and

**WHEREAS**, pursuant to this authority, the Council of the Town of North Beach enacted Town Code, Chapter 69 "Licensing," Article II "Rental Housing Licenses" ("Article II"); and

**WHEREAS**, Article II, Section 69-14, "Licenses required", requires that all rental housing units be licensed and inspected by a Code Enforcement Officer. Staff has requested that the timing of the inspections be established in the Town Code and that it be within 60 days of the date of receipt of a rental housing license application; and

**WHEREAS**, Article II, Section 69-16, "Inspections", requires the inspection of rental properties to ensure compliance with property maintenance standards; and

**WHEREAS**, the Mayor and Town Council of the Town of North Beach have determined that it is in the best interest of the health, safety, and welfare of the Town of North Beach to amend Town Code, Chapter 69, Article II to incorporate a reference to the Maryland Lead Poisoning Prevention Program for rental properties to provide notice to the public of its application to rental properties in the Town.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Town Council of the Town of North Beach that Chapter 69 "Licensing," § 69-14 "Licenses required" of the Code of the Town of North Beach be amended to read as follows:

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<b>BOLD SMALL CAPS</b>	:	Indicate language added to the existing law.
<b>*** Asterisks</b>	:	Indicate language contained in the existing law that remains unchanged but is omitted herein.
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§69-14 Licenses required.

A. ~~All rental housing units shall be required to obtain a license as issued by the Town of North Beach for the privilege of renting housing units within the corporate limits of the Town.~~ **IT SHALL BE UNLAWFUL FOR ANY PERSON TO ALLOW ANOTHER PERSON TO INHABIT ANY HOUSING UNIT OR PART THEREOF FOR ANY PERIOD OF TIME IN EXCHANGE FOR COMPENSATION FROM ANY SOURCE, INCLUDING ANY COMPENSATION OR REIMBURSEMENT FROM A GOVERNMENT AGENCY, WITHOUT FIRST OBTAINING A RENTAL HOUSING LICENSE FROM THE TOWN OF NORTH BEACH FOR THE HOUSING UNIT. A HOUSING UNIT INCLUDES A HOUSE, AN APARTMENT, A MOBILE HOME, OR A GROUP OF ROOMS OR A SINGLE ROOM IN A LARGER STRUCTURE.**

B. ~~A rental~~ **RENTAL** housing licenses shall **BE VALID FOR A PERIOD OF THREE YEARS FROM THE DATE THE PROPERTY PASSES ITS RENTAL LICENSE INSPECTION.** ~~be on a three-year renewal~~ **APPLICATIONS FOR THE RENEWAL OF A LICENSE SHALL BE MADE AT LEAST SIXTY (60) DAYS PRIOR TO THE DATE OF EXPIRATION OF ANY RENTAL HOUSING LICENSE.**

C. **RENTAL HOUSING UNITS MUST BE INSPECTED WITHIN SIXTY (60) DAYS OF THE TOWN’S ACCEPTANCE FOR PROCESSING OF AN APPLICATION FOR A RENTAL HOUSING LICENSE TO DETERMINE IF THE HOUSING UNIT CONFORMS TO THE TOWN CODE AND AT SUCH ADDITIONAL TIMES AS THE CODE ENFORCEMENT OFFICER DEEMS NECESSARY TO DETERMINE COMPLIANCE WITH THE REQUIREMENTS OF THE TOWN CODE. WHENEVER THE CODE ENFORCEMENT OFFICER OBSERVES A VIOLATION OF THE TOWN CODE, THE CODE ENFORCEMENT OFFICER SHALL ORDER SUCH VIOLATION TO BE CORRECTED BY THE PROPERTY OWNER AND SHALL REINSPECT THE PREMISES TO CONFIRM THAT THE VIOLATION HAS BEEN CORRECTED.**

**BE IT FURTHER ORDAINED** by the Mayor and Town Council of the Town of North Beach that Chapter 69, "Licensing," § 69-16, "Inspections", of the Code of the Town of North Beach is amended to read as follows:

§ 69-16 Inspections

A. Upon APPLICATION for a RENTAL HOUSING license OR A LICENSE RENEWAL and WHENEVER the Town RECEIVES A COMPLAINT of substandard livability conditions, **A CODE ENFORCEMENT OFFICER** of the Town **SHALL INSPECT THE rental housing UNIT** for compliance with ~~Building Code Administrator (BOCA) National Property Maintenance Code~~ **CHAPTER 88 "PROPERTY MAINTENANCE," OF THE TOWN CODE,** as **IT MAY BE** amended from time to

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time, **AND, FOR PROPERTIES BUILT PRIOR TO 1978, FOR COMPLIANCE WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT LEAD POISONING PREVENTION PROGRAM FOR RENTAL PROPERTY (MD ANN. CODE, ENVIRONMENT ART., TITLE 6, SUBTITLE 8, "REDUCTION OF LEAD RISK IN HOUSING")**.

B. The owner(s) of title or a legally designated agent (designation must be in writing) of ~~said~~ **A rental HOUSING UNIT** shall, upon application for a license or for license renewal and scheduling of inspection with **A North Beach Code Enforcement Officer**, accompany the North Beach Code Enforcement Officer into the premises for the purpose of conducting the required inspections. Inspection for a rental housing license shall be scheduled ~~once every three (3) years~~ **FOR A DATE WITHIN SIXTY (60) DAYS OF THE SUBMISSION OF AN APPLICATION FOR THE LICENSE** or as required by the North Beach Code Enforcement Officer as a result of a complaint for substandard conditions **OR VIOLATION OBSERVED.** ~~Scheduling for inspections is made~~ **INSPECTIONS SHALL BE SCHEDULED** by the **TOWN** ~~Town Hall~~ personnel.

C. If upon presentation of proper credentials and ~~if~~ after giving reasonable notice of ~~the scheduling of~~ an inspection, the Code Enforcement Officer or his or her agent is denied entrance to a rental property, ~~said~~ **THE officer will** **SHALL** give to the ~~denier~~ **PERSON WHO DENIED ENTRY** official notice of a subsequent inspection ~~not longer than~~ **WITHIN** ten (10) days ~~hence~~ **OF THE INITIAL INSPECTION** and at a designated hour. If ~~within ten (10) days~~ upon a second request to inspect the same premises the Code Enforcement Officer or his or her agent is again denied entrance, ~~said~~ **THE** Code Enforcement Officer shall ~~petition the appropriate legal body and shall seek to acquire a warrant permitting legal entrance into said~~ **THE** premises.

**BE IT FURTHER ORDAINED** by the Mayor and Town Council of the Town of North Beach that Chapter 69, "Licensing," § 69-17, "Application", of the Code of the Town of North Beach is amended to read as follows:

§ 69-17 Application.

The requirements of this **ARTICLE** and the enforcement thereof shall ~~be retroactive to encompass~~ **APPLY TO** all rental housing units within the town ~~that are presently and have been previously occupied as rental housing units.~~

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§ 69-18 Violations and penalties


Violations of this **ARTICLE** shall be ~~ARE~~ a municipal infractions, punishable as provided **SUBJECT TO THE PENALTY AND ENFORCEMENT PROVISIONS** in Chapter 1, General Provisions, Article III, Penalties, **AND SHALL BE SUBJECT TO A FINE OF \$50.00**. A penalty of \$50 per day will accumulate for each day in violation. **EACH DAY THAT VIOLATION OF THIS ARTICLE SHALL CONTINUE, SHALL CONSTITUTE A SEPARATE OFFENSE.**

AND, BE IT FURTHER ORDAINED that this Ordinance shall become effective on the 31<sup>st</sup> day of May, 2023, after having been read at two successive Town Council meetings pursuant to 19-311 of the Town Charter.

By order of the Mayor and Council

DocuSigned by:  
  
BA48E67ED9321455...  
Mike Benton, Mayor

ATTEST:

DocuSigned by:  
  
C27B36186BC34BC...  
Stacy W. Milor, Town Clerk  
Town of North Beach

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