

**ORDINANCE NO. Chapter
91
Article III
Chapter 91
HOUSING CODE OF THE
Town of Galena**

Rental Ordinance # 2024-02

AN ORDINANCE OF THE TOWN OF GALENA, TO ESTABLISH A RENTAL DWELLING UNIT OWNER'S LICENSE AND A RENTAL DWELLING UNIT REGISTRATION SYSTEM.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY Mayor & Council of Galena, that RENTALS, SHORT TERM/LONG TERM RENTAL REGISTRATION OF RESIDENTIAL/COMMERCIAL PREMISES

Sections:

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SCOPE. The provisions of this Chapter govern rental dwelling units within the Town of Galena excluding those rented to family members of the landlord provided that the landlord resides in the same dwelling unit. Short Term rentals must be insured, and owner must provide proof before being rented. Also, a rental property manager will need to be available within 24 hours for emergencies.

DEFINITIONS.

The following definitions shall be used in the construction and interpretation of this chapter:

"DWELLING UNIT" means one room, or rooms connected, constituting a separate, independent housekeeping establishment for owner occupancy, rental, or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. As used herein, the phrase "physically separated" shall not require a permanent structural separation, but is intended to encompass areas of the structure which are separated by use and convenience, so that different floors or wings of a structure, even if served by only one entrance and not otherwise separated, shall constitute separate dwelling units if containing independent cooking, bathroom, and sleeping facilities and are utilized as separate units." RVs, Campers, Mobile Homes, Tents, are prohibited.

"MAILING ADDRESS" means the mailing address of an owner of a rental dwelling unit as recorded in the records of the Maryland Department of Assessments and Taxation (MSDAT). The owner is responsible for maintaining the owner's current mailing address with MSDAT.

"NEW OWNER" means the owner of: the entity to which title to an existing rental dwelling unit has been transferred; or the entity holding title to property which meets the following definition of a new rental dwelling unit.

RENTAL DWELLING UNIT" means a dwelling unit held out for rent or lease that is not registered in the Town of Galena's system, and: has been annexed into the Town; has received a use and occupancy permit; or has been converted to rental use.

"PERSON" means any individual, partnership, firm, corporation, limited liability company, association, joint venture/ or other legal entity of whatsoever kind and nature

"RENTAL" means leasing or allowing occupancy or usage of a dwelling unit, either directly or by an agent, in consideration of value, including personal services, paid or tendered to or for the use or benefit of the lessor, excluding dwelling units leased to a family member of the landlord when the landlord resides in the same dwelling unit, and further excluding individuals who provide personal care services to children, or elderly or disabled persons in return for living space within the same dwelling unit as the lessor or the lessor's family, or a separate dwelling unit, in the same structure as the lessor or lessor's family.

SHORT-TERM RENTAL (STR) describes furnished self-contained apartments or houses that are rented for short periods of time not to exceed 120 days. They are usually seen as an alternative to hotels. "Short stay" rentals are an offshoot of the corporate housing market and are also offered by private owners and investors via online platforms such as Airbnb.

SHORT TERM RENTAL TAX – a required tax to collect and remit short term, (less than 120 days) rental tax in accordance with Chapter 152 Taxation, Article III short Term Rental Tax of the code of Public Laws of Kent County Maryland.

LONG TERM RENTAL - A long-term rental (LTR) is an agreement between a landlord and tenant where the tenant rents a property for more than 30 days, usually for a year or longer. LTRs often involve signing a lease agreement with a fixed-term end date but can be renewed indefinitely.

"FAMILY MEMBER" for the purposes of this title and interpretations based thereon, means a relative by blood or marriage of the landlord, whose interest in the rental dwelling unit is held as an individual or member of a joint venture or partnership.

"DELINQUENT LANDLORD" A delinquent landlord is a property owner who is behind on their property tax payments and has failed to meet the requirements set forth in this ordinance.

RENTAL DWELLING UNIT REGISTRATION.

1. The owner of a rental dwelling unit(s) shall register each unit by filing a registration form with the Zoning Coordinator ("ZC") on or before November 1, of the current year. Registration forms shall be provided by the ZC.
 - a. A new rental dwelling unit shall be registered no later than sixty (60) days after becoming a new rental dwelling unit, or before December 31, of the current year.
 - b. The fee for annual registration of each rental dwelling unit shall be (\$100.00) which may be changed in the annual budget or by resolution.
2. As a convenience, the Town will mail registration renewal forms and annual invoices to the owner's mailing address on or before November 1 of each year, however, failure to receive such from the Town shall not relieve owner of its duty to register and pay the set fee(s).
3. An owner shall notify the Town within sixty (60) days of a rental dwelling unit being converted to a non-rental use.
4. Short Term rentals shall require at least 1 parking spot per bedroom in the rental, and no more than 2 people per bedroom.

ANNUAL LICENSE FOR RENTAL DWELLING UNIT OWNERS.

1. Each person who owns a rental dwelling unit(s) shall obtain a Rental Dwelling Unit Owner's license (owner's license) from the ZC. One such license for each rental dwelling unit owned by the owner. A new owner of a rental dwelling unit shall obtain a license from the ZC within sixty (60) days of becoming a new owner.
 - a. A license form shall be available from the ZC. The Town may elect to provide such form on its website
 - b. The annual license fee shall be set by resolution.
2.
 - a. Annual renewal of all existing licenses shall be due on or before December 31st.
 - b. As a convenience, the Town of Galena will mail registration renewal forms and invoices to the owner's mailing address on or before November 2nd of each year, however, failure to receive such from the Town shall not relieve owner of its duty to register and pay the set fee(s).

FAILURE TO REGISTER RENTAL DWELLING UNIT OR OBTAIN OWNER LICENSE.

1. An owner or new owner of a rental dwelling unit who does not obtain an owner's license as required by this title is thereby a delinquent owner as to all the owner's units and guilty of a municipal infraction.
2. An owner or new owner of a rental dwelling unit who does not obtain a Rental Dwelling Unit License as required by this title is thereby a delinquent owner and guilty of a municipal infraction as to each unit which is not registered.
3. The ZC shall notify owner of each delinquency in each unit until the time delinquent owner corrects the delinquency status of each unit and the owner's license.
4. In order to correct the delinquency status, the owner must pay the municipal infraction fine, and thereafter file the necessary registration forms as owner of a rental dwelling unit and the registration of each unit, pay the associated fees, and submit to the inspector referenced below.
5. Before an owner may register a delinquent rental dwelling unit, the rental dwelling unit shall be subject to an inside and outside inspection by the ZC. All municipal violations must be corrected before the rental dwelling unit is registered. If the delinquent rental dwelling unit changes ownership to a legal entity which is not owned or controlled by the delinquent owner, and the new owner complies with all provisions of this chapter, the delinquent owner designation then terminates. If the new owner fails to timely register a rental dwelling unit, then the delinquent rental dwelling unit designation shall continue.

INSPECTION OF LICENSE.

Licenses issued under this Chapter shall be made available for inspection upon request by the ZC or any law enforcement officer.

LEAD PAINT.

As a pre-condition to registering a rental dwelling unit, the owner of each unit must provide the ZC satisfactory evidence that the unit is following the Maryland Code, Environment Article, §§6-801 through 6-824.

INSPECTION OF PREMISES.

1. Each rental dwelling unit will be inspected by the ZC as soon as practicable after it is first registered.
2. In the event that the dwelling unit does not meet the requirements of the Town of Galena Building Code (Chapter 50; Building Construction and Building Code, Adopted 9-5-2017 by Ord. No. 2017-02), or the Kent County Electric or Plumbing Codes (hereinafter collectively Building Codes), and thereby does not pass inspection, such violation will be noted and the owner will be given notice; PROVIDED THAT, if the ZC determines that the violation creates an immediate danger to the tenants or owner, the ZC may establish and notify the owner of a shorter time period to vacate.

3. A violation of the Building Codes discovered by the ZC as part of a first inspection following registration of a dwelling unit will not result in a fine for such violation; PROVIDED THAT the owner corrects the violation within the time specified by the ZC, but in no case less than ten (10) working days.
4. In addition to inspections referenced in paragraphs 1 through 3 above, the ZC may inspect a rental dwelling unit as follows:
 - a. Upon request by the owner or a tenant of that unit who is so named on the registration
 - b. Upon the ZC determining that there is reasonable cause to believe that the rental dwelling unit presents a threat to public health, safety, or general welfare, including that of the unit's tenant(s) either with permission of the owner or tenant, or if denied, by seeking an administrative search warrant;
 - c. Upon the ZC or a Kent County Sheriff's office obtaining an administrative search warrant or other appropriate court order;
 - d. Emergency inspections necessitated by a reasonable belief that a condition(s) in or about the unit presents an imminent danger to tenants of the unit, building in which it is located, or the general area;
 - e. In the event that the ZC is denied access to the dwelling unit for any inspection requested pursuant to paragraphs 1 through 3 above, the owner will be a **delinquent landlord** subject to the VIOLATIONS & PENALTIES section below;
 - f. Approved License and Fire escape route must be posted on a wall visible to all tenants inside the rental. This also includes having an up to date fire extinguisher and Smoke/Carbon Monoxide detector inside the house.

ADMINISTRATIVE SEARCH WARRANT.

The ZC, law enforcement officer, or any inspector authorized by the Town of Galena to inspect rental dwelling unit(s) may apply to a judge of the District Court of Maryland for Kent County or the Kent County Circuit Court for an administrative search warrant to enter and inspect such rental dwelling unit pursuant to Section above.

DENIAL, NONRENEWAL, REVOCATION, OR SUSPENSION OF LICENSE OR REGISTRATION.

If after any period permitted for compliance within this Chapter or to correct a Building Codes violation has expired, the ZC determines that a rental dwelling unit or a rental dwelling unit owner fails to comply with any of the licensing or registration standards set forth herein, or remains in violation of the Building Codes, the ZC shall initiate an action to deny, revoke, suspend, or refuse renewal of a registration of an owner's license or unit license by mailing the owner a notice of denial, non-renewal, revocation, or suspension of the license or registration. The notice shall state:

- a. That the ZC has determined that the rental dwelling unit fails to comply with the registration standards for rental dwelling units in this Chapter or is in violation of the Towns Building Codes, and/or the owner has failed to comply with the Maryland Department of Environment lead abatement reporting requirements;
- b. The specific reasons why the rental dwelling unit fails to meet licensing, Building Codes, or registration standards, including copies of applicable inspection reports, notices sent to licensee about the rental dwelling unit;
- c. That the ZC will deny, refuse to renew, revoke, or suspend the license or registration unless the owner appeals the determination within twenty-one (21) days after receipt of the notice, in the manner provided in this title;
- d. That after denial, non-renewal, revocation or suspension, the rental dwelling unit shall be vacated within sixty (60) days, and shall not be re-occupied until all violations are corrected and a license and/or registration is granted by the ZC pursuant to this Chapter and the provisions of Annotated Code of Maryland, Real Property Article, Title 8; LANDLORD AND TENANT.
- e. The notice shall describe how an appeal may be filed under Sub-Section **APPEALS PROCEDURE** of this Title.
- f. The ZC shall cause a notice to tenants to be mailed or delivered to each rental dwelling unit without regard as to whether it is registered and prominently posted on the building. The notice shall indicate that the rental dwelling unit registration or owner license for the rental dwelling unit has been denied, revoked, not renewed or suspended, whichever is applicable; that the action will become final on a specific date unless the rental dwelling unit owner appeals and requests a hearing; that tenants may be required to vacate the building when the action becomes final; that further information can be obtained from the ZC.

APPEALS PROCEDURE.

Any owner or tenant wishing to appeal a determination of the ZC initiating denial, nonrenewal, revocation, or suspension of a license or registration for an owner or unit may file a written notice of appeal with the ZC within twenty-one (21) days after receipt of the notice of denial, nonrenewal, revocation, or suspension. The notice shall contain a statement of the grounds for the appeal. The notice of appeal shall be accompanied by a filing fee in the amount of which that is set by resolution of the Mayor & Council.

The ZC shall refer the appeal to Mayor & Council. The Mayor & Council shall meet at the call of the Mayor to hear appeals. The Mayor & Council of Galena shall notify the owner in writing of the time and place of the hearing at least fifteen (15) days in advance, unless a shorter time is agreed upon in writing.

If upon approval the Mayor & Council rules in favor of the appellant, it may for good cause shown that the appeal fee be refunded.

VACATION OF RENTAL DWELLING UNITS.

When an application for rental dwelling license or owner's license has been denied, revoked, suspended, or not renewed, the ZC shall order the rental dwelling unit vacated within sixty (60) days pursuant to provisions this Chapter and the Annotated Code of Maryland, Real Property Article, Title 8.

CLEANING MANDATE.

Owners/Rental Managers are required to provide tenants with a safe and livable rental unit, which includes keeping the property clean and free of health hazards and pests. Short Term Rentals are subject to spot inspections between 9am-3pm, Monday – Friday.

VIOLATIONS-PENALTIES

Any person found in violation of the provisions of this Chapter shall be guilty of a municipal infraction and shall be subject to a fine of One Hundred Dollars (\$100.00) per violation. Each day a violation remains uncorrected after the running of any time set by the ZC for correction of same is a separate violation subject to an additional citation and fine.

BUILDING CODES.

Nothing contained herein shall limit the authority of the ZC to inspect or act pursuant to Chapter 50. Building Construction and Building Code; § 50-2. Building Inspector.

THIRD PARTY AGENT.

The owner may designate, in writing to the ZC, a third-party manager to act for the owner, and in so doing shall provide the name, address, and telephone number of such agent.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE Town of Galena , that the Ordinance shall take effect upon final passage.

The above Ordinance was introduced and first read to the Mayor & Council of Galena at its regularly scheduled meeting held on the day of , 2024 and passed at a regularly scheduled meeting of the Mayor & Council held on the day of , 2024 having been published and a public hearing having been held as required by law in the meantime.

BY THE AUTHORITY OF THE MAYOR AND COUNCIL OF THE TOWN OF GALENA, MARYLAND.

Amber Englebach, Zoning
& Historic Resources Coordinator

John T. Carroll, Jr., Mayor

Sarah E. Merrell, Council Member

Ayes

Tyler Carpenter, Council Member

Nayes

Justinian Dispenza, Council Member

Absent

Chery Richwine, Council Member

Approved as to Form:

Thomas N. Yeager,
Attorney for the Town of
Galena

