

Introduced and Read: January 7, 2014
Second Reading and Adoption: February 4, 2014
Posted: _____ to _____, 2014
Effective Date: July 1, 2014

**CITY OF MOUNT RAINIER, MARYLAND
ORDINANCE 1-2014**

(Drafted by City Attorney)

Introduced by: Mary Tucker & Council members Garlow, Christopher, Dale and Thompson

An Ordinance to provide for occupancy licenses to be issued and license fees paid annually, rather than biennially; to require all premises requiring an occupancy license to be inspected at least every two years for compliance with the Property Maintenance Code; to allow for the transfer of occupancy licenses; and to require compliance with the Maryland Lead Risk Reduction in Housing Act as a condition of issuance of a residential rental occupancy license.

WHEREAS, as part of the Fiscal Year 2014 Budget of the City of Mount Rainier, as implemented by Ordinance No. 7-2013, the Council increased certain fees, including the occupancy license fee for rental facilities in the City; and

WHEREAS, the residential rental occupancy license fee is collected biennially, in advance, which has caused a hardship for some rental property owners; and

WHEREAS, the Council wishes to lessen the financial impact on rental property owners who must pay occupancy license fees for a two year period in advance; and

WHEREAS, the Council desires to provide for the transfer of occupancy licenses, when ownership of residential rental or non-residential business premises changes during a license term; and

WHEREAS, the Council is adding compliance with the Maryland Lead Risk Reduction in Housing Act as a condition of issuance of a residential rental occupancy license.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that:

SECTION 1. *Mount Rainier Code, Mount Rainier Code, Chapter 7, Licenses and Permits (Municipal Infractions), Section 7-105, Occupancy License, is amended as follows:*

Section 7-105. Occupancy License

A. Occupancy License Required

1. *Non-residential.* All tenants of non-residential premises which are rent for occupancy and all owner occupants of non-residential premises shall secure from the City a non-residential occupancy license, which shall be issued for a period of one (1) year. A license shall be required for each individual business that is an occupant in the premises.

2. *Residential.* Before the owner or agent thereof of any dwelling, rental facility, dwelling unit, rooming unit, or tourist facility within the confines of the City of Mount Rainier shall rent, lease, or otherwise let said dwelling unit, or facility and permit it to be occupied, he/she must secure from the City an occupancy license.

a. Said occupancy license shall contain the name of the owner of the property, his/her address, and his/her telephone number. Said occupancy license shall also specify the exact location of the premises for which the license is issued.

b. All occupancy licenses shall be issued to the owner of the premises containing said residential unit or units and shall be issued for a period of ~~two (2)~~ ONE (1) years.

B. INSPECTIONS; Issuance; Renewal

1. ~~Before the City Manager shall issue an occupancy license; the premises~~ *INSPECTIONS.* ALL PREMISES FOR WHICH AN OCCUPANCY LICENSE IS REQUIRED shall be inspected AS NEEDED, BUT NOT LESS THAN EVERY TWO (2) YEARS, BY THE CODE ENFORCEMENT OFFICER FOR COMPLIANCE WITH CHAPTER 3A. STANDARDS FOR PROPERTY MAINTENANCE. ~~, and the following criteria shall have been met:~~

2. IN ORDER TO MAINTAIN A VALID OCCUPANCY LICENSE, THERE MUST BE NO UNCORRECTED VIOLATIONS OF THE PROPERTY MAINTENANCE CODE DURING THE LICENSE TERM.

3. *ISSUANCE.* BEFORE THE CITY MANAGER SHALL ISSUE AN OCCUPANCY LICENSE, the following criteria shall have been met:

a. There are no existing violations of the building and property maintenance standards of the City of Mount Rainier.

b. The license applicant has certified that the premises have no existing violations of applicable health, safety, fire, building, plumbing, and zoning laws and ordinances of the State of Maryland and Prince George's County.

C. FOR RESIDENTIAL RENTAL OCCUPANCY LICENSES, THE LICENSE APPLICANT HAS COMPLIED WITH ALL APPLICABLE PROVISIONS OF *ANNOTATED CODE OF MARYLAND*, ENVIRONMENT ARTICLE, TITLE 6, SUBTITLE 8, REDUCTION OF LEAD RISK IN HOUSING, AS AMENDED, OR HAS SUBMITTED EVIDENCE THAT THE RENTAL FACILITY IS NOT SUBJECT TO THE PROVISIONS OF THAT SUBTITLE.

e-D. The tenant or owner-occupant of said nonresidential premises shall remit the required occupancy license fee as established by the City of Mount Rainier. The owner of said residential premises shall remit the required occupancy license fees as established by the City of Mount Rainier.

d-E. There are no unpaid real or personal property taxes or fines for municipal infractions or Commercial District Management Authority fees for the premises or for any business or activity conducted therein by the tenant or owner-occupant of nonresidential premises or by the owner of residential premises.

eF. Within five (5) years preceding the application, there have been no convictions for prostitution or trafficking in controlled substances on the premises while the applicant has had control of the premises.

32. *RENEWAL.* All occupancy licenses shall be renewable upon payment of appropriate fees and compliance with the provisions of this Chapter.

C. Suspension or Revocation; Expiration; Reinstatement

SECTION 2. *Mount Rainier Code*, Chapter 7, Licenses and Permits (Municipal Infractions), Section 7-108, Fees, is amended as follows:

A. Business license or registration fees

B. Occupancy License Fees

1. The following fees shall be charged:

c. Effective July 1, 2013, for multi-family rental facilities, the fee shall be One Hundred Fifty Dollars (\$150.00) per unit per year. The City collects fees ANNUALLY. ~~biennially. The fee for a biennial license shall be twice the annual fee.~~ OCCUPANCY LICENSE FEES ARE NONREFUNDABLE AND ARE NOT PRORATED IN THE EVENT THAT THE RENTAL USE OF THE FACILITY IS DISCONTINUED OR THE NUMBER OF UNITS IN THE RENTAL FACILITY CHANGES DURING A LICENSE YEAR.

d. Effective July 1, 2013, for single-family rental dwellings, the fee shall be One Hundred Fifty Dollars (\$150.00) per unit per year. The City collects fees ANNUALLY. ~~biennially. The fee for a biennial license shall be twice the annual fee.~~ OCCUPANCY LICENSE FEES ARE NONREFUNDABLE AND ARE NOT PRORATED IN THE EVENT THAT THE RENTAL USE OF THE DWELLING IS DISCONTINUED OR THE NUMBER OF UNITS IN THE RENTAL DWELLING CHANGES DURING A LICENSE YEAR.

2. Reinstatement fee.

a. If the occupancy license is allowed to expire (*see* section 7-105.C.2), the reinstatement fee shall be \$50.

b. if the occupancy license is revoked (*see* section 7-105.C.3), the reinstatement fee shall be \$200.

3. TRANSFER FEE.

A. IF THE HOLDER OF AN OCCUPANCY LICENSE CHANGES HIS/HER ADDRESS, EMERGENCY CONTACT INFORMATION, OR MANAGEMENT FOR THE PREMISES, OR TRANSFERS OWNERSHIP OF THE PREMISES, THE LICENSEE SHALL NOTIFY THE CITY WITHIN 15 BUSINESS DAYS OF THE CHANGE. THE CITY MAY REJECT AN APPLICATION OR SUSPEND OR REVOKE AN OCCUPANCY LICENSE IF THE APPLICANT OR LICENSEE DOES NOT NOTIFY THE CITY AS REQUIRED BY THIS SECTION.

B. AN OCCUPANCY LICENSE MAY BE TRANSFERRED TO A NEW OWNER OF THE PREMISES FOR THE UNEXPIRED PORTION OF THE LICENSE TERM BY APPLYING TO THE CITY WITHIN 15 DAYS AFTER THE EFFECTIVE DATE OF THE OWNERSHIP CHANGE AND PAYING A LICENSE TRANSFER FEE OF \$50.

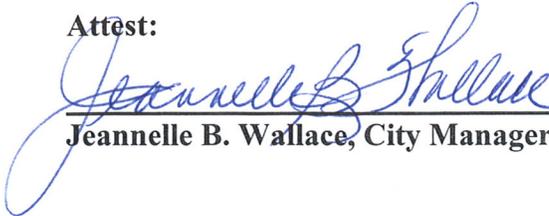
C. WHENEVER THE OWNERSHIP OF RESIDENTIAL RENTAL PREMISES OR BUSINESS PREMISES IS TRANSFERRED, THE TRANSFEREE SHALL PROMPTLY NOTIFY ALL TENANTS OF THE RENTAL DWELLING OR FACILITY OR THE BUSINESS PREMISES OF THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE TRANSFEREE AND OF ANY PROPERTY MANAGER OR AGENT AUTHORIZED TO ACT FOR THE TRANSFEREE ON MATTERS RELATING TO THE PREMISES. THE TRANSFEREE ALSO SHALL PROVIDE EMERGENCY CONTACT INFORMATION FOR THE TRANSFEREE AND/OR FOR ANY PROPERTY MANAGER OR AGENT AUTHORIZED TO ACT FOR THE TRANSFEREE ON MATTERS RELATING TO THE PREMISES.

SECTION 3. Effective Date. This Ordinance is effective on July 1, 2014.

[Signature page of Ordinance 1-201~~3~~ follows.] *Jash*

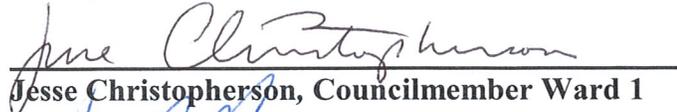
THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS 4th DAY OF February, 2011.

Attest:

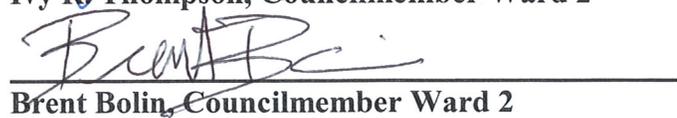

Jeannelle B. Wallace, City Manager


Malinda Miles, Mayor

Jimmy Tarlau, Councilmember Ward 1


Jesse Christopherson, Councilmember Ward 1


Ivy R. Thompson, Councilmember Ward 2


Brent Bolin, Councilmember Ward 2

Explanatory Note

*** Indicates matter unchanged in existing law, but not set forth in this Ordinance.

ALL CAPITAL LETTERS indicate language added to existing law.

~~Strikethrough~~ indicates language that is deleted from existing law.