

ORDINANCE O-4-09

Code of the Town of Cheverly

An Ordinance whereby the Town raises from \$50 to \$500 the fine for property owners who rent property and do not have a town rental license and clarifies the appeals procedures as to property maintenance.

WHEREAS, State Law and Article VII, Section C-23A(11) of the Charter of the Town of Cheverly grants to the Mayor and Town Council the power to regulate business and rentals; and

WHEREAS, the Mayor and Town Council deem it appropriate to amend the Town Code regarding the penalty for not obtaining a rental license when premises are being rented, so that the fine is more costly than the rental license, and

WHEREAS, the Mayor and Town Council's decision to classify the appeals procedures for property maintenance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of Cheverly, in regular session assembled, that Sections 5-8 and 5-9 of the Cheverly Code be repealed and reenacted with amendments as follows:

Sec. 5-8.~ Violations.

(a)~*Notice.*~ Whenever the town administrator, or his designee, determines that there has been or is a violation of the provisions of this code, he shall give notice to the owner. Such notice shall:~

(1)~*Be in writing;*

(2)~*Include a description of the real estate sufficient for identification;*

(3)~*Include a statement of the reason or reasons why it is being issued; and*

(4)~*State the time to correct the conditions.*

(b)~*Service of notice.*~ Service of notice that a dwelling is in violation shall be as follows:~

(1)~*By delivery to the owner personally or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion, or*

(2)~*By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon.*

(c)~*Penalty for violations.*~ **UNLESS OTHERWISE PROVIDED, [E] every person, firm or corporation who shall violate any provision of this code shall be guilty of a municipal infraction. The penalty FOR A VIOLATION OF 5-4(A) SHALL BE FIVE HUNDRED DOLLARS (\$500.00). OTHERWISE THE PENALTY FOR A VIOLATION OF THIS CHAPTER [for such violation] shall be a fine of fifty dollars (\$50.00) for each**

initial offense and [fifty dollars (\$50.00)] **ONE HUNDRED DOLLARS (\$100.00)** for each repeated offense. Every day that a violation continues after due notice has been served in accordance with the terms and provisions hereof shall be deemed a separate offense.~

(Ord. No. 1-89, 5-11-89)

Sec. 5-9.~ Hearings; appeals by owner or occupant.

(a)~~~*Designation and jurisdiction of hearing board.*~ A property maintenance review board is established and hereby designated to hear grievances for the application of this chapter **AS TO PROPERTY MAINTENANCE ISSUES** as well as section 10-4, chapter[s 15 and]18 of the [t]Town Code of Ordinances. The property maintenance review board shall have jurisdiction to hear all grievances that persons might have regarding the application of [the] property maintenance [code]**ISSUES**, as well as the above-named provisions, to a particular property unless a municipal infraction **OR CITATION** has been issued regarding the property or matter in question. Upon the issuance by the town of a municipal infraction **OR CITATION** regarding the property or matter in question, the property maintenance review board shall have no jurisdiction over the matter. The board shall consist of three (3) members who are residents of the town during their tenure, to be appointed by the mayor and town council and to serve at the pleasure of the mayor and council. [which] **THEIR TERM** begins either on the first day of July or at such time as the mayor and council deems appropriate. Board members shall ordinarily be appointed at a regular meeting of the council in June. The tenure of each board member shall ordinarily be three (3) years or until a successor is appointed, whichever term is longer.~

(b)~~~*Rules of procedure.*~ The board shall keep minutes of its proceedings, and all findings of fact and recommendations shall be reduced to writing and entered as a matter of public record in the office of the town administrator, and a copy of those shall be provided to all aggrieved persons and interested parties and the mayor and council. The board may establish its own rules, provided they are reviewed by the town attorney for form and legal sufficiency.~ **THE TOWN ATTORNEY SHALL BE THE ADVISOR TO THE BOARD IN ANY PROCEEDINGS.**

(c)~~~*Procedure for hearings.*~ Any person aggrieved by an action under the provisions of this code may, **OR ACTION OF THE TOWN REGARDING THE MAINTENANCE OF THEIR PROPERTY**, within ten (10) days of the [violation] notice, **MAY** file objections in writing with the town administrator. The town administrator shall review the objections and advise such person in writing within ten (10) days of the receipt of the objections as

to the result of this review. A person may file an appeal **THEREAFTER**, [which must be in writing] **TO THE PROPERTY MAINTENANCE REVIEW BOARD**. Such appeal shall be **IN WRITING AND** filed within ten (10) days of the decision by the town administrator. Hearing requests shall be on forms provided by the town administrator and shall be filed with the town administrator who will notify the appellant in writing of the time and place set for the hearing. A hearing shall not operate to stay the action of the town unless the town administrator stays the action for good cause shown. Within thirty (30) days of the filing of the notice of hearing, the board shall conduct a hearing at which time an opportunity shall be given to both the person aggrieved and the town staff to present evidence. The hearing shall be open to the public and records and minutes shall be maintained by the board at all such hearings. Within ten (10) days after the hearing, the board shall **ISSUE WRITTEN** [make a recommendation to the town administrator] **FINDINGS** as to the reversal, modification or affirmation of the action complained of, and shall issue its [recommendation] **FINDINGS** in writing and provide a copy thereof to the person aggrieved.~ **THE BOARD'S DECISION SHALL BE FINAL.**

(d)~~~*Failure to abide by decision.*~ Failure **OF THE AGGRIEVED PERSON** to abide by the property maintenance review board within the time limit specified by the board shall constitute a violation of this code.~

(e)~~~*Hardship.*~ When the literal application of the requirements of this code would cause undue hardship, an exception may be granted by the town administrator upon written application therefor. Such application shall state the reasons therefor. Such exceptions shall be made in writing and only when it is clearly evident that reasonable safety and sanitary conditions are ensured and such exceptions shall be conditioned in such a manner to achieve those ends.~

In granting an exception, the town administrator may specify conditions and restrictions not generally found in this code. Exceptions granted or denied pursuant to this section shall be subject to review by the property maintenance review board.

(Ord. No. 1-89, 5-11-89; Ord. No. O-6-99, 8-12-99)

AND BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

AND BE IT FURTHER ORDAINED that this Ordinance shall take effect thirty (30) days from the date of its adoption; provided, however that a fair summary of the

Ordinance is published at least once in a newspaper of general circulation in the Town of Cheverly.

INTRODUCED by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on August 13, 2009, at which meeting copies were available to the public for inspection.

ADOPTED by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on October 8, 2009, at which meeting copies were available to the public for inspection.