

## ORDINANCE NO. O-10-11

AN ORDINANCE TO AMEND CHAPTER 18AA OF THE CITY CODE, ENTITLED, "RENTAL HOUSING LICENSING," § 18AA -4, ENTITLED, "SAME-APPLICATION; FEES," § 18AA -5, ENTITLED, "SAME-ISSUANCE," § 18AA -6, ENTITLED, "SAME-RENEWAL," §18AA-7, ENTITLED "INSPECTIONS," § 18AA -8, ENTITLED, "VIOLATION AFTER LICENSE ISSUED," AND § 18AA-10, ENTITLED, "TRANSFERABILITY OF LICENSE," SO AS TO REMOVE TEMPORARY LICENSES AND TO CLARIFY THE PROCESS

BE IT ORDAINED, by the Mayor and Council of the City of Gaithersburg, in public meeting assembled, that Chapter 18AA of the City Code, entitled, "Rental Housing Licensing," is hereby amended to read as follows:

### Chapter 18AA

#### RENTAL HOUSING LICENSING

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#### **Sec. 18AA-4. - Same—Application; fees.**

The owner of any rental housing unit within the city which is occupied shall ~~deliver~~ submit to the city manager or designee ~~on a form to be supplied by the city manager~~, an application for the license hereinabove required, signed by the owner or his authorized agent. The application shall be filed before any such unit is occupied or permitted to be occupied. Such application shall be accompanied by a fee which shall be established by resolution of the city council.

#### **Sec. 18AA-5. Same—Issuance.**

(a) Upon receipt of a properly completed application and the required fee, the city manager or designee shall issue a ~~temporary license to expire six (6) months after the date of issuance. As soon as practicable thereafter rental housing license and~~, the city manager shall cause an inspection to be made of the premises described in the application. ~~If the inspection discloses no violation of any applicable law or other regulation, the city manager shall issue a final license.~~ The license shall be posted in a conspicuous place on the premises or maintained in the custody of

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<del>Single strikethrough</del>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
<del>Double boldface strikethrough</del>	<i>Deleted from existing law or the bill by amendment.</i>
***	<i>Existing law unaffected by bill.</i>

~~the resident property manager. If the inspection discloses a violation, the city manager shall notify the owner in writing of the nature of the violation and the time within which such correction shall be accomplished. The final license shall be issued after reinspection evidencing a corrected violation, and the final license shall expire two (2) years from the date of issuance of the temporary license. In the event violations have not been corrected upon reinspection, or no authorized person was present to accompany the city inspector upon reinspection, the temporary license shall be revoked unless an extension thereof has been granted by the city manager for good cause shown. Upon revocation of any temporary or final license, the unlicensed units may be ordered vacated by the city manager, and/or a reinspection may be ordered upon the payment of a reinspection fee in an amount prescribed by resolution of the city council.~~

(b) If the application is for premises less than two (2) years old at the time of application, ~~no temporary license shall be issued, but a final license shall be issued promptly after the satisfactory completion of all inspections required by other applicable laws, ordinances or regulations and rental application has been filed with the city manager.~~

(c) All multifamily apartment houses shall be issued a final license upon receipt of a completed application form and fee which shall be established by resolution of the city council.

#### **Sec. 18AA-6. – Same - Renewal**

At least ninety (90) days prior to the expiration of a final license, the holder thereof shall apply for renewal thereof. The city manager or designee shall cause an inspection of the premises to be made after which the procedures shall be as set forth in ~~subsection (a) of section 18AA-57.~~

When a rental property becomes owner occupied, the previous owner must inform the city manager to remove the property from the listed rental stock on file with the city.

#### **Sec. 18AA-7. - Inspections.**

An inspection is required for all rental housing units. When an inspection is required of a building containing more than two (2) dwelling units, the city manager or designee may designate the number of units to be inspected and how often.

#### **Sec. 18AA-8. - Violation after license issued.**

If, after a final license has been issued, the city manager or designee shall discover, in a rental housing unit, a violation of any applicable law, ordinance or

regulation, he or she shall give the owner the notice required by subsection (a) of section 18AA-5. If the correction is not completed within the time stated in the notice or any extension thereof by the city manager, the city manager may revoke the license for the premises in which such rental housing unit is located. Should the temporary or final license be revoked, the city manager shall cause an inspection of the premise to be made, the procedure for which shall be as set forth in subsection (a) of section 18AA-5 notify the owner in writing of the nature of the violation and the time within which such correction shall be accomplished. In the event violations have not been corrected upon reinspection, or no authorized person was present to accompany the city inspector upon reinspection, the license may be revoked unless an extension thereof has been granted by the city manager or designee for good cause shown. Upon revocation of a license, the unlicensed units may be ordered vacated by the city manager or designee, and/or a reinspection may be ordered upon the payment of a reinspection fee in an amount prescribed by resolution of the city council.

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**Sec. 18AA-10. - Transferability of license.**


When property licensed hereunder is transferred to another owner, the license may be transferred to the new owner upon written application therefore to the city manager and payment of such fee as shall be prescribed by the city council by resolution.

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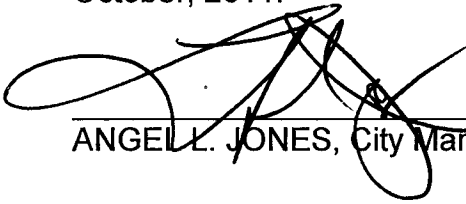
ADOPTED this 3<sup>rd</sup> day of October, 2011, by the City Council of Gaithersburg, Maryland.

  
SIDNEY A. KATZ, MAYOR and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland this 3<sup>rd</sup> day of October, 2011. APPROVED by the Mayor of the City of Gaithersburg, Maryland this 3<sup>rd</sup> day of October, 2011.

  
SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the 3<sup>rd</sup> day of October, 2011, and the same was APPROVED by the Mayor of the City of Gaithersburg on the 3<sup>rd</sup> day of October, 2011. This Ordinance will become effective on the 24<sup>th</sup> day of October, 2011.

  
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ANGELL L. JONES, City Manager