



Introduced and Read: 30 May 2013
Amended: 30 May 2013
Second Reading: 4 June 2013
Third Reading and Adoption: 6 June 2013
Posted: _____ to _____, 2013

TOWN OF BRENTWOOD

ORDINANCE NO: 2013 - 04

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BRENTWOOD TO ESTABLISH A FEE FOR MULTIPLE RENTAL DWELLING UNITS FOR FISCAL YEAR 2014, BEGINNING JULY 1, 2013 and ENDING JUNE 30, 2014

WHEREAS, in accordance with Section 6-303 of the Tax-Property Article of the *Annotated Code of Maryland*, by July 1st of each year, the Council of the Town of Brentwood shall set the tax rate for the next fiscal year on all assessments of property subject to municipal corporation property tax; and

WHEREAS, The Brentwood Code, Chapter 43, *Housing Livability Code*, Section 43-1. **Registration of rental property** states: "Any person or persons, partnership or corporation owning property located in the Town of Brentwood, any part of which is leased or rented to another person, partnership or organization, shall register the property with the Clerk..."; and

WHEREAS, The Brentwood Code, Chapter 43, *Housing Livability Code*, Section 43-3. **Definitions and word usage**, subsection B: PERSON defines "person" as "Any individual, firm, corporation, association, partnership, limited partnership, trust or estate..."; and

WHEREAS, The Brentwood Code, Chapter 43, *Housing Livability Code*, Section 43-5. **License required; temporary certificate; inspections; renewal**, subsection A: Rental license states that "It shall be unlawful for any person to rent or lease a non-owner-occupied premises...without having first obtained a license or temporary certificate to do...", with subsection B: License adding that a license "Such application shall be submitted together with a nonrefundable rental license fee. The amount of such fee is to be established by Mayor and Council; and

WHEREAS, The Brentwood Code, Chapter 43, *Housing Livability Code*, Section 43-5. **License required: temporary certificates; inspections; renewal**. subsection F: License renewal: states "...shall expire one (year) from the date of issuance and shall be renewable annually at the fees set by the Mayor and Town Council..."; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Brentwood amends Chapter 43, *Housing Livability Code*, Section 43.5 to add as follows:

SECTION ONE: IMPOSITION AND RATE: COLLECTION DIRECTED

MULTIPLE RENTAL DWELLING UNITS RENTAL LICENSE FEE

(1) There is hereby levied and shall be collected a rental license fee on multiple rental dwelling units for the use of any municipal services, including police protection, fire protection, street lighting, street maintenance, street cleaning and street improvements, parks and recreational facilities, and other essential municipal services, and in compliance with Section 43.5. B. of the Town of Brentwood Code.

(2) Every person conducting, managing, or carrying on any multiple rental dwelling units having more than one (1) rental dwelling unit shall pay an annual fee in the amount of One Hundred Dollars (\$100.00) for each rental dwelling unit.

(3) For the purpose of this section, a multiple rental dwelling unit is also considered to be a separate dwelling unit on the same parcel or lot as other separate dwelling units.

(4) Payment of this fee is required by January 1st of each year. No inspection will be undertaken in accordance with Section 43 of the Town of Brentwood Code until such time as the management company, operator or owner applies for and pays the rental license fee in accordance with Section 43.5 of the Town of Brentwood Code.

(5) The Town Clerk shall be charge with the duty of mailing a statement on a yearly basis to the management company, operator or owner of each multiple rental dwelling unit to be charged with the rental license fee hereby imposed for the fee due for the preceding year, but failure to mail any statements of yearly charges shall not be grounds for avoiding payment.

DELINQUENT RENTAL LICENSE FEES

Section 43.5 of the Town of Brentwood Code is amended to strike the last sentence of paragraph (F) [~~The License or certificate renewal fee shall be subject to a penalty of ten percent (10%) per month, or any portion thereof, beyond the date due and payable~~] and to insert a new paragraph (G) to read as follows:

(G) Delinquent Rental License Fees. In the event any rental license fee provided for in this section remains unpaid for a period of thirty (30) days after the same becomes due and payable pursuant to the provisions of this section, the same shall be declared delinquent, and the Town Treasurer shall thereupon add such to such rental license fee and collect a penalty of twenty (20%) percent of the license so delinquent, and, if such license is not paid within sixty (60) days from the time such rental license fee becomes due and payable, an additional penalty of fifteen (15%) percent of such rental license fee shall be added to such rental license fee license. In computing such thirty (30) and sixty (60) day periods, the day upon which such rental license fee becomes due and payable shall be included in the computation.

The penalties provided in this section shall be in addition to all other fines and/or penalties which may otherwise be levied or assessed pursuant to the provisions of this section. The Town Clerk is hereby authorized to collect the rental license fee and any penalties assessed herein imposed on a yearly basis. Any fee paid to the Town of Brentwood pursuant to the terms of this section of the Town Code shall be deemed paid upon the date payment was received by the Town Clerk.

SECTION TWO: Existing paragraphs G and H of Section 43.5 are hereby renumbered as paragraphs H and I.

SECTION THREE: REPORT BY TOWN CLERK TO COUNCIL. Section 43.5 of the Town of Brentwood Code is amended to insert a new paragraph J to read as follows:

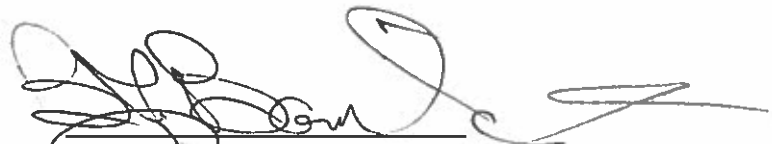
J. Report by the Clerk. The Town Clerk shall within sixty (60) days after the end of each fiscal year report to the Council a list of all multiple rental dwelling units who are delinquent in the payment of the rental license fee or any portion thereof for the preceding fiscal year and the Council shall by resolution direct the Town Clerk and other municipal employees to take such action as the Council deems advisable and necessary in regard to the payment of such delinquent fees.

SECTION FOUR: PROVISIONS SEVERABLE. The provisions of this Ordinance shall be construed as severable and should any section or part thereof be held unconstitutional or for any reason invalid or unenforceable by a court of competent jurisdiction hereto the unaffected portions thereof shall remain valid and shall be given full force and effect.

SECTION FIVE: CONFLICTS: All Ordinances or parts of Ordinances in conflict with any other Ordinance and any of the provisions of this Ordinance are hereby repealed.

SECTION SIX: EFFECTIVE DATE: This Ordinance shall become effective thirty (30) days after its passage and adoption.

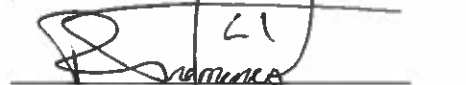
PASSED AND ADOPTED this 6th day of June, 2013.


Bettyjean Bailey-Schmiedigen, Mayor


E. James Cooksey, Vice Mayor


Jason Barnett, Council Member


Jennifer Murphy, Council Member


Rocio Terminio-Lopez, Council Member

ATTEST:


Melora Anderson, Town Clerk

