

First Reading: 5/21/20
Second Reading: 7/8/20
Ordinance. No.: C-8

TOWN COUNCIL OF THE TOWN OF GREENWOOD

AN ORDINANCE REPEALING IN ITS ENTIRETY ORDINANCE C-8 ENTITLED "AN ORDINANCE PROVIDING FOR RESIDENTIAL RENTAL PROPERTY REGISTRATION AND LICENSING, THE PAYMENT OF AN ANNUAL FEE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF" AND ADOPTING AN UPDATED ORDINANCE C-8 ENTITLED "AN ORDINANCE REGULATING RESIDENTIAL RENTAL UNITS, PROVIDING FOR AN ANNUAL RENTAL LICENSE AND ACCOMPANYING FEE, AUTHORIZING RENTAL UNIT INSPECTIONS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF"

WHEREAS, Section 29(a)(2) of the Greenwood Town Charter authorizes the Town to "provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants;"

WHEREAS, Section 29(a)(11) of the Greenwood Town Charter authorizes the Town to "make, adopt and establish all such ordinances . . . as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the good government of the Town, the protection and preservation of persons and property, and of the public health and welfare of the Town and its inhabitants;"

WHEREAS, residential rental units are an important component of the Town's housing economy; and

WHEREAS, in the opinion of the Town Council of the Town of Greenwood, it is necessary for the Town to regulate the leasing of residential rental units, including authorizing inspections of the units under certain circumstances, in order to increase the likelihood that residential rental units will be in compliance with the Town Code and will be free from conditions that could be detrimental to the health, safety, and welfare of the occupants and the general public.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Greenwood, a majority thereof concurring in council duly met, that Ord. No. C-8 "An Ordinance Providing for Residential Rental Property Registration and Licensing, the Payment of an Annual Fee, and Providing Penalties for the Violation Thereof" is hereby repealed in its entirety and replaced thereof with the following, to wit:

AN ORDINANCE REGULATING RESIDENTIAL RENTAL UNITS, PROVIDING FOR AN ANNUAL RENTAL LICENSE AND ACCOMPANYING FEE, AUTHORIZING RENTAL UNIT INSPECTIONS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

Section 1. Notice and questionnaire. The Town Manager, or his or her agent is hereby authorized and directed annually, no later than September 1 of each year, to direct a notice and

questionnaire to each property owner advising the property owner of the annual rental license fee imposed for the rental of rooms, apartments, cabins and houses and of the annual rental license fee for each such type of rental, together with a penalty for the nonpayment of such fee. The questionnaire so included shall set forth the following:

PLEASE CHECK THE APPLICABLE BLOCK

- (1) I do not intend to rent any property []
- (2) I rent rooms, apartments, cottages, cabins, and/or houses []
- (3) If you check the second block, state the following:
 - The number of rooms rented _____
 - The number of apartments rented _____
 - The number of cabins rented _____
 - The number of houses rented _____
 - The number of cottages rented _____

Section 2. Annual Rental License.

A. Individuals or entities engaged in the renting for profit of rooms, cottages, cabins, private houses, or apartments within the limits of the Town, or any of them or any combination thereof, on a monthly, seasonal, or annual basis ("rental unit"), shall first obtain an annual rental license. The annual rental license fee may be set by the Town Council in conjunction with the adoption of the annual budget or at such other times as decided by a majority of the Town Council.

B. The Town Manager shall, unless specifically provided otherwise by the Town Council, supervise the enforcement of this ordinance. The Town Manager may withhold, suspend, or revoke the issuance of a rental license for a rental unit for failure to pay the annual rental license fee or for failing to maintain the rental unit in substantial compliance with the Town Code. The Town may withhold the issuance of a rental license until such time as the annual rental license fee is paid or the rental unit is brought into substantial compliance with the Town Code. A property owner may appeal the Town's determination to withhold, suspend, or revoke a rental license by filing a written appeal with the Town within 15 days of the violation notice, which appeal shall be heard by the Town Council at the next regularly-scheduled Town Council meeting (or at such other time as mutually agreed upon by the Town and the property owner).

Section 3. Rental unit inspections. If the Town receives a written complaint from a tenant that the landlord has not maintained the tenant's rental unit in substantial compliance with the Town Code, a representative of the Town shall visit the tenant's rental unit in order to conduct an inspection. The Town shall inspect the rental unit to determine whether or not it is in substantial compliance with the building, plumbing, housing, electrical, fire, and property maintenance codes of the town ("Town Code"). A rental unit shall be deemed to not be in substantial compliance with the Town Code if:

- (1) There are one or more violations which pose a serious and substantial threat to the health, safety or welfare of the occupants; or
- (2) There are an extensive number of minor violations which, cumulatively, pose a significant threat to the health, safety, welfare, or morale of the occupants.

It is the intent of this Ordinance, and the code enforcement constable shall be guided accordingly, that the greater the cumulative number of violations observed in a rental unit, the less serious any of them must be to result in a determination that a unit is not in substantial compliance with the Town Code. Conversely, the more serious the violations, the fewer violations needed to result in a determination that a rental unit is not in substantial compliance with the Town Code.

When a rental unit is found to not be in substantial compliance with the Town Code, the Town shall provide written notice to the property owner of the Town Code violations found and require the violations to be corrected within 30 days of the date of the notice. If the violations are not corrected within 30 days, the property owner shall be in violation of this Ordinance and subject to the penalties outlined in this Ordinance.

Section 4. Violations and penalties. Any person violating any of the provisions of this ordinance shall, upon conviction in a court of competent jurisdiction, be fined not less than One Hundred Dollars (\$100.00) and not more than three hundred dollars (\$300.00) and shall pay the costs of prosecution. Each day any violation hereof is found to exist or continues to exist shall be considered a separate offense and shall be punishable as such hereunder.

Section 5. Repealer. All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6. - Conflict with state or federal laws or regulations. Whenever any provision of this Ordinance is in irreconcilable conflict with any provision of state or federal law or regulations adopted pursuant thereto, the provisions of the federal or state law or regulations shall control and supersede the provisions of this Ordinance.

Section 7. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Town Council's intent.

Section 8. Effective Date. This Ordinance shall take effect immediately upon its adoption by the Town Council.

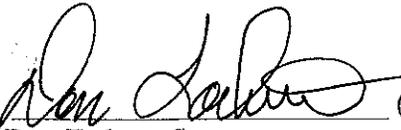
SYNOPSIS

This Ordinance requires property owners to obtain an annual rental license and to annually notify the Town of the number of rental units the property owner will be leasing. The fee for the rental license shall be established by the Town Council, and the ordinance specifies the circumstances under which a rental license may be withheld, suspended, or revoked, including the procedures for a property owner to appeal such a determination. Rental units are to be inspected by the town when complaints are received from tenants. The penalty for violating the ordinance is a minimum of \$100 and a maximum of \$300 per violation, along with the costs of prosecution, with each day a violation continues being considered a new violation.

PASSED by a majority of the elected members of the Town of Greenwood, Delaware, this 8th day of July, 2020.

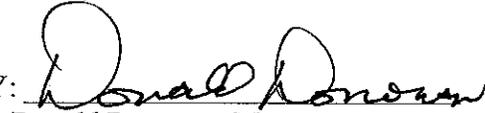
**MAYOR AND COUNCIL OF
GREENWOOD, DELAWARE**

ATTEST:


Don Torbert, Secretary

(SEAL)

BY:


Donald Donovan, Mayor

This shall certify that this is a true and correct copy of the Ordinance adopted by the Town Council of the Town of Greenwood at a duly called and duly noticed meeting of the Town Council at which a quorum was present held on July 8, 2020.


Town Clerk