

COUNTY COUNCIL

OF

DORCHESTER COUNTY, MARYLAND

BILL NO. 2024-1

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND ENACTING A NEW CHAPTER 123 OF THE DORCHESTER COUNTY CODE ENTITLED “PROPERTY REGISTRATION” FOR THE PURPOSES OF REGULATING VACANT BUILDINGS, SHORT-TERM RENTALS, AND RENTAL DWELLING UNITS IN DORCHESTER COUNTY, INCLUDING WITH RESPECT TO REGISTRATION, APPEALS, AND ENFORCEMENT REGARDING THE SAME AND DEFINING TERMS ASSOCIATED THEREWITH; PROVIDING THAT THE TITLE OF THIS BILL SHALL BE DEEMED A FAIR SUMMARY, AND GENERALLY RELATING TO VACANT BUILDINGS, SHORT-TERM RENTALS, AND RENTAL DWELLING UNITS IN DORCHESTER COUNTY, MARYLAND.

WHEREAS, pursuant to Md. Code Ann., Local Gov’t § 10-206(a)(2) and § 301 of the Charter of Dorchester County, Maryland (the “Charter”), the County Council of Dorchester County, Maryland (the “County Council”) is authorized and empowered to enact public local laws for the peace, good government, health, safety, or welfare of Dorchester County, Maryland (the “County”); and

WHEREAS, the County Council finds that it is in the best interest of the County to enact a new Chapter 123 of the Dorchester County Code entitled “Property Registration” for the purposes of regulating vacant buildings, short-term rentals, and rental dwelling units in the County, including with respect to registration, appeals, and enforcement regarding the same and defining terms associated therewith; and

WHEREAS, the County Council finds that the enactments set forth herein are necessary to promote and protect the public health, safety, and welfare.

SECTION ONE: Acting under Md. Code Ann., Local Gov’t § 10-206(a)(2) and § 301 of the Charter, be it enacted and ordained by the County Council Of Dorchester County, Maryland that a new Chapter 123 of the Dorchester County Code entitled “Property Registration,” be and it is amended as follows:

Chapter 123

PROPERTY REGISTRATION

ARTICLE I – VACANT BUILDING REGISTRATION

§ 123-1. Purposes.

The purposes of this Article are to protect the public health, safety, and general welfare of the citizens of Dorchester County; assist the County government in monitoring the number of vacant buildings in the County; ensure that owners of vacant buildings are known to the County and other interested parties and can be reached if necessary; ensure that owners of vacant buildings are aware of the obligations of ownership under relevant codes and regulations; and ensure that vacant buildings meet minimum standards of maintenance.

§ 123-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DEPARTMENT

The Department of Planning and Zoning.

DIRECTOR

The Director of Planning and Zoning or their designee.

OWNER

An individual or legal entity:

- A. With a legal or equitable interest in or control of the property upon which a vacant building is situated;
- B. Having the charge, care, or control of the property upon which a vacant building is situated, including as an executor, administrator, trustee, guardian, or personal representative of the estate of the owner; or
- C. Whose name appears on the deed or property tax bill for the property.

PROPERTY

A lot or parcel of real property on which is situated at least one vacant building.

VACANT BUILDING

- A. A building that is not occupied by its owner, a tenant, or other person in lawful possession or at which substantially all lawful use consistent with this Code has ceased.
- B. Except as otherwise provided in this definition, if any of the occupiable square footage of a building is occupied by its owner, a tenant, or other person in lawful possession, the building shall not be deemed a vacant building.
- C. This subsection applies to buildings located in zoning districts with a ground level designed for nonresidential occupancy. If more than fifty (50) percent of the occupiable square footage of the portion of the first floor immediately adjacent to a public right-of-way is vacant, the building will be deemed a vacant building.
- D. "Occupiable square footage" excludes basements, crawl spaces, mechanical rooms, unfinished attics, exterior porches, garages, and other non-occupiable ancillary spaces.

VACANT BUILDING NOTICE

A written notice from the Director stating that the building has been deemed vacant and requiring that the same be registered in accordance with this article.

§ 123-3. Scope and administration.

- A. **Applicability.** This article applies to nonresidential buildings, single-family dwellings (excluding mobile homes), and mixed-use buildings. For purposes of this article, a "nonresidential building" means a building not devoted exclusively to use as a residential domicile (which may include, but is not limited to, a single-family dwelling unit, townhouse, or condominium).
- B. **Other laws.** Nothing in this article should be construed to relieve an owner from compliance with all applicable federal, State, and local laws and regulations.
- C. **Regulations.** The Director may adopt regulations necessary to the administration of this article.

§ 123-4. Determination of vacancy.

- A. **Generally.** This article requires owners to register their own vacant buildings. In addition, the Director may determine whether a building is vacant. If the Director determines that a building has been vacant for at least one (1) year, the Director shall issue a vacant building notice requiring that the same be registered in accordance with this article.
- B. **Occupancy.** In determining whether a building is vacant, the Director may consider whether:

- (1) Water, electric, and gas service are being supplied to the building and, if so, the amount of water, electric, and gas being used;
- (2) There is an accumulation of mail on the property;
- (3) The windows and doorways are covered, boarded, broken, or open and unsecured against unlawful entry; and
- (4) The exterior of the building or property is being maintained in accordance with this Code and any other applicable laws or regulations.

§ 123-5. Registration.

A. Requirement. The owner of any vacant building shall register the same with the Director by submitting the vacant property registration form required by the Director, along with the required fee in accordance with this section.

B. Initial registration.

- (1) This subsection applies to a building that exists as a vacant building on January 1, 2024. If the building remains vacant, the owner shall register the property on or before April 1, 2024.
- (2) This subsection applies to a building that becomes vacant after January 1, 2024. The owner shall register the vacant building within the earlier of:
 - (a) Six (6) months after the property becomes vacant; or
 - (b) Thirty (30) days after the owner's receipt of a vacant building notice.
- (3) If a person assumes ownership of a vacant building with the intention of maintaining its status as such, the owner shall notify the Department as set forth in Subsection (E) below or renew the registration upon the anniversary of the renewal date, whichever date is earlier.
- (4) The initial registration form must be accompanied by the filing fee then in effect, as established and as may be amended from time to time by resolution of the County Council.

C. Annual registration. Once registered pursuant to subsection (B) of this section, an owner shall register the building on an annual basis for as long as it remains a vacant building. The annual renewal must be accompanied by the filing fee then in effect, as established and as may be amended from time to time by resolution of the County Council.

D. Information provided. The vacant building registration form shall include:

- (1) The property address;
- (2) The name, address, and phone number of all owners;
- (3) The name, address, and telephone number of any local agent or representative;
- (4) The legal description and tax account number of the property;
- (5) The date on which the building became vacant; and
- (6) An explanation as to the reason for such vacancy.

E. Update of information. An owner has a continuing obligation to ensure that the information provided at the time of registration remains valid. Except as otherwise provided in this subsection, if at any time the information is no longer valid, the owner shall notify the Department of the change, in writing, within fifteen (15) days after the change. If a vacant building is transferred, the new owner shall notify the Department within thirty (30) days after the transfer and submit the name, address, and telephone number of the new owners.

F. Removal. If a vacant building becomes occupied at any time after registration, the owner shall notify the Department, in writing, along with corroborating documentation including, but not limited to, a lease or utility bill addressed to the building, and request that the building be removed from the vacant building registry. The Department shall remove such building from the registry within thirty (30) days of the filing of the notice unless the Department determines that there is evidence of vacancy and reason to believe that the building is vacant and subject to registration.

§ 123-6. Maintenance standards.

On or before April 1, 2024, the Director shall establish and publish on the County website maintenance standards for vacant buildings. The maintenance standards may include specific provisions of this Code. The owner of a vacant building shall maintain the same in accordance with such provisions.

§ 123-7. Inspections.

- A. Required. A vacant building that has been vacant for more than two (2) years is subject to an annual inspection at the time the annual renewal is due for the purpose of ensuring compliance with the maintenance standards referenced in § 123-6 of this article.
- B. Performance by the County. County staff will conduct the required inspections pursuant to the consent of the owner or a tenant.
- C. Performance by private inspectors. If consent to an inspection is not granted pursuant to subsection (B) above, an owner shall retain a private inspector to perform the inspection. The

inspector must be a Maryland licensed architect or professional engineer and must complete the inspection on a form provided by the Department.

§ 123-7. Appeals.

- A. Notice and grounds. An owner may appeal the issuance of a vacant building notice to the Board of Zoning Appeals within twenty (20) days after its issuance. Appeals must be filed on a form provided by the Department in accordance with procedures established by the Department or the Board and must state the grounds for the appeal. The appeal must be accompanied by the vacant building notice being appealed and the filing fee then in effect, as established and as may be amended from time to time by resolution of the County Council.
- B. Stay. The filing of an appeal will stay the requirement to register a vacant building as set forth in § 123-5 of this article. The stay will be lifted upon the issuance of a written decision under subsection (D) below.
- C. Hearing. Within forty-five (45) days after the filing of a notice of appeal, the Board will convene to hear the appeal. At the hearing, the owner may appear and be heard or may be represented by an agent or attorney. The owner and the Director may testify, present documents and other evidence, including witness testimony, and cross-examine witnesses. The Board shall consider all relevant evidence submitted at the hearing. The owner has the burden of persuasion to show that the Director's determination as to vacancy was incorrect.
- D. Decision. Within thirty (30) days after the hearing, the Board shall issue a written decision affirming or reversing the findings of the Director as specified in the vacant building notice. If the Board affirms the Director's findings, the owner shall register the vacant building within thirty (30) days after the owner's receipt of the written decision. A copy of the written decision will be provided to all parties.

§ 123-8. Violations and penalties.

- A. The failure of an owner of a vacant building to register the same when required by this article or to comply with inspection requirements or maintenance standards shall be punishable as a civil infraction and subject to a fine of two hundred fifty dollars (\$250.00) for an initial violation and five hundred dollars (\$500.00) for a repeat violation. Each day that a violation continues shall be deemed a separate offense and subject to a separate fine without the need for additional notices or citations and may be joined in a single prosecution.
- B. The provisions of this section are in addition to and not in lieu of any criminal or civil penalties as provided by applicable State and local laws and regulations. The County may pursue any action available at law or in equity to remedy violations of this article.

ARTICLE II – SHORT-TERM RENTALS

§ 123-9. Purpose.

The purposes of this Article are to protect the public health, safety, and general welfare of the citizens of Dorchester County; assist the County government in monitoring the number of short-term rentals in the County; ensure that owners and operators of short-term rentals are known to the County and other interested parties and can be reached if necessary; ensure that owners and operators of short-term rentals are aware of their obligations under relevant codes and regulations; and ensure that short-term rentals meet minimum standards of maintenance.

§ 123-10. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AGENT

An individual at least twenty-one (21) years of age designated by the operator in lieu of themselves as the 24-hour emergency contact for a lawfully operating STR.

BED AND BREAKFAST

A private owner-occupied residence in which not more than six (6) bedrooms are rented to tourists or travelers, and in which breakfast is provided and included in the room rate.

DEPARTMENT

The Department of Planning and Zoning.

DIRECTOR

The Director of Planning and Zoning or their designee.

OCCUPANT

The individual(s) who have lawfully obtained the exclusive use and possession of the STR for a certain time as designated in the rental agreement from its operator, including their guest(s).

OPERATOR

Any individual or entity that operates an STR, including the owner. For purposes of this article, a lessee may serve as an operator of an STR only when expressly authorized in writing by the owner.

OWNER

Any individual or entity that holds legal title to the STR.

OWNER OCCUPIED

An individual owner who makes their primary residence on the real property upon which the STR is located, as evidenced by a deed, homestead exemption, voter registration, vehicle registration, driver's license, or similar documentation.

OPERATOR OCCUPIED

A property lessee, as documented in a valid lease agreement with the owner, who, with the express permission of the owner, makes their primary residence on the real property upon which the STR is located, as evidenced by a homestead exemption, voter registration, vehicle registration, driver's license, or similar documentation.

SHORT-TERM RENTAL, or STR

The rental of a habitable dwelling unit, or a portion thereof, upon written agreement, by the owner or operator to one (1) or more individuals for occupancy, dwelling, lodging, or sleeping purposes; provided, however, that the following shall not be considered a STR and are not subject to this article:

- A. The rental of units within County-approved hotels, motels, bed and breakfasts, and time share projects;
- B. The rental of a dwelling unit, or portion thereof, pursuant to a lease agreement having a term of at least one (1) month; and
- C. The rental of a habitable dwelling unit, or portion thereof, for less than fifteen (15) days in a calendar year.

SHORT TERM RENTAL, or STR, PERMIT

The permit issued by the County that identifies the subject property as a lawful STR, the STR permit number, the name(s) and contact information of the owner(s), operator(s), and agent(s), as applicable, and a 24-hour emergency contact phone for at least one (1) of the foregoing.

SLEEPING AREA

A room within a dwelling designed or used for sleeping, including a bedroom. Tents, hammocks, recreational vehicles, and/or other vehicles and outdoor areas shall not be considered a sleeping area.

§ 123-11. Permit required.

No STR shall operate within the County without a current valid STR permit.

§ 123-12. STR permit.

A. Application. Application for an STR permit shall be made either in writing or electronically to the Department on a form provided by the County. Application for an STR permit shall be accompanied by the application fee then in effect, as established and as may be amended from time to time by resolution of the County Council, and shall include the following information:

- (1) A list of all owners, members, operators, and agents of the STR including names, addresses, telephone numbers, and current email addresses of each.
- (2) A complete description of the premises to be operated as an STR.
- (3) A narrative describing the location of the available parking.
- (4) The name, address, and twenty-four (24)-hour telephone number of all contact individuals, whether the owner, member, operator, or agent, who shall be responsible and authorized to respond to complaints concerning the use of the STR.
- (5) An attestation that all owners have met and shall continue to meet all standards and other requirements of this article including, but not limited to, maintenance of insurance coverage of the STR in accordance with § 123-16 (B) and that the STR has the required and necessary smoke detectors and fire extinguishers required by law.
- (6) A copy of the standard lease agreement and house rules for the STR.
- (7) Maximum occupancy of the STR based on the number, size, configuration, and furnishings of the bedrooms, and per the applicable provisions of this Code and/or State law or regulation.
- (8) Notarized signature of the applicant(s) representing that all contents of the application are true and accurate to the best of their personal knowledge, information, and belief and acknowledging that any material misrepresentations or omissions are grounds for denial, suspension, or revocation of the STR permit.

B. Completeness of application. Applications shall not be considered complete until all documentation required under this article has been submitted and the full application and permit fees have been paid. Incomplete applications will not be accepted.

C. Acknowledgement by applicant. In connection with submission of the application, each applicant and each owner, if other than the applicant, shall acknowledge that any STR permit granted by the County does not supersede any property-specific restrictions against STRs that

may exist under law, agreement, lease, covenant, homeowner's association policies, or deed restriction.

- D. Registration of non-owner occupied residential dwelling unit. No STR permit shall be issued for any non-owner occupied residential dwelling unit until and unless such unit is duly registered in accordance with Article III of this Chapter. The failure to maintain such registration following issuance of an STR permit may be grounds for suspension or revocation of the STR permit, in addition to any other penalties provided for in Article III of this Chapter.
- E. Review. Upon receipt of a completed application for an STR permit and payment of the required fee, the Director, in consultation with other appropriate County departments, shall determine if the applicant has complied with all requirements of this article as well as all other applicable laws and regulations, including but not limited to Chapter 155 (Zoning) of this Code. If the applicant is in full compliance, the Director shall issue the STR permit to the owner(s).
- F. Limitations on issuance. The County Council reserves the right to limit, by resolution, the number of STR permits to be issued at any given time when, in their opinion, such limitation is in the best interest of the County.

§ 123-13. Expiration and renewal of STR permit.

- A. Unless otherwise revoked by the County pursuant to this article, an STR permit expires three (3) years from the date of issuance.
- B. AN STR permit holder shall apply for renewal no earlier than three (3) months prior to the expiration of the permit on a form provided by the County. The permit holder shall update the information contained in the original permit application, or most recent renewal thereof, as required under this article, as amended from time to time, if any such information has changed. The permit holder shall sign a statement affirming that there is either no change in the information contained on the original permit application, or most recent renewal thereof, as applicable, or that any information that has been updated is accurate and complete. Complete applications for renewal received after the expiration of a current permit shall be treated as applications for a new permit.
- C. The County shall follow the procedures set forth in this article when determining whether to renew a permit.
- D. The fee for the renewal of an STR permit shall be established and may be amended from time to time by resolution of the County Council.

§ 123-14. Non-transferability.

AN STR permit is not transferable to another owner, operator, unit, or location.

§ 123-15. Types.

A. Type 1 STR Regulations. This subsection applies to an STR located on property that is owner or operator occupied.

(1) A Type 1 STR may include the rental of less than an entire dwelling unit, subject to the following:

(i) A sleeping area must be seventy (70) square feet for one occupant and fifty (50) additional square feet for each additional occupant, and shall include, at a minimum, the shared use of a full bathroom;

(ii) The owner or operator shall generally be present on the property; and

(iii) The property shall not have any outstanding County-issued violations affecting the health, safety, or welfare of any occupants thereof, including, but not limited to, violations of the County's property maintenance or building codes.

B. STR (Type 2) Regulations. This subsection applies to an STR located on property that is not owner or operator occupied.

(1) A Type 2 STR use is subject to the following:

(i) A sleeping area must be seventy (70) square feet for one occupant and fifty (50) additional square feet for each additional occupant, and shall include, at a minimum, the shared use of a full bathroom;

(ii) The owner or operator is generally not present on the premises and has a designated operator or agent, as applicable; and

(iii) The property shall not have any outstanding violations issued by the County affecting the health, safety, or welfare of any occupants thereof, including, but not limited to, violations of the County's property maintenance or building codes.

§ 123-16. General standards.

All STRs permitted pursuant to this article are subject to the following:

A. Parking. If the STR has private parking, e.g., a driveway or private lane, then the STR shall not be permitted to occupy more than one (1) on-street parking space. If there is no private parking, then a maximum of two (2) on-street parking spaces will be permitted. No parking shall be permitted within public alleys or access easements as defined by this Code and applicable laws and regulations. Landscaped areas, e.g., yards, shall not be utilized for parking.

B. Insurance. The owner shall keep, at a minimum, an insurance policy sufficient for personal injury liability of guests.

C. Life safety.

(1) STRs and the premises upon which they are located shall conform to all applicable State and local laws and regulations, including but not limited to all applicable provisions of this Code.

(2) A standard five (5)-pound extinguisher shall be properly mounted and accessible on each floor of the STR.

(3) Smoke and carbon monoxide detectors shall be installed and conform to all applicable State and local laws and regulations, including but not limited to all applicable provisions of this Code.

(4) Each bedroom or other sleeping area shall have a window or other direct means of exit to the exterior of the premises in the event of an emergency.

D. Conduct on premises.

(1) STR operators shall be responsible for informing their occupants of all relevant County laws and regulations and occupants' liability for violations of same.

(2) Excessive noise or other disturbance outside the STR is subject to the penalties set forth in this Code.

E. Posting of House Rules. The operator shall post in a conspicuous location of the STR the following minimum information:

(1) Location of required off-street parking, other available public parking, and prohibition of parking on landscaped areas.

(2) Quiet hours and noise restrictions pursuant to this Code.

(3) Twenty-four (24) hour contact person and phone number.

(4) Property maintenance requirements.

(5) Trash pick-up requirements, including location of trash cans and recycling bins, as applicable.

(6) County emergency numbers.

(7) Notice that failure to conform to the occupancy and parking requirements is a violation of this article and/or other provisions of this Code, for which the occupant may be subject to penalties as set forth herein.

F. Hotel occupancy tax. The owner must remit all applicable federal, State, and local hotel occupancy taxes in a timely manner, pursuant to applicable laws and regulations, including this article. If the owner is using an STR management computer application such as VRBO, Expedia, or AirBnb, then any County hotel occupancy taxes may be automatically deducted and remitted to the County.

§ 123-17. Inspections.

To ensure continued compliance with the requirements of this article, an STR may be inspected whenever an alleged violation pursuant to § 123-16 is submitted on the complaint form approved by the Director and filed with the County in accordance with the County's established code enforcement policies and procedures.

§ 123-18. Enforcement and penalties.

A. The operation of a STR in the County without a valid current STR permit shall be a violation of this article subject to the County's established code enforcement policies and procedures.

B. The failure to operate a STR in the County in accordance with the terms and conditions of a valid current STR permit shall be a violation of this article and shall be grounds for suspension or revocation of a STR permit, in the Director's sole discretion.

C. Emergency contact. The owner or operator of the STR shall provide the County with a twenty-four (24) hour contact number for the operator or a designated agent and shall provide timely updates to County of any changes thereto. Should a law enforcement officer or code enforcement officer respond to the STR and issue a citation for any violation of applicable law, including this Code, the owner, operator or their agent shall be called by the officer. The owner, operator, or their agent shall attempt to contact the occupants within one (1) hour of the call to address the complaints. Should a second complaint be filed during the occupants' stay, the owner or operator must take appropriate steps, in accordance with the lease agreement and/or house rules, to ensure future complaints do not occur. STR permits shall be revoked if three (3) or more confirmed citations are issued for two or more separate rental periods at a permitted STR within any six (6) month period, regardless of to whom the citations are issued. Failure to provide updated information to the County regarding the designated agent shall be a violation of this section.

D. In addition to the suspension or revocation of an STR permit, any violation of the provisions of this article, including the failure to operate a STR in accordance with the terms and conditions of a valid current STR permit, shall be punishable as a civil infraction and subject to a fine of two hundred fifty dollars (\$250.00) for an initial violation and five hundred dollars (\$500.00) for a repeat violation. Each day that a violation continues shall be deemed a

separate offense and subject to a separate fine without the need for additional notices or citations and may be joined in a single prosecution.

- E. The provisions of this section are in addition to and not in lieu of any criminal or civil penalties as provided by applicable State and local laws and regulations. The County may pursue any action available at law or in equity to remedy violations of this article.

§ 123-19. Suspension and revocation; procedures.

In addition to the Director's authority to suspend or revoke an STR permit set forth elsewhere in this article, the Director is authorized to suspend or revoke an STR permit whenever such permit is issued in error or on the basis of incorrect information supplied or where it is determined that the subject premises, building, structure, unit, or portion thereof is in violation of the provisions of this article or any other applicable State or local law or regulation, including this Code, and where such violation(s) have not been abated to the County's satisfaction. The procedures to suspend or revoke an STR permit are as follows:

- A. The Department shall give written notice to the owner and operator, if any, regarding the suspension or revocation and the grounds therefor.
- B. If an STR permit is revoked, the subject property shall not be issued another STR permit for a period of six (6) months.

§ 123-20. Appeals.

- A. Any person who allegedly is directly aggrieved by any order, requirement, decision, or determination of any County department, agency, or official in conjunction with the administration and enforcement of this article may appeal such order, requirement, decision, or determination to the Board of Zoning Appeals.
- B. Appeals must be filed on a form provided by the Department in accordance with procedures established by the Department or the Board and must state the grounds for the appeal. The appeal must be accompanied by the vacant building notice being appealed and the filing fee then in effect, as established and as may be amended from time to time by resolution of the County Council.
- C. Stay. The filing of an appeal will stay the order, requirement, decision, or determination being appealed. The stay will be lifted upon the issuance of a written decision under subsection (D) below.
- D. Hearing. Within thirty (30) days after the filing of a notice of appeal, the Board will convene to hear the appeal. At the hearing, the appellant may appear and be heard or may be represented by an agent or attorney. The owner, if other than the appellant, and the Director may testify, present documents and other evidence, including witness testimony. All cross-examination shall be under the strict limitation of the Board . The Board shall consider all

relevant evidence submitted at the hearing. The appellant has the burden of persuasion to show that the order, requirement, decision, or determination being appealed was incorrect.

- E. Decision. Within forty-five (45) days after the hearing, the Board shall issue a written decision affirming or reversing the order, requirement, decision, or determination being appealed.

ARTICLE III - RENTAL DWELLING UNITS

§ 123-21. Purpose.

The purposes of this Article are to protect the public health, safety, and general welfare of the citizens of Dorchester County; assist the County government in monitoring the number of rental dwelling units in the County; ensure that owners of rental dwelling units are known to the County and other interested parties and can be reached if necessary; ensure that owners of rental dwelling units are aware of their obligations under relevant codes and regulations; and ensure that rental dwelling units meet minimum standards of maintenance.

§ 123-22. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DEPARTMENT

The Department of Planning and Zoning.

DIRECTOR

The Director of Planning and Zoning or their designee.

DWELLING UNIT

A habitable space providing permanent provisions for residential occupancy, e.g., living, sleeping, and sanitation, for one (1) or more individuals for residential occupancy; provided, however, that the following shall not be considered dwelling units and are not subject to this article:

- A. The rental of units within County-approved hotels, motels, bed and breakfasts, and time share projects;
- B. The rental of a STR under Article II of this Chapter;
- C. The rental of a habitable dwelling unit, or portion thereof, for less than fifteen (15) days in a calendar year;
- D. The rental of a lot in a mobile home park or a campground; and
- E. Residential mobile homes.

MAILING ADDRESS

The mailing address of an owner of a rental dwelling unit as recorded in the records of the State Department of Assessments and Taxation (SDAT). The owner is responsible for maintaining the owner's current mailing address with SDAT.

NEW OWNER

The owner of a rental dwelling unit that:

- A. Has received an occupancy permit;
- B. For which title has been transferred to a new owner; or
- C. Has been converted to rental use.

NEW RENTAL DWELLING UNIT

A rental dwelling unit that:

- A. Has received an occupancy permit;
- B. For which title has been transferred to a new owner; or
- C. Has been converted to rental use.

OWNER

Any person that holds legal title to a rental dwelling unit.

PERSON

Any individual, partnership, firm, corporation, association, or other legal entity of whatsoever kind and nature.

RENTAL

Leasing or allowing occupancy or usage of a dwelling unit, either directly or by an agent, in consideration of value, including personal services, paid or tendered to or for the use or benefit of the owner or another person. Rental does not include an owner allowing use of a dwelling unit by immediate family members for no monetary consideration paid directly to or for the use or benefit of the owner. Payments for government services, taxes, utilities, or property maintenance items made by the immediate family occupant(s) shall not be deemed to be monetary consideration paid to or for the use or benefit of the owner.

TENANT

A person who rents a dwelling unit.

§ 123-23. Rental dwelling unit registration.

A. Registration.

- (1) Beginning January 1, 2024, all owners of a rental dwelling unit shall annually register the unit by filing a registration form or renewal with the Department and paying the required registration fee.
- (2) A new rental dwelling unit shall be registered within sixty (60) days of becoming a rental dwelling unit.
- (3) The registration fee for rental dwelling units shall be established and may be amended from time to time by resolution of the County Council.
- (4) Invoices for registration fees shall be sent on or before January 15th of each year by mail to the owner's mailing address.
- (5) Failure of the owner to register the rental dwelling unit on or before March 1st, or within sixty (60) days of becoming a rental dwelling unit, including paying the required registration fee, shall cause the rental dwelling unit to be designated as noncompliant.
 - (a) Any rental dwelling unit that remains unregistered as of July 1st in any calendar year, or after sixty (60) days of becoming a rental dwelling unit shall be designated as a delinquent rental dwelling unit. The Department shall notify the owner of such designation by mailing a notice addressed to the owner at the owner's mailing address. The notice shall inform the owner that the rental dwelling unit is a delinquent rental dwelling unit.
 - (b) To remove delinquent rental dwelling unit status and to comply with the registration requirements of this article, the owner of a delinquent rental dwelling unit shall:
 - (i) Pay a delinquent rental dwelling unit registration fee, which shall be established and may be amended from time to time by resolution of the County Council, together with the required registration fees for the current year; and
 - (ii) Subject the rental dwelling unit to an interior and exterior inspection by the Department, with all violations to be corrected before the rental dwelling unit is registered.
 - (c) If ownership of the delinquent rental dwelling unit transfers to another individual or legal entity not owned or controlled by the delinquent owner and such new owner complies with all provisions of this article, the delinquent owner designation then

terminates. If the new owner fails to timely register the rental dwelling unit, then the delinquent rental dwelling unit designation shall continue.

(d) If the full amount of any registration fees due to the County remains unpaid as of September 1st and is more than sixty (60) days in arrears after billing, the County shall cause to be recorded in the Land Records of Dorchester County the amount of such fees due and owing, and the full amount thereof shall be a lien on the property and shall be collectible in the same manner as real estate taxes are collected.

B. Transfer of title. An owner shall notify the Department in writing when a registered rental dwelling unit is converted to a non-rental use.

§ 123-24. Inspection of premises.

A. After the Department receives a complaint regarding any rental dwelling unit, the Department may inspect the rental dwelling unit. Inspections may also be initiated from inspector observations to the same extent as other residential properties in the County. Such inspection shall occur after notice has been furnished to the owner and occupants of the rental dwelling unit in accordance with the relevant provision(s) of this Code.

B. Unless otherwise provided by the relevant provision(s) of this Code, notice of an inspection under this section shall be sent by certified mail, return receipt requested, or personally delivered to the owner, and by affixing the notice to the rental dwelling unit in a conspicuous location. If the Department's inspector shall be denied access to the rental dwelling unit or any part thereof that is appropriate for inspection, the Department may obtain an administrative search warrant to gain access as set forth in § 123-25 of this article.

§ 123-25. Administrative search warrant.

A. An inspector authorized by the County to inspect any rental dwelling unit may apply to a court of competent jurisdiction in Dorchester County for an administrative search warrant to enter and inspect such rental dwelling unit. The application shall be in writing, signed and sworn to by the inspector, and state or identify: (i) the rental dwelling unit to be inspected by street address and general description; (ii) the nature, scope, and purpose of the inspection; and (iii) one or more dates and approximate times when the inspector proposes to conduct the inspection. In addition, the application shall specify the legal authority for such inspection and the efforts of the inspector (or others) to schedule or conduct the inspection and/or to locate the owner(s), tenant(s), or other person(s) in charge of the rental dwelling unit and any other grounds for issuance of the administrative search warrant.

B. A judge of a court of competent jurisdiction in Dorchester County may issue an administrative search warrant upon finding that: (i) the inspector is authorized to make the inspection; (ii) a reasonable effort has been made to obtain access to the rental dwelling unit to make the inspection; (iii) the owner(s), tenant(s), or other person(s) in charge of the rental dwelling unit have denied or otherwise failed or refused to furnish access to the rental dwelling unit at a reasonable time or for a reasonable period to conduct the inspection, or the

inspector (or others) have been unable to locate any such person(s) after making a reasonable effort to do so; and (iv) if conducted in a reasonable manner, the inspection will not intrude unnecessarily on the privacy of such persons.

- C. An administrative search warrant issued under this section shall be executed and returned to the issuing judge or, in their absence, to the clerk of the issuing judge within: (i) the time specified in the warrant, not to exceed thirty (30) days; or (ii) if no time is specified therein, fifteen (15) days from its date of issuance.
- D. This section shall not preclude or affect the power to make prompt inspection without a warrant in emergency situations.
- E. This section shall not be construed to supersede any State law or rules of court regarding the application for and issuance of administrative search warrants. In the event any such law or rule conflicts with the provisions of this section, the former shall control.

§ 123-26. Enforcement and penalties.

- A. Any violation of the provisions of this article shall be punishable as a civil infraction and subject to a fine of two hundred fifty dollars (\$250.00) for an initial violation and five hundred dollars (\$500.00) for a repeat violation. Each day that a violation continues shall be deemed a separate offense and subject to a separate fine without the need for additional notices or citations and may be joined in a single prosecution.
- B. The provisions of this section are in addition to and not in lieu of any criminal or civil penalties as provided by applicable State and local laws and regulations. The County may pursue any action available at law or in equity to remedy violations of this article.

§ 123-27. Suspension and revocation; procedures.

The County is authorized to revoke a rental dwelling unit registration whenever such registration is issued in error or on the basis of incorrect information supplied or where it is determined that the subject premises, building, structure, unit, or portion thereof is in violation of the provisions of this article or any other applicable State or local law or regulation, including this Code, and where such violation(s) have not been abated to the County's satisfaction. The procedures to suspend or revoke a rental dwelling unit registration are as follows:

- A. The County shall give written notice to the owner regarding the revocation and the grounds therefor.
- B. If a rental dwelling unit registration is revoked, the subject property shall not be registered as a rental dwelling unit for a period of six (6) months.

§ 123-28. Appeals.

- A. Any person who allegedly is directly aggrieved by any order, requirement, decision, or determination of any County department, agency, or official in conjunction with the administration and enforcement of this article may appeal such order, requirement, decision, or determination to the Board of Zoning Appeals.
- B. Appeals must be filed on a form provided by the Department in accordance with procedures established by the Department or the Board and must state the grounds for the appeal. The appeal must be accompanied by the vacant building notice being appealed and the filing fee then in effect, as established and as may be amended from time to time by resolution of the County Council.
- C. Stay. The filing of an appeal will stay the order, requirement, decision, or determination being appealed. The stay will be lifted upon the issuance of a written decision under subsection (D) below.
- D. Hearing. Within thirty (30) days after the filing of a notice of appeal, the Board will convene to hear the appeal. At the hearing, the appellant may appear and be heard or may be represented by an agent or attorney. The owner, if other than the appellant, and the Director may testify, present documents and other evidence, including witness testimony, and cross-examine witnesses. The Board shall consider all relevant evidence submitted at the hearing. The appellant has the burden of persuasion to show that the order, requirement, decision, or determination being appealed was incorrect.
- E. Decision. Within thirty (30) days after the hearing, the Board shall issue a written decision affirming or reversing the order, requirement, decision, or determination being appealed.

SECTION TWO: And be it further enacted and ordained that if any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Bill, it being the intent of the County Council that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION THREE: And be it further enacted and ordained that all bills, ordinances, or parts thereof inconsistent with the provisions of this Bill are hereby repealed to the extent of such inconsistency.

SECTION FOUR: And be it further enacted and ordained that General Code Publishers is directed to codify the above amendments to the Dorchester County Code accordingly.

SECTION FIVE: And be it further enacted and ordained pursuant to § 308 of the Charter of Dorchester County, Maryland that promptly after enactment of this Act, the County Manager shall cause a fair summary of this Act to be published at least once in a newspaper of general circulation in Dorchester County, Maryland.

SECTION SIX: And be it further enacted and ordained that this Bill shall be known as Bill No. 2024-1 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED this 5th day of March, 2024.

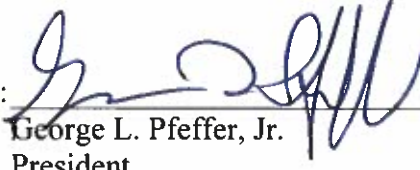
ATTEST:

COUNTY COUNCIL OF DORCHESTER
COUNTY, MARYLAND

BY:


Jeff Powell
Interim County Manager

BY:


George L. Pfeffer, Jr.
President

Pfeffer - Aye

Detmer - Aye

Kramer - Absent

Nichols - Aye

Travers - Aye