

ORDINANCE NO. 1183

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING § 4-42 OF THE CODE OF THE CITY OF CAMBRIDGE, MARYLAND FOR THE PURPOSES OF PROVIDING THAT AN OWNER OF A NON-OWNER OCCUPIED RESIDENTIAL DWELLING UNIT SHALL NOT OPERATE THE SAME WITHOUT HAVING FIRST FILED AN ANNUAL REGISTRATION STATEMENT WITH THE CITY AND PAID THE ANNUAL FEE THEREFOR, THAT THE CITY SHALL NOT ACCEPT A REGISTRATION STATEMENT FOR ANY NON-OWNER OCCUPIED RESIDENTIAL DWELLING UNIT FOR WHICH THERE ARE OUTSTANDING FINES AND/OR ABATEMENT ORDERS FOR VIOLATIONS OF THE CITY CODE, AND THAT THE FAILURE TO FILE A REGISTRATION STATEMENT AS REQUIRED BY § 4-42 OF THE CITY CODE SHALL OPERATE AS A BAR TO ANY ACTION INITIATED BY OR ON BEHALF OF ANY OWNER OF A NON-OWNER OCCUPIED RESIDENTIAL DWELLING UNIT UNDER § 8-401 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND; AND INCREASING THE FINE FOR A VIOLATION OF § 4-42 OF THE CITY CODE FROM \$100.00 TO \$1,000.00; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO NON-OWNER OCCUPIED RESIDENTIAL DWELLING UNITS IN THE CITY OF CAMBRIDGE.

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-202 and § 3-27(1) of the Charter of the City of Cambridge (the "Charter"), the Commissioners of Cambridge are authorized and empowered to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as they may deem necessary for the good government of the City of Cambridge (the "City"); for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; to secure persons and property from danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the City and visitors thereto and sojourners therein; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-205(d)(1)(i), the Commissioners of Cambridge are authorized and empowered to establish and collect reasonable fees and charges for franchises, permits, or licenses granted by the City; and

WHEREAS, Md. Code Ann., Real Property § 8-208(f), as construed by the Maryland Court of Appeals in *McDaniel v. Baranowski*, 419 Md. 560 (2011), recognizes the enforceability of local habitability ordinances enacted for the purpose of ensuring that rental properties are clean, sanitary, and fit for human occupancy in compliance with local laws; and

WHEREAS, pursuant to § 3-27(35) of the Charter, the Commissioners of Cambridge are authorized and empowered to generally require permits or licenses to be obtained where necessary for regulatory purposes in the interest of the public health, safety, or morals and to establish and collect fees and charges for all licenses and permits issued under such authority; and

WHEREAS, pursuant to the foregoing authority, on February 14, 2011, the Commissioners of Cambridge passed Ordinance No. 1006 for the purpose of enacting a registration requirement for non-owner occupied residential dwelling units, which is currently codified as § 4-42 of the Code of the City of Cambridge (the “City Code”); and

WHEREAS, the Commissioners of Cambridge are desirous of amending § 4-42 of the City Code for the purposes of providing that an owner of a non-owner occupied residential dwelling unit shall not operate the same without having first filed an annual registration statement with the City and paid the annual fee therefor, that the City shall not accept a registration statement for any non-owner occupied residential dwelling unit for which there are outstanding fines and/or abatement orders for violations of the City Code, and that the failure to file a registration statement as required by § 4-42 of the City Code shall operate as a bar to any action initiated by or on behalf of any owner of a non-owner occupied residential dwelling unit under § 8-401 of the Real Property Article of the Annotated Code of Maryland; and increasing the fine for a violation of § 4-42 of the City Code from \$100.00 to \$1,000.00; and

WHEREAS, the Commissioners of Cambridge find that the amendments set forth herein are necessary to promote and protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of Cambridge, that:

SECTION 1. Chapter 4 (Buildings and Housing), Article II (Property Maintenance Code) of the Code of the City of Cambridge, Maryland is hereby amended as follows:

Sec. 4-42. – Registration of non-owner occupied residential dwelling units.

(a) By September 30, 2011 and on each September 30 annually thereafter, every owner of a non-owner occupied residential dwelling unit shall file a registration statement with the city's designated department ("department") for each such dwelling unit on a form to be provided by the department. Notification of the annual registration and registration fee will be mailed by the city in July of each year. **An owner shall not operate a non-owner occupied residential dwelling unit without having first filed the annual registration statement and paid the registration fee for such unit.**

(1) The city shall not accept a registration statement for any non-owner occupied residential dwelling unit for which there are outstanding fines and/or abatement orders for violations of the City Code until and unless such fines are paid in full and/or such violations have been abated to the city's satisfaction, as applicable.

(b) UNCHANGED

(c) UNCHANGED

(d) UNCHANGED

(e) UNCHANGED

(f) Any violation of the provisions of this section shall constitute a municipal infraction, the fine for which shall be ~~\$100.00~~ **\$1,000.00**, and every day that a violation continues shall be deemed a separate offense. Any owner of a **non-owner occupied residential dwelling** unit who shall fail to file a registration statement as required by this section shall be liable for said fine without notice. **Additionally, the failure to file a registration statement as required by this section shall operate as a bar to any action initiated by or on behalf of an owner of a non-owner occupied residential dwelling unit under § 8-401 of the Real Property Article of the Annotated Code of Maryland, as may be amended from time to time.**

(g) UNCHANGED

SECTION 2. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. In this Ordinance, unless a section of the City Code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out with a single strikethrough. With respect to the substantive provisions of this Ordinance set forth in Section 1, language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or 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 Ordinance, it being the intent of the Commissioners of Cambridge that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

AND BE IT FURTHER enacted and ordained that this Ordinance shall become effective immediately upon passage.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Patrick C. Comiskey, City Manager

By: _____
Andrew Bradshaw, Mayor

Introduced the ___ day of _____, 2021

Passed the ___ day of _____, 2021

Effective the ___ day of _____, 2021