



# Town of Camden

P.O. DRAWER 1002  
CAMDEN, DELAWARE 19934

Mayor Robert A. Mooney  
Town Manager Donald H. Mulrine, Jr.

## RENTAL LICENSE ORDINANCE # 2007- 101

“AN ORDINANCE ESTABLISHING STANDARDS FOR RESIDENTIAL AND COMMERCIAL OPERATING LICENSES”

**W H E R E A S**, the Town of Camden does hereby ordain the following:

**W H E R E A S**, the Mayor and Council of the Town of Camden finds it in the best interest of the those persons who shall rent a dwelling, dwelling unit or building within the Town of Camden to establish a fair and equitable method of to protect the health, safety and welfare of Camden residents and prevent deterioration of all structures within the Town of Camden.

**W H E R E A S**, the Mayor and Council of the Town of Camden finds that all previous ordinances as originally enacted be repealed.

**Section 1.** In the construction of this ordinance the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

- A. Words used in the singular shall include the plural and the plural singular.
- B. Words used in the present tense shall include the future tense.
- C. Words used in the masculine gender shall include the feminine.

**Section 2. Definitions.** For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

- A. **BUILDING** – Shall mean a fixed construction with walls, foundation, and roof; such as a house, factory, garage, or other commercial structure.
- B. **CODE OFFICIAL** – The Building Inspector and/or Code Enforcement Official
- C. **DAY** – Monday through Friday, excluding Saturday and Sunday.
- D. **LANDLORD** – A person and/or an authorized representative, heir, successor or assignee of a person who leases or otherwise permits another person to occupy a rental unit for money or other consideration.

- E. PERSON – An individual, proprietorship, partnership, corporation, association, or other legal entity.
- F. RENTAL UNIT – Any building or any portion of a building in which a person resides in consideration of which money or other goods or services are paid or provided to the owner of such building, the owner’s authorized representative or another tenant and which may include, but which shall not be limited to, the following types of rental units; or
  1. DWELLING, DUPLEX, MULTIFAMILY, INCLUDING GARDEN APARTMENT – A building or portion thereof containing or designed to contain two or more separate dwelling units with or without common access facilities.
  2. DWELLING UNIT – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.
  3. ROOMING HOUSE, INCLUDING A BOARDING, LODGING OR TOURIST HOME – A building, other than a multifamily dwelling, containing not more than one dwelling unit occupied by a family and providing, for compensation or other consideration, rooming units for the lodging in addition to the owner.
  4. ROOMING UNIT – A room or rooms constituting a separate, independent housekeeping unit that is physically separated from any other room, dwelling unit or rooming unit in the same structure. The rooming unit shall contain living and sleeping facilities, but not cooking or eating facilities, and shall be occupied by no more than one family.
  5. TOWNHOUSE OR ROWHOUSE – Dwelling units attached to each other by party or common walls, with each unit having individual access and rear common or private garden orientation.
- G. TENANT – A person who occupies a rental unit for which said person pays money or gives other consideration.
- H. TOWN – The Town of Camden, Kent County, Delaware.

**Section 3. Rental operating license required.**

No landlord shall operate a rental unit in the Town of Camden unless he has applied for and has been issued a current, rental operating license for the specified rental unit for the current year.

**Section 4. Application for rental operating license and agreement to comply.**

- A. Every landlord shall apply for a rental operating license and shall agree to comply with all provisions of this and any other applicable Town Ordinance.
- B. The application shall be in the form provided by the Code Enforcement Department and shall be accompanied by a check or money order payable to the Town of Camden in the amount set forth by Mayor and Council.
- C. The Town of Camden must receive applications for rental operating licenses for any tenancy existing on the effective date of this chapter no later than 60 days following the effective date of this chapter.

**Section 5. Contents of applications.**

Every landlord shall supply the following information to the Town of Camden as part of the annual application for a rental operating license and agreement to comply:

- A. The mailing and street address of the rental units.
- B. Name of responsible party leasing the unit and telephone number at time of application.
- C. The total number of persons living in the rental unit at time of application.
- D. Landlord's name, mailing address and telephone number.
- E. Length of rental agreement.

**Section 6. Regulations for issuance of licenses.**

- A. The owner is subject to penalties as defined in Section 8 for failure to comply.
- B. If violations are found that pose a health or safety risk to the tenants, the unit may be judged as unfit for occupancy by the Code Official.
- C. Expiration of permits. Each rental operating license shall expire on December 31 of the year in which it was issued. No prorating, rebate or refund shall not be made because of nonuse of the permit.
- D. Timing for reapplication.
  - (1) Application to renew a rental operating license shall be made at least 30 days prior to the expiration date of the current license.
  - (2) When reapplication is made fewer than 30 days before the expiration date, the pendency of the application will not prevent the expiration of the license.

- E. Every rental unit owned shall have a “caretaker” designated by the owner.
- (1) The caretaker may be the property owner if residing in the Greater Town of Camden area.
  - (2) The caretaker shall be an adult person(s) 18 years or older, specifically identified in writing by the owner on the rental license application (stating name, address and telephone numbers) and reside in such proximity to the Town of Camden as to allow him or her to meet with the Code Enforcement Official at the rental unit within 72 hours of receipt of notice from the Code Enforcement Official.
  - (3) The caretaker shall be charged, by the owner, with responsibility and authority to deal with occupants of the premises on behalf of the owner, to make repairs to the rental unit, to maintain the premises and the common areas thereof, and to accept service of process on behalf of the owner.
  - (4) Once notified of a defective condition and unless circumstances are beyond the caretaker’s control, the caretaker will be given an amount of time to make repairs as deemed reasonable by the Code Official.
  - (5) The owner shall notify the Town of Camden in writing of any changes in the name, address, and/or telephone number of the caretaker.
  - (6) Failure to do so will constitute a violation of this chapter.
  - (7) The license is not transferable from property owner to property owner.

**Section 7. Cost of rental operating license.**

Costs shall be as follows: \$45.00 per year.

**Section 8. Inspections**

- A. The Code Enforcement Official reserves the right to inspection property at any time to insure compliance with all Town of Camden housing (Ordinance #90), property maintenance (Ordinance #88) and zoning and land use ordinances and/or codes.
- B. When such inspections are deemed necessary, the Code Enforcement Official will provide 72 hours’ notice to the owner or caretaker.
  - (1) Exceptions to this rule will apply when health or safety conditions exist that require immediate inspection.
- C. A rental unit shall be deemed to be not in substantial compliance if:

- (1) There are one or more violations that pose a serious and substantial threat to the health, safety or welfare of the occupants.
  - (2) There is an extensive number of minor violations that, cumulatively, pose a significant threat to the health, safety, and welfare of the occupants.
- D. When the Code Enforcement Official schedules an inspection, it is the responsibility of the property owner to make sure the structure/property is ready by the time the inspector arrives on site.
- (1) A minimum of 24 hour notice is required to cancel or reschedule an inspection.
  - (2) If an inspector arrives onsite and the structure/property is not ready and the inspection was not cancelled at least 24 hours in advance, a fee of \$100 must be paid at Town Hall before the inspection can be rescheduled.
- E. When conditions of a property are such that cause continuing inspections for the purpose of ensuring compliance by the Code Official, a fee of \$100 per inspection will be imposed.

**Section 9. Violations and penalties; enforcement.**

- A. Penalty for violation.
- (1) Any property owner who shall violate any provisions of this chapter or who fails to comply with any notice or order issued by a Code Enforcement Official pursuant to the provisions of this Section shall be guilty of violating the provisions of this chapter and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000.
  - (2) Except where an appeal is taken, each day of a separate and continuing violation shall be deemed a separate offense.
- B. Should the aforesaid penalties not be paid within 30 days of being assessed, and after notify of said failure is served, then the property covered by this chapter will be assessed for the unpaid penalties, which shall be collected in the same manner and at the same time as Town of Camden taxes.
- C. If any of the cited violations are not remedied, then the residential rental operating license shall be revoked.
- D. The remedies contained within this section shall further not be exclusive, but shall be in addition to any other remedy provided by law, so long as not inconsistent herewith, nor shall the invoking of any remedy or procedure contained within this section preclude the pursuit of any and all other remedies and the same are intended to be cumulative.


- E. Any person aggrieved by any decision of the Town of Camden shall have the right to having before the Mayor and Council by filing a written request within seven (7) days following the effective date of action or decision complained of, the Town of Camden Mayor and Council will set this hearing date at the next Council meeting provided the request is receive within five (5) business days prior to the next Council meeting.

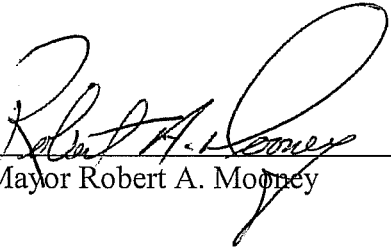
**Section 10.**

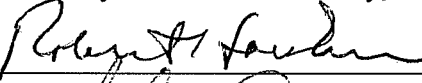
- A. Rental licenses are voided when a transfer of property from one owner/agent to a new owner/agent.
- B. Rental license issued for the remainder of the calendar year shall be charged \$20.00 if taken during the calendar year.
- C. Subletting shall not be permitted in accordance with the Town of Camden Code.


ENACTED AND ORDAINED THIS 10<sup>th</sup> DAY OF SEPTEMBER 2007.

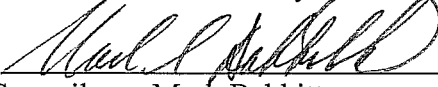
APPROVED AS TO FORM:

  
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 Town Solicitor

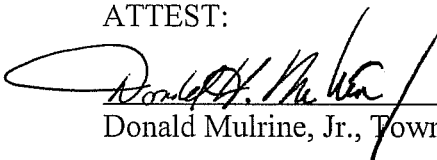
  
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 Mayor Robert A. Mooney

Vice-Mayor James O. Plumley, III  
  
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 Councilman Robert Hawkins

  
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 Councilman Richard Snyder

  
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 Councilman Mark Babbitt

ATTEST:

  
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 Donald Mulrine, Jr., Town Manager

1<sup>st</sup> reading 8/6/07  
 2<sup>nd</sup> reading 9/10/07  
 Public Hearing 9/10/07  
 Adopted 9/10/07

