



Ordinance #2016-O-02

This ordinance establishes the **RENTAL LICENSE STANDARDS** for residential and commercial properties within the Town of Camden. This ordinance shall supersede Town of Camden Ordinance #2007-101, the amendment to Ordinance #2007-101, and any other ordinance pertaining to rental license standards that may have been adopted prior to the effective date of this document.

Be it ordained by the Mayor and Council of the Town of Camden as follows:

WHEREAS, the Mayor and Council of the Town of Camden feels it is in the best interest of those persons who shall rent a dwelling, dwelling unit, or building within the Town of Camden to establish a fair and equitable method to protect the health, safety, and welfare of Camden residents and prevent the deterioration of all structures within its incorporated town limits.

Section 1.

Upon the adoption 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 gender.

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

- A. **BUILDING** – Shall mean a fixed construction with walls, foundation, and roof, such as a house, factory, garage, carport, or other commercial structure.
- B. **CODE OFFICIAL** – The Building Inspector and/or Code Enforcement Official
- C. **DAY** –Monday through Friday, excluding Saturday and Sunday, and Holidays.
- 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, State of Delaware.

Section 3. Rental Operating License Required.

No landlord shall operate a rental unit in the Town of Camden unless he/she has applied for and has been issued a current, rental operating license for the specified rental unit for the current year. The annual rental license year is concurrent with any calendar year, January to December. The rental license must be renewed each and every year that the rental unit continues to be occupied by the tenant.

Section 4. Application for a 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. A copy of the rental license application is attached to this ordinance. The completed rental license application shall be accompanied by a check or money order payable to the Town of Camden in the amount set forth by the Mayor and Council.



- C. The Town of Camden must receive the completed applications for rental operating licenses for any tenancy existing on the effective date of this ordinance no later than 60 days thereafter.

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 the responsible party leasing the unit and telephone number at the time of the application.
- C. The total number of persons living in the rental unit at time of the 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 and the tenant(s) ordered to vacate the premises.
- C. Expiration of licenses. Each rental operating license shall expire on December 31st of the year in which it is issued. No prorating, rebate, or refund shall be made because of nonuse of the license.
- D. Timing for reapplication.
 - a. Application to renew a rental operating license shall be made at least 30 days prior to the expiration of the current license.
- E. Every rental unit owned shall have a "caretaker" designated by the owner.
 - a. The caretaker may be the property owner if he or she resides in or near the Town of Camden.
 - b. 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 phone numbers) and resides in such proximity to the Town of Camden as to allow him or her to meet with the Code Enforcement Official at the rental should it be deemed necessary.
 - c. The caretaker shall be charged, by the owner, with the 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.

- d. 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 the repairs as deemed reasonable by the Code Enforcement Official.
- e. The owner shall notify the Town of Camden in writing of any changes in the name, address, and/or telephone number of the caretaker. Failure to do so will constitute a violation of this ordinance.
- f. The license is not transferable from property owner to property owner.

Section 7. Cost of Rental Operating License.

Costs shall be as follows: \$70.00 per year per rental unit

Section 8. Inspections

- A. The Code Enforcement Official reserves the right to inspect property to insure compliance with all Town of Camden housing, property maintenance, and zoning and land use ordinances and/or codes under the following circumstances:
 - a. There are noticeable violations of the Town of Camden's Ordinances as described in Section 8 of this ordinance.
 - b. There is a complaint filed with the Town of Camden concerning the rental unit/property.
- B. When such inspections are deemed necessary, the Code Enforcement Official shall provide 72 hours' notice to the Landlord/Caretaker and a cost of \$55.00 shall be applied per inspection.
 - a. Exceptions to this rule will apply when health or safety conditions exist that require immediate inspection and appropriate action taken.
- C. A rental unit shall be deemed not in substantial compliance if:
 - a. There are one or more violations that pose a serious and substantial threat to the health, safety, and welfare of the occupants.
 - b. There are 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.



- a. A minimum of 24 hours' notice is required to cancel or reschedule an inspection.
 - b. 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 \$100.00 must be paid to the Town of Camden 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 Enforcement Official, a fee of \$100.00 per inspection will be imposed.

Section 9. Violations and Penalties: Enforcement.

Penalty for violation.

- A. Any property owner who violates any provision or provisions of this ordinance 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 Ordinance and shall be fined not less than \$500.00 nor more than \$1000.00. Except when 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 notification of said failure is served, then the property covered by this Ordinance will be assessed for the unpaid penalties, which shall be collected in the same manner and at the same time as the Town of Camden taxes.
- C. If any of the cited violations are not remedied, then the residential or commercial 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 a hearing before the Mayor and Council by filing a written request within (7) seven days of the notice of the violation. The Town of Camden Mayor and Council will set this hearing date at the next Council Meeting provided the request is received within (5) five business days prior to the next scheduled Council Meeting.

Section 10. Additional Rental Licenses Regulations.

- A. Rental licenses are voided when a transfer of property from one owner/agent to a new owner/agent occurs.
- B. Subletting shall not be permitted in accordance with the Town of Camden Code.



- C. Repeated calls for service at a specific rental property address for Camden Ordinance violations and /or criminal violations within the incorporated limits of the Town of Camden shall lead to that property owner's rental license being revoked by the Code Enforcement Official.
- a. Four (4) separate violations or more within any three-month period shall constitute the basis for the revocation of the owner's rental license.

HEREBY, BE IT SO ORDAINED, by the Mayor and the majority of the Council Members of the Town of Camden present at a regular session of the Camden Town Council, to be effective upon adoption.

ENACTED AND ORDAINED THIS 12th DAY OF SEPTEMBER, 2016.

APPROVED AS TO FORM:

C. King

Town Solicitor

Justin T. King

Mayor Justin T. King

Michael Schock

Vice Mayor Michael Schock

Larry L. Dougherty, Sr.

Councilman Larry Dougherty, Sr.

Kevin Casquarelli

Councilman Kevin Casquarelli

Tracy Torres

Councilwoman Tracy Torres

ATTEST:

L. Anna Chaffin

Town Manager

1st Reading: 08-01-2016
2nd Reading: 09-12-2016
Public Hearing: 09-13-2016
Adopted: 09-12-2016