

DRAFT WORDING

**Town of Blades
Ordinance No. 433
Crime Free Rental Ordinance**

Rental Properties

Article 1. Rental Unit Licenses

Section 1. License required; fee; crime-free lease addendum; eviction

- A. Purpose. The purpose and intent of this chapter are to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of dwellings and or business rentals operated for lease to the public. The health, safety, and welfare of the occupants of the dwellings and or business rentals are the utmost importance to the town, as is the general community character in which these dwelling/business units are located.
- B. Each person, partnership, corporation or other artificial entity who or which rents or offers to rent any apartment, house, other dwelling unit, or business rental unit shall obtain a license and pay an annual license fee as set forth in Ordinance 420B-B or any subsequent resolutions or ordinances, for each apartment, house, dwelling unit, or business rental. No person, partnership, corporation, or other artificial entity shall rent or offer to rent any apartment, house, other dwelling unit, or business rental unit with the town without a license and paying the annual license fee. A rental dwelling unit is any apartment, house, or other dwelling unit occupied or available for occupancy by one or more persons, other than the owner of record, under a rental agreement, implied or written, with or without compensation, whether the rental dwelling be a multiple dwelling, single-family detached, single-family attached, or single-family semi-detached. A business rental unit is any building or office spaced not occupied by the owner of the building or office space used for commercial purposes.

- C. All residential or business leases shall be in writing and shall include a crime-free lease addendum, signed by the property owner and tenant, in the following form:
1. The tenant, business tenant, any member of the tenant's household, any guest, or any other person associated with the tenant on or within 500 feet of the leased premises:
 - a. Shall not engage in criminal activity, including drug-related criminal activity, on or within 500 feet of the leased premises. "Drug related criminal activity" means the illegal manufacture, sale, distribution, use, or possession of any illegal or controlled substance defined by Title 16.
 - b. Shall not engage in any act intended to facilitate criminal activity.
 - c. Shall not permit the dwelling unit to be used for or to facilitate any criminal activity.
 2. Any activity prohibited by this agreement shall constitute a substantial violation of the lease, material noncompliance with the lease, and grounds for termination of tenancy and eviction.
- D. The town shall provide a template crime-free lease addendum.
- E. A copy of the signed lease, including the crime-free lease addendum, shall be submitted to the town upon the request of the Town Administrator or his/her agents and/or assignees.
- F. Eviction required.
1. If the tenant, business tenant, any member of the tenant's household, any guest or other person associated with the tenant engages in criminal activity on three or more occasions within a twelve-month period, the property owner or property manager shall begin the process to terminated tenancy.
 2. Upon notification by the Chief of Police that termination of tenancy is required in accordance with the subsection F(1), the Town Administrator

shall notify the property owner and property manager that he or she has 30 days to initiate the eviction or otherwise terminate the tenancy. Such notice shall be sent by certified mail to the property owner and property manager if a property manager is on record with the town.

- G. In the context of federally subsidized housing units, this article does not provide for superseding any lease provisions or rules or regulation required or permitted by federal law, federal regulations, guidelines, or policy.

Section 2. Criminal Activity Prohibited.

Tenants of a rental dwelling, business unit, all members of the tenant's household, any guest or other person associated with the tenant shall not engage in criminal activity on the leased premises or within 500 feet of the lot on which the rental dwelling is situated. For the purpose of this article, "criminal activity" means any crime classified by applicable law as a felony or a class A misdemeanor in addition to the following offenses: noise violations, drug offenses, offensive touching, menacing, vehicular assault, sexual harassment, indecent exposure, graffiti, criminal mischief, trespassing, criminal trespassing, crime against a vulnerable adult, unlawfully dealing with a child, disorderly conduct, malicious interference with emergency communications, public intoxication, loitering, criminal nuisance, obstructing of public passage, lewdness, prostitution, patronizing a prostitute, unlawfully dealing with a dangerous weapon, or unlawfully dealing with a switchblade knife.

Section 3. Enforcement; grounds for suspension of rental license.

- A. The Town Administrator, and/or his/her designee, shall, unless specifically provided otherwise, supervise the enforcement of this article and have authority to grant, deny, or revoke licenses.
- B. The following actions may be grounds for suspension of the rental license in accordance with this article:

1. The failure of the property owner to initiate and prosecute with effect eviction proceedings following notification by the town that the terms of the crime-free housing lease addendum have been violated.

Section 4. Powers and duties of the Town Administrator.

The Town Administrator and/or his/her designee shall:

- A. Collect all license fees, issue licenses and maintain all license records in the name of the town to all qualified persons.
- B. Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this article.
- C. Adopt all forms and prescribe the information to be given therein as to character and other relevant matter for all necessary papers.
- D. Require applicants to submit all affidavits and oaths necessary to the administration of this article.
- E. Submit all application, in proper case, to interested town officials for their endorsements thereon as to compliance by the applicant with all town articles, if required.
- F. Investigate and determine the eligibility of any applicant for a license pursuant to this article, if required.
- G. Notify any applicant of the acceptance or rejection of his/her application and, upon the refusal of any license or permit and at the applicant's request, state in writing the reasons therefor and deliver them to the applicant.
- H. Keep all information furnished or secured under the authority of this article in strict confidence. The information shall not be subject to public inspection and shall be kept so

that its contents shall not become known except to the persons charged with the administration of this article.

Section 5. Receipt for payment of license fees.

Whenever a license cannot be issued at the time the application for it is made, the Town Administrator and/or his/her designee shall issue a receipt to the applicant for the money paid in advance. The receipt shall not be construed as the approval of the Town Administrator and/or his/her designee for the issuance of a license, nor shall it entitle or authorize the applicant to rent or offer to rent any apartment, house, other dwelling unit, or business unit contrary to the provisions of this article.

Section 6. License Application

- A. Every applicant for a license under the provisions of this article shall make an application for such license upon forms provided by the Town Administrator and/or his/her designee which shall include the following information:
1. The name and business address of the licensee
 2. A statement that the applicant has complied and will continue to comply with all the ordinances of the town. The applicant shall be verified by the oath of affirmation of the individual licensee or of one member of a partnership, firm or association, or of the president, secretary, or a director of a corporation applying for a license.
 3. Such other information as the Town Administrator and/or his/her designee deems necessary.
- B. The proper license fee shall accompany the application.

Section 7. Issuance, expiration, and form.

- A. Upon proper application, payment of the prescribed fee, and satisfactory rental/commerical unit inspection, a license shall be issued to each such applicant, signed by the Town Administrator and/or his/her designee. Each such license shall be valid and effective from the first day of April of each year, or the date of issuance, to the last day of March of the following year. A record of all licenses issued and licensee fees paid shall be maintained at the town hall.

- B. Each such license shall be upon a form provided by the Town Administrator and/or his/her designee, which shall set forth the following:
 - 1. The name and business address of the licensee;
 - 2. The date of issuance of the license;
 - 3. The amount of the license fee paid to the town.

Section 8. Denial of license.

- A. The Town Administrator and/or his/her designee shall, upon disapproving any application submitted under the provisions of this article, refund all fees paid in advance by the applicant pursuant to the application, less a reasonable application processing charge, provided the applicant is not otherwise indebted to the town, in which case the fees shall be applied to the town owned debts.

- B. When the issuance of a license is denied and any action is instituted by the applicant to compel its issuance, the applicant shall not rent or offer to rent any apartment, house, or other dwelling unit for which the license was refused unless a license is issued to him/her pursuant to a judgment ordering it.

Section 9. Penalty for failure to obtain license.

If the license fee is not paid within 30 days of being due, the owner shall be in violation of this chapter. If the inspection is not scheduled to be completed within 90 days of submitting an application or renewal for the rental license, the owner shall be in violation of the chapter. The owner shall be assessed a fine as set forth in Ordinance 420B-B or any subsequent resolutions or ordinances, for each month the rental property remains occupied by a tenant without a license.

Section 10. Collection of Fees; additional remedies.

- A. The amount of any unpaid fee, the payment of which is required pursuant to this article, shall constitute a debt due the town.
- B. The Town Solicitor shall, at the direction of the Town Administrator and/or his/her designee, institute civil suit in the name of the town to recover any unpaid fee.
- C. No civil judgment or any act by the Town Solicitor, the Town Administrator and/or his/her designee or the violating license shall bar or prevent a criminal prosecution for each violation of this article.

Section 11. Separate license for each rental unit.

A license shall be obtained in the manner prescribed in this article for each apartment, house, other dwelling unit, or business unit.

Section 12. Duplicate licenses.

A duplicate license or special permit shall be issued by the Town Administrator and/or his/her designee to replace any license previously issued which has been lost, stolen, defaced or destroyed without any willful conduct on the part of the licensee, upon the filing by the licensee

of an affidavit sworn to before a notary public of this state attesting to the fact and payment to the Town Administrator of a fee as set forth in Ordinance 429 or any and all subsequent resolutions or ordinances for Administration and other miscellaneous fees.

Section 13. Liability of corporate officers and partnerships.

The individuals composing any partnership, firm, or association and the president and directors of any corporation, and each of them, shall be personally liable for the license fees herein prescribed for such partnership, firm, association, or corporation and subject to prosecution for the renting or offering to rent of any apartment, house, or other dwelling unit by partnership, firm, association, or corporation in the town without the license herein required.

Section 14. Renewal/New Tenant

- A. The applicant for the renewal of a license shall submit an application for that license to the Town Administrator and/or his/her designee.

- B. The application shall:
 - 1. Be a written statement upon forms provided by the Town Administrator and/or his/her designee; the form shall include an affirmation by the applicant.
 - 2. Require the disclosure of any information concerning the applicant's demeanor and the conduct and operation of the applicant's business during the preceding licensing period as is reasonably necessary to the determination by the Town Administrator and/or his/her designee of the applicant's eligibility for a renewal license and to a possible adjustment of the license fee.

Section 15. Transfers

Each license granted under this article shall be for the sole use and benefit of the person to whom it is issued and shall not be transferable. In case of the death of any individual licensee, his/her personal representative shall succeed to all rights thereunder until the expiration of the license.

Section 16. Display

Every person holding a license issued pursuant hereto shall expose such license in a conspicuous manner in the apartment, house, dwelling unit, or business unit.

Section 17. General Standards of conduct by licensee.

Every licensee under this article shall:

- A. Ascertain and at all times comply with all laws and regulations applicable to the licensed business.
- B. Avoid all forbidden, improper, or other practices or conditions which do or may affect the public health, morals, or welfare. Comply with all property maintenance, zoning, and other codes.
- C. Refrain from renting or offering to rent any apartment, house, dwelling unit, or business unit after expiration of his/her license and during the period his/her license is revoked or suspended.

Section 18. Inspections.

- A. The Town Administrator and/or his/her designee shall make or have made all investigations reasonably necessary to the enforcement of this article.
- B. The Town Administrator and/or his/her designee shall have the authority to order the inspection of licensee's rental units by all town officials having duties to perform with reference to the licensees or rental units. Such town official shall notify a licensee of an intended inspection at least 10 calendar days prior to the inspection unless the tenant has requested the inspection or there exists an urgent issue concerning health or safety. Upon

request of the Town Administrator, and/or his/her designee, the owner of the rental unit, or his/her authorized agent, must be present at the time of the inspection.

- C. All rental units shall be inspected annually.
- D. Persons inspecting licensee's rental unit shall report all violations of this article to the Town Administrator and/or his/her designee and shall submit any other reports that the Town Administrator and/or his/her designee shall order.
- E. Inspections must be scheduled to be completed by the owner of the rental unit, and/or his/her authorized rental agent, with the Town Administrator and/or his/her designee, within 90 days of submitting an application for a rental license or the rental license will not be issued and the owner of the rental unit shall be fined as established in Ordinance 420B-B or any subsequent ordinances or resolutions.

Section 19. Provisional orders.

- A. Generally.
 - 1. When a town inspector has reported a violation of any article by a holder of a license or any of his/her employees, the Town Administrator and/or his/her designee shall issue a provisional order to the licensee.
 - 2. The provisional order shall require compliance within five days of service on the affected person.
- B. Hearing on provisional order. Upon written request by a person served with a provisional order pursuant to the provisions of this article, the Town Administrator and/or his/her designee shall hold a hearing on the alleged violation; a notice of hearing shall be served in the manner required herein.
- C. Service of notices and order. Provisional orders and all other notices issued pursuant to this article shall be in writing, shall be personally served and shall apprise the licensee of

his/her specific violations. In the absence of the licensee or his/her agent or employee, a copy of the notice shall be affixed to some structure on the premises. Should any other permitted method of service of notice fail, then sending the notice to the affected person's last known address shall constitute service.

- D. Authority of Town Administrator and/or his/her designee to modify orders. Upon written application or on his/her own motion, the Town Administrator and/or his/her designee shall have the authority, in a proper case, to extend the time for compliance, to grant a new hearing date and to change, modify or rescind any recommendation or order.
- E. The Town Administrator and/or his/her designee, shall re-inspect the rental unit of any licensee issued a provisional order after the rental unit is brought into compliance. The fee for the reinspection is established in ordinance 420B-B or any subsequent ordinances or resolutions.

Section 20. Final order.

- A. Upon the failure or refusal of the licensee to comply with the provisional order or with any order made after an opportunity for a hearing pursuant to this article, the Town Administrator and/or his/her designee shall make the provisional order final.
- B. The Town Administrator and/or his/her designee shall have the authority to suspend or revoke a license upon making and declaring a provisional order final.
- C. Upon revocation of suspension, no refund of any portion of the license fee shall be made to the licensee, and he/she shall immediately cease renting or offering to rent any apartment, house, other dwelling unit, or business unit in the town.

Section 21. Summary action.

- A. When the conduct of any license, agent or employee is so inimicable to the public health, safety and general welfare as to constitute a nuisance and thus give rise to an emergency, the Town Administrator and/or his/her designee shall have the authority to summarily order the rental unit vacated and suspend the license.
- B. Unless waived in writing within 10 days after he/she has acted summarily, the Town Administrator and/or his/her designee shall conduct a special hearing for the action in respect to the summary order as may be therein determined. Notice of the hearing shall be given the affected person in the manner prescribed herein.

Section 22. Appeals.

- A. Any person aggrieved by any decision of the Town Administrator and/or his/her designee after a hearing conducted pursuant to this article shall have the right to appeal to the Town Council by filing a written appeal to the Town Council within 30 days following the effective date of the action or decision complained of. The appeal shall set out a copy of the order or decision appealed from and shall include a statement of the facts relied upon to avoid the order.
- B. The Town Council shall fix a time and a place for hearing the appeal and shall serve a written notice upon the person requesting the appeal, informing such person of the hearing. The Town Council shall also give notice to the Town Administrator and/or his/her designee, who shall be entitled to appear and defend the order. The findings of the Town Council shall be final and conclusive and shall be served upon the person who requested the appeal.

PASSED AND ADOPTED on its third and final reading at a public meeting of the Town of
Blades Town Council, Sussex County, Delaware, held on the _____ day of
_____, 20_____.

Mayor Robert Atkinson

First Reading_____

Second Reading_____

Attest: Vikki Prettyman, Town Administrator

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