

City of Milford



City Council Committee Agenda

Thursday, July 6, 2017
5:30 P.M.

Joseph Ronnie Rogers Council Chambers
Milford City Hall, 201 South Walnut Street, Milford, Delaware

Community Affairs Committee Meeting

Call to Order – Chairperson Lisa Ingram Peel

Chapter 180/ Residential Rental Operating Licenses

Adjourn

This agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT NO LATER THAN ONE WEEK PRIOR TO MEETING; NO PAPER DOCUMENTS WILL BE ACCEPTED OR DISTRIBUTED AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.

062817

TO: Mayor and City Council

FROM: Rob Pierce, Coordinator of Planning & Economic Development Activities

DATE: July 6, 2017

RE: Residential Rental Operating License Program

AUDITING AND NOTIFICATION PROCEDURES

Staff has identified two main types of non-registration violations associated with the residential rental licensing program. These issues deal strictly with registration of properties and not code compliance concerns. Staff has developed the following procedures for identifying non-registered properties, notifying landlords of the violations and ultimately enforcing compliance with Chapter 180.

The Department has compiled a list of potential rental properties based on previous rental registrations, utility billing records, 911 addressing, billing/mailling addresses, and field investigations that serves as a master list for the auditing measures. Registered properties would be removed from the master list and the remaining properties would be investigated and split into one of two of the following categories.

The first type includes properties that were registered the previous year and did not renew their license for the current calendar year. Under these circumstances, the following procedure would be followed;

STEP 1 – Renewal Notices are mailed to registered properties in November or December of each year. Notices indicate that landlords must renew their license prior to January 31st to avoid penalties. See attached for sample Renewal Notice. This will be considered the landlord’s First Notice.

STEP 2 – Landlords that do not register their properties by January 31st will be assessed late penalties. Violation notices will be mailed in March of each year outlining fees due. See attached for sample Second Notice Letter.

STEP 3 – Landlords that receive the Second Notice Letter and do not register will receive a Third and Final Notice in May, requesting immediate registration of the rental property.

STEP 4 - If registration does not occur within 30 days of receipt of the Final Notice, license fee and accrued penalties will be transferred to City property taxes. Penalties will continue to accrue until the property is registered.

The second type of violation includes properties that have not been registered for more than one year, including properties that have never been registered.

STEP 1 – Staff would send property owners the First Notice Letter requesting registration of the property or proof that the property is not a rental unit. If multiple unpaid years are identified during staff research, up to the previous 3 years license fees will be due immediately along with the associated monthly penalties.

STEP 2 – For those properties that do not register within 30 days of the First Notice Letter, a Second and Final Notice will be mailed requesting immediate registration of the rental property.

STEP 3 – If registration does not occur within 30 days of receipt of the Final Notice, license fees and accrued penalties will be transferred to City property taxes. Penalties will accrue until the property is registered.

Since the Department began implementing detailed auditing measures and strict enforcement of the code in 2017, staff recommends only accruing the monthly late penalties beginning with the 2017 calendar year. The steps outlined above should reconcile City records and bring most properties into compliance with the registration program during the first year of auditing. Future audits should be limited to newer violations that do not have several years of unpaid licenses and penalties.

In addition, staff has made changes to the annual license document, clearly stating that it is the owner's responsibility to renew the license upon the indicated expiration date.

These auditing and notification measures, if performed annually and enforced consistently, should minimize the overall number of unregistered rental properties.

PENALTIES AND LATE FEES

Chapter 180-5(D) of the City Code outlines the current late fee charge for the licensing program. Properties that do not register before the annual deadline will incur a penalty in the amount of \$25 per month per unit until the license fee is paid. The Code also states if license fees and penalties are not paid within 30 days of being assessed, and after notice is provided to the owner, the unpaid penalties shall be collected in the same manner and at the same time as City Taxes.

The City has the right to revoke/suspend licenses for unaddressed violations and an owner whose license has been suspended shall pay a reinstatement fee of \$100.

Chapter 180-9 outlines the violations, penalties and enforcement of the chapter. "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 chapter 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. The minimum fine is not subject to suspension or reduction."

APPEAL PROCESS

Chapter 180 does not include an appeal process. Appeals related to property maintenance violations associated with rental properties are governed under Chapter 174 and are heard by the Board of Appeals for the City of Milford. Appeals related to the administration of the licensing program, including registration fees and late penalties, are evaluated by the Department and City Manager's office. Currently, if there has been an error on the part of staff, a correction has been made and implemented by

staff. However, if appeals are denied by the City Manager, some individuals acquiesce and others appeal that decision to the City Council.

OTHER POSSIBLE CHANGES

The Department has identified an issue regarding the transfer of ownership of rental properties. In the past, it has been determined that licenses were to be issued to property owners and not the properties themselves, therefore licenses have been deemed non-transferable. However, Chapter 180 does not clearly indicate whether a license is transferable or non-transferable with a change in property ownership. Staff recommends amending the ordinance to allow the transfer of the license to a new property owner upon payment of a \$50 administrative fee. This mainly becomes an issue with multi-unit apartment complexes that could be requested to pay the full registration fee twice in a calendar year. Staff believes that if the purpose of the license fee is to cover the administrative costs of operating the rental registration and inspection program, charging the property twice in the same year is unjustifiable.

Another issue that was discussed at the October 10, 2016 community affairs committee meeting related to the registration of properties rented to relatives of the property owner. The committee generally supported revisions that would exempt these types of rental units from the licensing program. As a result of the meeting, staff was directed to make proposed draft amendments to the Code to present to City Council for review. However, following review and consultation with the City Solicitor, the amendment was not ready before the fees were due for 2017, so staff waited to include with other revisions in preparation for 2018.

March 15, 2017

OLBSNM
OLMAD1
MALCSZ

Below please find the renewal application for your City of Milford Rental Operator License, which will expire on December 31, 2016.

Please verify the information below, make any necessary changes, and return the bottom portion of this renewal along with a check or money order for \$50.00 per rental unit made payable to the City of Milford to the below address.

City of Milford
201 S Walnut St
Milford, DE 19963
ATTN: Lendon Dennis

Failure to renew an existing license, or obtain a Rental Operating License for any rental unit, by January 31, 2017 shall result in penalty fees in the amount of \$25.00 per month, per unit until the license fee is paid. Continued failure to comply shall result in suspension of said license and shall pay a reinstatement fee of \$100.00. Please be advised the owner or occupant of any rental shall not be entitled to receive utilities until the license fee required is paid in full and City personnel shall refuse to provide sewage, water and electric to the property until satisfactory proof is furnished that such fee has been paid.

Please contact this office at 302.424.8396 if you have any questions.

Sincerely,

Lendon W Dennis Jr.

Lendon Dennis, Jr.
Code Enforcement Officer

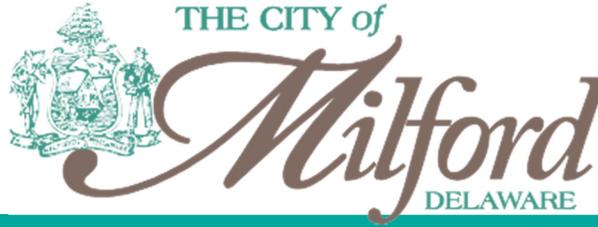
Rental Unit: APLAD1, MILFORD, DE 19963

Owner: OLBSNM
Owner Phone No.: BUSPON
Emergency Phone No.: EMGPON

Caretaker: OWNER
Caretaker Address: OWNAD1
OWNCSZ
Caretaker Phone No.: OWNPON

Signature: _____

Printed: _____



Second Notice

Today's Date

Owner Name
Owner Address
Owner Zip, City State

RE: 2017 Residential Rental Operating License
Tax Parcel #
Address

Dear Property Owner,

It has come to our attention, through a recent audit of the City's residential rental property registration records, that the above referenced tax parcel number and address is operating as an unregistered rental property. Based on Chapter 180 of the City Code, "no landlord shall operate a rental unit in the City unless an application has been filed and a current rental operating license has been issued for the specified rental unit for the current year." Please submit payment of the annual registration and associated late fee as outlined below.

Number of Rental Units	Price/Unit	Late Fee/Unit/Month	Total Amount Due
UNITS	\$50.00	\$25.00	AMOUNT

Please note, per Chapter 180, "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 chapter 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. The minimum fine is not subject to suspension or reduction."

To avoid further fines and penalties, please register your property within 30 days of the date of this letter. If you believe you have received this letter in error, or if you have questions regarding your property or the rental licensing program, please contact Katrina White in the Code Enforcement Department by phone at (302) 424-8396 or by email at kwhite@milford-de.gov.

Sincerely

Rob Pierce
Coordinator of Planning &
Economic Development Activities



Final Notice

Today's Date

Owner Name
Owner Address
Owner Zip, City State

RE: 2017 Residential Rental Operating License
Tax Parcel #
Address

Dear Property Owner,

In March 2017, the City provided notice that the above referenced tax parcel number and address is operating as an unregistered rental property. Based on Chapter 180 of the City Code, "no landlord shall operate a rental unit in the City unless an application has been filed and a current rental operating license has been issued for the specified rental unit for the current year." Please submit payment of the annual registration and associated late fee as outlined below.

Number of Rental Units	Price/Unit	Late Fee/Unit/Month	Total Amount Due
UNITS	\$50.00	\$25.00	AMOUNT

Please note, per Chapter 180, "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 chapter 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. The minimum fine is not subject to suspension or reduction." In addition, Chapter 180 states "should the aforesaid penalties not be paid within 30 days of being assessed, and after notice 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 City taxes."

To avoid further fines and penalties, and to avoid these balances being placed on you City property taxes, please register your property within 30 days of the date of this letter. If you believe you have received this letter in error, or if you have questions regarding your property or the rental licensing program, please contact Katrina White in the Code Enforcement Department by phone at (302) 424-8396 or by email at kwhite@milford-de.gov.

Sincerely

Rob Pierce
Coordinator of Planning &
Economic Development Activities



First Notice

Today's Date

Owner Name
Owner Address
Owner Zip, City State

RE: 2017 Residential Rental Operating License
Tax Parcel #
Address

Dear Property Owner,

It has come to our attention, through a recent audit of the City's residential rental property registration records, that the above referenced tax parcel number and address is operating as an unregistered rental property. Based on Chapter 180 of the City Code, "no landlord shall operate a rental unit in the City unless an application has been filed and a current rental operating license has been issued for the specified rental unit for the current year." Please submit payment of the annual registration and associated late fee as outlined below.

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Sincerely

Rob Pierce
Coordinator of Planning &
Economic Development Activities



Final Notice

Today's Date

Owner Name
Owner Address
Owner Zip, City State

RE: 2017 Residential Rental Operating License
Tax Parcel #
Address

Dear Property Owner,

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To avoid further fines and penalties, and to avoid these balances being placed on you City property taxes, please register your property within 30 days of the date of this letter. If you believe you have received this letter in error, or if you have questions regarding your property or the rental licensing program, please contact Katrina White in the Code Enforcement Department by phone at (302) 424-8396 or by email at kwhite@milford-de.gov.

Sincerely

Rob Pierce
Coordinator of Planning &
Economic Development Activities

Current Code

Chapter 180 - RESIDENTIAL RENTAL OPERATING LICENSES

[HISTORY: Adopted by the City Council of the City of Milford 12-8-2008 by Ord. No. 2008-8.

¹ ¶ Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 88.	Zoning — See Ch. 230.
Property maintenance — See Ch. 174.	

Footnotes:

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Editor's Note: This ordinance also repealed former Ch. 180, Residential Rental Operating Licenses, adopted 9-27-2004 by Ord. No. 2004-1.

§ 180-1. - Title.

This chapter shall be known as the "Residential Rental Operating License Ordinance."

§ 180-2. - Purpose.

This chapter is adopted to protect the health, safety and welfare of the City residents and to prevent deterioration of the housing stock in the City.

§ 180-3. - Definitions.

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

CITY — The City of Milford, Delaware.

CODE OFFICIAL — The Building Inspector and/or Code Enforcement Official.

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.

PERSON — An individual, proprietorship, partnership, corporation, association, or other legal entity.

RENTAL UNIT — Any house, building, structure or portion thereof, which is occupied, rented or leased as the home or residence of one or more persons. "Rental unit" does not include motel, hotel or bed-and-breakfast rooms where paying guests stay on a temporary basis. "Rental unit" also does not include rehabilitation or mental health group homes where residents may pay rent but the home is managed and owned by nonprofit entities for the benefit of the renters' special needs.

TENANT — A person who occupies a rental unit for which said person pays money or gives other consideration.

§ 180-4. - Rental operating license required.

No landlord shall operate a rental unit in the City unless an application has been filed and a current rental operating license has been issued for the specified rental unit for the current year.

§ 180-5. - 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 City 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 City of Milford in the amount set forth by City Council.
- C. It shall be unlawful for any person to operate any rental dwelling without obtaining a license from the Licensing Division of the Department of Planning and Inspections in order to determine compliance. The license shall expire annually on December 31. The fee for the annual license shall be \$50 for each unit.
- D. In the event that the license fee set forth herein is not paid on the date due, then the licensee shall incur a penalty fee in the amount of \$25 per month per unit until the license fee is paid.
- E. An owner whose license has been suspended shall pay a reinstatement fee of \$100.
- F. The owner or occupant of any rental shall not be entitled to receive utilities until the license fee required is paid in full, and City personnel shall refuse to provide sewage, water and electric to the property until satisfactory proof is furnished that such fee has been paid.

§ 180-6. - Contents of applications.

Every landlord shall supply the following information to the City 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.

§ 180-7. - Regulations for issuance of licenses.

- A. 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.
- B. 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 be made because of nonuse of the permit.
- C. Timing for reapplication.
 - (1) Application to renew a rental operating license shall be made at least 60 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.
- D. Every rental unit owned shall have a "caretaker" designated by the owner.
 - (1) The caretaker may be the property owner if residing within a ten-mile radius of Milford, Delaware.
 - (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 City as to allow him or her to meet with the Code Enforcement Official at the rental unit within 48 hours of receipt of notice from the Code Enforcement Official.

The caretaker may also be a management company (corporation, LLC and/or partnership); however, the management company must assign a contact person.

- (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 City in writing of any changes in the name, address, and/or telephone number of the caretaker.
- E. No license shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.
- F. The owner is subject to penalties as defined in § 180-9 for failure to comply.

[Ord. No. 2011-8, §§ 2, 3, 4-11-2011]

§ 180-8. - Inspections.

- A. The Code Enforcement Official reserves the right to inspect property at any time to ensure compliance with all property maintenance (Chapter 174), zoning (Chapter 230) and other codes.
- B. When such inspections are deemed necessary, the Code Enforcement Official will provide 48 hours' notice to the owner or caretaker. 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 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.
 - (1) If an inspection needs to be cancelled or rescheduled, the Code Enforcement Official must be notified by 8:30 a.m. the day of the inspection.
 - (2) If an inspector arrives on site and the structure/property is not ready and the inspection was not cancelled or rescheduled, a fee of \$100 must be paid at City Hall before the inspection can be rescheduled. This fee may be waived if the property is not ready for inspection due to circumstances beyond the control of the landlord/caretaker.
- E. When conditions of a property are such that cause more than one follow-up inspection, for the purpose of ensuring compliance, a fee of \$50 per inspection will be imposed.

§ 180-9. - 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 chapter 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. The minimum fine is not subject to suspension or reduction.

- (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 notice 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 City taxes.
- C. If any of the cited violations are not remedied, the Code Enforcement Official shall revoke the residential rental operating license.
- 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.

Proposed Changes-Draft

Chapter 180 - RESIDENTIAL RENTAL OPERATING LICENSES

§ 180-1. - Title.

This chapter shall be known as the "Residential Rental Operating License Ordinance."

§ 180-2. - Purpose.

This chapter is adopted to protect the health, safety and welfare of the City residents and to prevent deterioration of the housing stock in the City.

§ 180-3. - Definitions.

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

CITY — The City of Milford, Delaware.

CODE OFFICIAL — The Building Inspector and/or Code Enforcement Official.

DIRECTLY RELATED TO THE OWNER – Any person who is related by blood or marriage (i.e. “in-laws”) to the following degrees of kinship: husband, wife, father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, uncle, aunt, niece, nephew.

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.

PERSON — An individual, proprietorship, partnership, corporation, association, or other legal entity.

RENTAL UNIT — — Any house, building, structure or portion thereof, which is occupied, rented or leased as the home or residence of one or more persons. "Rental unit" does not include motel, hotel or bed-and-breakfast rooms where paying guests stay on a temporary basis. "Rental unit" also does not include rehabilitation or mental health group homes where residents may pay rent but the home is managed and owned by nonprofit entities for the benefit of the renters' special needs.

TENANT — A person who occupies a rental unit for which said person pays money or gives other consideration.

§ 180-4. - Rental operating license required; **exceptions.**

A. No landlord shall operate a rental unit in the City unless an application has been filed and a current rental operating license has been issued for the specified rental unit for the current year.

B. Exceptions.

(1) No rental license shall be required where the owner occupies the dwelling.

(2) No fee shall be charged if the owner provides written verification satisfactory to the City that the tenants are directly related to the owner.

§ 180-5. - 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 City ordinance.
- B. The application shall be in the form provided by the ~~Code Enforcement~~ **Planning** Department and shall be accompanied by a check or money order payable to the City of Milford in the amount set forth by City Council.
- C. It shall be unlawful for any person to operate any rental dwelling without obtaining a **rental** license from the ~~Licensing Division of the Department of Planning and Inspections~~ **City** in order to determine compliance. The license shall expire annually on December 31. The fee for the annual license shall be ~~\$50 for each unit~~ **set by City Council each year as part of the City fee schedule.**
- D. In the event that the license fee set forth herein is not paid on the date due, then the licensee shall incur a penalty fee in the amount of \$25 per month per unit until the license fee is paid.
- E. An owner whose license has been suspended shall pay a reinstatement fee of \$100.
- F. The owner or occupant of any rental shall not be entitled to receive utilities until the license fee required is paid in full, and City personnel shall refuse to provide sewage, water and electric to the property until satisfactory proof is furnished that such fee has been paid.

§ 180-6. - Contents of applications.

Every landlord shall supply the following information to the City 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, **email address, website and leasing agent contact information, if different from landlord.**

§ 180-7. - Regulations for issuance of licenses.

- A. 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.
- B. 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 be made because of nonuse of the permit.
- C. Timing for reapplication.

- (1) Application to renew a rental operating license shall be made at least 60 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.
- D. Every rental unit owned shall have a "caretaker" designated by the owner.
- (1) The caretaker may be the property owner if residing within a ten-mile radius of Milford, Delaware.
 - (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 City as to allow him or her to meet with the Code ~~Enforcement~~ Official at the rental unit within 48 hours of receipt of notice from the Code ~~Enforcement~~ Official. The caretaker may also be a management company (corporation, LLC and/or partnership); however, the management company must assign a contact person.
 - (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 City in writing of any changes in the name, address, and/or telephone number of the caretaker.
- E. No license shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.
- F. The owner is subject to penalties as defined in § 180-9 for failure to comply.

§ 180-8. - Inspections.

- A. The Code ~~Enforcement~~ Official reserves the right to inspect property at any time to ensure compliance with all property maintenance (Chapter 174), **building construction (Chapter 88)**, zoning (Chapter 230) and other **City** codes.
- B. No rental unit shall be occupied after a vacancy by any person other than the owner or persons related directly to the owner unless a rental inspection has been requested by the Landlord. The City reserves the right to inspect the property to insure the dwelling unit is in substantial compliance with codes of the City.**
- B C.** When such inspections are deemed necessary, the Code ~~Enforcement~~ Official will provide **at least** 48 hours' notice to the owner or caretaker. Exceptions to this rule will apply when health or safety conditions exist that require immediate inspection.
- € D.** 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 are an extensive number of minor violations that, cumulatively, pose a significant threat to the health, safety, and welfare of the occupants.

D E. 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) If an inspection needs to be cancelled or rescheduled, the Code **Enforcement** Official must be notified by ~~8:30 a.m.~~ **4:00 p.m.** the day ~~of~~ **before** the inspection.
- (2) If an inspector arrives on site and the structure/property is not ready and the inspection was not cancelled or rescheduled, a fee of ~~\$100~~ **\$50** must be paid at City Hall before the inspection can be rescheduled. This fee may be waived if the property is not ready for inspection due to circumstances beyond the control of the landlord/caretaker.

E F. When conditions of a property are such that cause more than one follow-up inspection, for the purpose of ensuring compliance, a fee of \$50 per inspection will be imposed.

§ 180-9. - 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 chapter 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. The minimum fine is not subject to suspension or reduction.
- (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 notice 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 City taxes.

C. If any of the cited violations are not remedied, the Code **Enforcement** Official shall revoke the residential rental operating license.

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.