

ORDINANCE NO. O-12-15

AN ORDINANCE TO AMEND CHAPTER 18AA OF THE CITY CODE,
ENTITLED "RENTAL HOUSING LICENSING" BY AMENDING SECTION 18AA-2,
ENTITLED "DEFINITIONS", AND ADDING SECTION 18AA-7.1, ENTITLED
"COMMON OWNERSHIP COMMUNITY FEES"

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled, that Chapter 18AA of the City Code is hereby amended to read as follows:

Chapter 18AA
RENTAL HOUSING LICENSING

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Sec. 18AA-2. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Boarding house. A dwelling in which, for compensation, lodging and meals are furnished to at least three (3) but not more than five (5) guests. A boarding house shall not be deemed a home occupation. Any boarding house lawfully established on October 1, 1985, under regulations previously in effect as to the permissible number of guests, may continue to operate under the requirements in force prior to October 1, 1985, and shall not be considered a nonconforming use.

Common ownership community. A development subject to a declaration enforced by a homeowners' association, a condominium, and a cooperative housing project, as those terms are used in State law.

Common ownership community fees. Fees charged by the entity authorized to impose a fee on the owner or occupant of a dwelling unit in a common ownership community for services or the benefit of common areas in the community.

City manager. The city manager or his designee.

Boldface

Underlining

~~Single strikethrough~~

Double underlining

~~Double strikethrough~~

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by Amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

Dormitory. A building or portion thereof used for sleeping purposes in connection with a school or college or other institution.

Dwelling. A building or portion thereof arranged or designed to provide living facilities for one or more families, excepting trailers and mobile homes.

Dwelling unit. A group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.

Dwelling, multiple-family. A residence designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each.

Dwelling, single-family. A detached residence designed for or occupied by one family only, excluding trailers and mobile homes.

Dwelling, two-family. A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

Family. One or more persons occupying a single housekeeping unit and using common cooking facilities; provided, that unless all members are related by blood or marriage, no such family shall contain over five (5) persons.

Hotel. Any building containing ten (10) or more guest rooms where, for compensation, lodging, meals or both are provided for ten (10) or more guests, excluding a fraternity or sorority house, school or college dormitory, tourist home, motel or hotel-apartment as defined herein.

Mobile home. A moveable or portable dwelling built on a chassis connected to utilities and designed without permanent foundation for year-round living.

Owner. Any person, firm, partnership, association, company or corporation having a legal or equitable interest in the rental facility, including, but not limited to, a mortgagee and an assignee of rents. It shall also mean any person who, alone or jointly or severally with others, shall have the charge, care or control of any structure as executor, administrator, trustee or guardian of the estate of the owner. Any person, firm, company, association or corporation whose name appears on the property tax bills shall be deemed to be owner of the rental property.

Rental housing unit. Any space in any building which for a consideration is made available to a person or persons for dwelling or lodging purposes and, in any building containing three (3) or more rental housing units, spaces within the building used for access, storage, trash disposal, cleaning, utilities or recreational purposes. Rental housing units may be contained within single-family, two-family and multiple-family dwellings, townhouses, urban cottages, mobile homes, rooming house, boarding house, dormitory, tourist home, hotel, motel and apartment-hotel as defined herein, provided they are otherwise allowed by Chapter 24 of this Code.

Roominghouse. A dwelling in which lodging is furnished for compensation to at least three (3) but not more than five (5) guests. Any roominghouse lawfully established on October 1, 1985, under regulations previously in effect as to the permissible number of guests, may continue to operate under the requirements in force prior to October 1, 1985, and shall not be considered a nonconforming use.

Townhouse. One of a group of three (3) or more dwelling units in the same building, each of which units is separated from any adjacent unit by a continuous vertical party wall without openings extending from the lowest floor level of the unit to the highest point of the roof along the party wall division line, and each of which dwelling units has its own entrance directly from the outside.

Urban cottage. A subordinate dwelling unit, either freestanding or part of another structure on a lot, that because of its size, facilities or usage is secondary to the primary dwelling unit located on the lot.

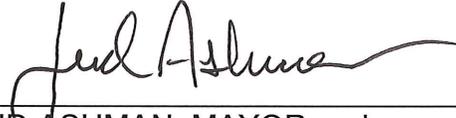
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Sec. 18AA-7.1. Common ownership community fees.

The City Manager or designee:

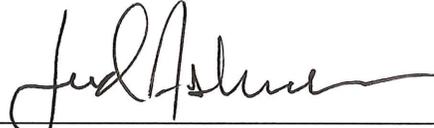
- (a) Shall not issue or renew a rental housing license for a dwelling unit in a common ownership community unless the owner certifies that the common ownership community fees for the dwelling unit are no more than thirty (30) days past due. If the common ownership community decides to charge a fee to certify that the common ownership fees for a dwelling unit have been paid, the fee shall be no more than \$25; or
- (b) May deny, suspend, revoke or refuse to renew a rental housing license for a dwelling unit in a common ownership community if the governing body of a common ownership community submits proof of unpaid common ownership community fees for the dwelling unit through a recorded statement of lien obtained under the Maryland Contract Lien Act or an unsatisfied judgment against the owner.

ADOPTED by the City Council this 21st day of December, 2015.



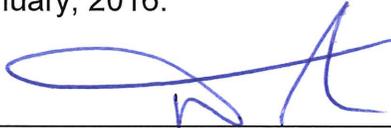
JUD ASHMAN, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 21st day of December, 2015. APPROVED by the Mayor of the City of Gaithersburg this 21st day of December, 2015.



JUD ASHMAN, MAYOR

THIS IS TO CERTIFY, that the foregoing Ordinance was adopted by the City Council of the City of Gaithersburg, in public meeting assembled on the 21st day of December, 2015; and that the same was APPROVED by the Mayor of the City of Gaithersburg on the 21st day of December, 2015. This Ordinance will become effective on the 10th day of January, 2016.



Tony Tomasello, City Manager