



**Mayor and Town Council  
Work Session**

**Tuesday, July 30, 2024**

**5:30 pm**

Old Fire Hall, 212 W. Green Street, Snow Hill

**ZOOM Meeting ID: 898 6871 9706**

**AGENDA**

1. Call to order by Mayor Simpson
2. CivicPlus will return by remote connection to demonstrate their proposal to provide technological advancements to improve and streamline governmental services in the areas of Mass Notification and Agenda & Meetings Management. We will also discuss revamping the Town's web site. Additional services covering code enforcement modules and engaging the public in a direct and effective manner will be continued as soon as possible.
3. First State Inspections will return to review their proposal to provide services in support of our codes compliance office and the new regulations on rental housing inspection.
4. Council member Walsh will share information about the county bikeways project which may include priorities to be considered by the Town of Snow Hill.
5. Council member Walsh will offer a suggestion related to on-street parking in the Downtown area to establish parking "lanes" as opposed to defined parking spaces.
6. Project updates
  - a. Ordinance Number 2024-12, amending Chapter 137, entitled Rental Property, scheduled for Second Reader on August 13<sup>th</sup>.

This agenda may be subject to change.

- b. Ordinance Number 2024-03, the Vacant Property Registration Ordinance, scheduled for First Reader on August 13<sup>th</sup>.
  - c. Charter Resolution 2024-1 amending the Town Charter to add to the list of the department heads, the head of the Planning, Zoning & Building Department
7. Consideration of future work session topics.
  8. Public Comment: the public may sign up and speak for up to three minutes as provided by the established speaker protocols.
  9. Adjournment

PLEASE NOTE:

- Meetings will be recorded and available to the public on the website.
- Portions of meetings may be closed under the terms of the State Open Meetings Act as necessary.
- If you would like to receive a meeting packet sent to you prior to the meeting, please email Michelle Beckett-El Soloh at [execadmin@snowhillmd.com](mailto:execadmin@snowhillmd.com).

Item # 3



**PROPOSAL FOR SERVICES**

**TOWN OF SNOW HILL, MARYLAND**

**BUILDING PLAN REVIEW AND INSPECTIONS  
AND OTHER INSPECTION SERVICES FOR  
RESIDENTIAL AND COMMERCIAL PROPERTIES**

**PROPOSAL SUBMITTED JULY 22, 2024 TO:**

**HONORABLE TOWN COUNCIL  
THE TOWN OF SNOW HILL, MARYLAND  
103 BANK STREET  
SNOW HILL, MARYLAND 21863**

## Proposal for Services

First State Inspection Agency, Inc. (FSIA) is pleased to submit the following proposal for consideration by the Town Council of the Town of Snow Hill, Maryland (the Town). First State is confident that our company's capacity, experience, and resources, as well as the terms provided here, will meet or exceed all requirements outlined for the Town's building and property maintenance inspections. We excitedly anticipate forging a strong, mutually-beneficial partnership with Town of Snow Hill for years into the future.

Our proposal that follows will correspond to our recent and ongoing involvement and discussions with the Town Manager and Council. As discussed, the proposal contained here is to provide a complete and exclusive inspections package for the Town that will work in conjunction with its own permitting processes.

Any questions or discussions regarding this Proposal should be directed to:

Earle Dempsey  
President  
1001 Mattlind Way  
Milford, DE 19963  
302/422-3859  
[earle.dempsey@firststateinspection.com](mailto:earle.dempsey@firststateinspection.com)

## ORGANIZATIONAL STRUCTURE INFORMATION

- 1. Name of firm, business address, telephone number, names of corporate officers, the contact person for this Proposal and title, person(s) with the authority to sign a legally binding contract, legal status of the organization (profit, non-profit, etc.), state of organization.**

First State Inspection Agency, Inc.  
1001 Mattlind Way  
Milford, DE 19963  
302/422-3859  
800/468-7338

President – Earle Dempsey  
Vice President – Adam Smith  
Contact person for this proposal – Earle Dempsey  
Person with authority to sign legally binding contract – Earle Dempsey  
Legal Status and State of Organization – A Delaware S Corporation

- 2. The major functions and capabilities of the firm.**

FSIA is a third-party inspection firm whose major function is contracting with local government organizations to conduct code enforcement. On behalf of each local jurisdiction, FSIA provides plan review and inspection services of various construction trades to confirm compliance with the adopted codes of that jurisdiction at the time the project work is conducted.

- 3. The firm history including the number of years the firm has been in existence and has been doing inspection related work.**

FSIA was founded in 1985 as a third-party inspection agency for the purpose of providing construction inspections on behalf of State, County, and local municipalities. We have provided inspection services throughout Delaware and Maryland's Eastern Shore for 39 years.

- 4. The organizational structure of the firm, the location of headquarters and major offices, and the location of satellite offices.**

FSIA is established as a Delaware S Corporation with Earle Dempsey and Adam Smith serving as President and Vice President, respectively. FSIA maintains three office locations as follows:

Corporate Office:  
1001 Mattlind Way  
Milford, DE 19963

Satellite Office:  
811 N. Broad St.  
Middletown, DE 19709

Satellite Office:  
28773 Dupont Blvd.  
Millsboro, DE 19666

**5. *Number of personnel by discipline.***

FSIA currently employs 20 staff members, divided between 19 inspectors and 9 office management staff. The number of available inspectors by discipline employed by FSIA is as follows:

Electrical Inspectors – 14  
Building and Energy Compliance Inspectors – 9  
Plumbing Inspectors – 6  
HVAC Inspectors – 5  
Property Maintenance – 6

**6. *Legal representation.***

Legal representation for FSIA is provided by the following:

Kashif Chowdry  
Parkowski, Guerke, & Swayze  
116 W. Water St.  
Dover, DE 19904

**7. *Professional Insurance Coverage (Errors and Omissions).***

FSIA currently holds a Professional Liability Insurance Policy through Houston Specialty Insurance Company. The Policy #MEO-HS-0004163-01) provides per claim/ aggregate coverage in the amounts of \$1,000,000/ \$1,000,000.

Upon contract signature, the Town would be provided a Certificate naming the Town of Snow Hill as a certificate holder.

## CAPABILITY & EXPERIENCE

**1. The number of years that the Proposer has been in the business of providing inspection services and the estimated number of inspections provided, by category.**

FSIA has been providing inspection services for 39 years, completing over one million inspections. In 2023 alone, FSIA will complete over 46,000 inspections. The approximate number of inspections provided by discipline in 2020 is as follows:

Electrical – 27,500  
Building – 7,200  
Plumbing – 9,400  
HVAC – 750  
Property Maintenance – 1,050

**2. The local jurisdictions in which or for which the Proposer has performed inspection services and the approximate time performing such services in each jurisdiction.**

FSIA has been completing inspections in the State of Delaware for 39 years and in the State of Maryland for 25 years. A sample of FSIA's current customer list includes the following jurisdictions, inspection services, years of service provided:

Caroline County, MD – Electrical, Building, Plumbing – 10 years  
Dorchester County, MD – Electrical – 22 years  
Somerset County, MD – Electrical – 24 years  
Worcester County, MD – Electrical – 24 years  
Wicomico County, MD – Electrical – 24 years  
City of Crisfield, MD – Electrical, Building, Plumbing, HVAC, Rentals – 2 years  
City of Easton, MD – Electrical – 16 years  
City of Pocomoke City, MD – Electrical, Building, Plumbing, HVAC – 4 years  
Town of Princess Anne, MD – Electrical, Building, Plumbing, HVAC – 3 years  
City of Salisbury, MD – Electrical, HVAC – 10 years  
Town of Federalsburg, MD - Electrical, Building, Plumbing, Rentals – 4 years  
Town of Goldsboro, MD - Electrical, Building, Plumbing, Rentals – 2 years  
Town of Ocean City, MD – Electrical, HVAC – 24 years  
Town of Princess Anne, MD - Electrical, Building, Plumbing, HVAC, Rentals – 3 years  
Town of Sudlersville, MD - Electrical, Building, Plumbing – 12 years  
Town of Clayton, DE – Electrical, Building – 17 years  
Town of Bridgeville, DE – Rentals – 2 years  
Town of Georgetown, DE – Rentals – 10 years  
Town of Middletown, DE – Electrical, Building, Plumbing, HVAC – 24 years  
City of Milford, DE – Electrical, Building, Rentals – 7 years  
Town of Milton, DE – Electrical, Building – 16 years  
Town of Wyoming, DE – Electrical, Building – 10 years  
State of Delaware – Electrical – 39 years

**3. Additional details regarding service methodology.**

FSIA has become widely known for providing flexible, adaptive, and responsive services. As each jurisdiction has differing needs and requirements, and often employ different code enforcement prerequisites, FSIA is able to adapt inspection and reporting procedures to mirror the individual requirements presented.

FSIA also provides all services in all service locations on a daily basis and prides itself on providing same-day services in all disciplines. Any inspection request presented prior to 9AM will be scheduled for that day. As well, FSIA focuses on providing inspection results – whether successfully approved or yielding violations – on the same day of service when feasible.

**4. Inspector certifications and credentials**

FSIA focuses on providing experts in the trade fields who have gained experience, knowledge, and credentials in the inspection areas to which they are assigned. FSIA values the requirements of International Code Council (ICC) certifications. What follows are samples of inspector certifications from the ICC website:

Certified under this name	City	State	Certificates
Eric James	Milford	DE	Electrical Plans Examiner (expires 05/23/2028) Electrical Inspector (expires 05/23/2028) Residential Plumbing Inspector (expires 05/23/2028) Residential Building Inspector (expires 05/23/2028) Residential Energy Inspector/Plans Examiner (expires 05/23/2028) Commercial Mechanical Inspector (expires 05/23/2028) Mechanical Plans Examiner (expires 05/23/2028) Residential Mechanical Inspector (expires 05/23/2028) Mechanical Inspector (expires 05/23/2028) Commercial Building Inspector (expires 05/23/2028) Building Inspector (expires 05/23/2028)



Certified under this name	City	State	Certificates
Charles James	Frederica	DE	Residential Building Inspector (expires 04/26/2028) Building Plans Examiner (expires 04/26/2028) Residential Energy Inspector/Plans Examiner (expires 04/26/2028) Property Maintenance and Housing Inspector (expires 04/26/2028) Commercial Building Inspector (expires 04/26/2028) Building Inspector (expires 04/26/2028) Zoning Inspector (expires 04/26/2028) Residential Plans Examiner (expires 04/26/2028) Residential Fire Sprinkler Inspector/Plans Examiner (expires 04/26/2028)

Certified under this name	City	State	Certificates
Brian Waller	Salisbury	MD	Property Maintenance and Housing Inspector (expires 02/15/2025) Residential Building Inspector (expires 04/07/2025) Residential Energy Inspector/Plans Examiner (expires 04/20/2025) Residential Mechanical Inspector (expires 04/21/2025) Zoning Inspector (expires 04/29/2025) Residential Plumbing Inspector (expires 04/30/2025) Residential Plans Examiner (expires 05/08/2025) Commercial Building Inspector (expires 05/23/2025) Building Inspector (expires 05/24/2025) Residential Fire Sprinkler Inspector/Plans Examiner (expires 11/01/2025) Building Plans Examiner (expires 12/11/2025) Commercial Mechanical Inspector (expires 07/12/2026) Mechanical Inspector (expires 07/13/2026)

## SUBCONTRACTS

FSIA has historically utilized only staff inspectors hired as employees to complete inspections in all disciplines and all jurisdictions. FSIA has not previously and does not currently utilize any contractors or subcontractors for the completion of inspector services.

## COST PROPOSALS

In the next section of this proposal on the following pages, FSIA has included its cost proposal to the Town. Separate, detailed schedules are attached and included for Building, Plumbing, Electrical, and Mechanical (HVAC) inspections, as well as Plan Reviews and Property Maintenance/ Rental Inspections. A brief overview of each area/ discipline:

**Building** – The Town currently issues its own building permits and is responsible for those inspections. Once a permit is issued and transmitted to FSIA, we can easily assume responsibility for all required building inspections. Permit holders can be instructed to contact FSIA directly to schedule inspections, and we will notify the Town once all inspections are completed, that the permit may be closed, and a CO issued. Building construction plan reviews are required to be completed before issuing these permits.

**Plumbing** – Worcester County currently issues plumbing permits and completes inspections using County inspectors. Should the Town desire to assume that process in conjunction with Building permitting, FSIA can easily assume responsibility of all required plumbing inspections following the same methodology above.

**Electrical** – Worcester County currently issues electrical permits with inspections completed by a County-licensed third-party Electrical Inspection Agency (FSIA being one of them). Should the Town desire to assume that process in conjunction with Building permitting, FSIA can easily assume responsibility of all required electrical inspections as the Town's exclusive inspection agency following the same methodology above.

**Mechanical/ HVAC** – No permits or inspections are currently completed in Town. Should the Town wish to begin issuing HVAC permits at any time, FSIA can easily begin completing those required inspections. HVAC construction plan reviews are required before issuing these permits.

**Rentals** – The Town currently has a rental license program that contains an inspection component. FSIA can complete the inspections at the Town's required intervals, or in response to complaints, and can schedule directly with the owner/tenants. It is recommended that the Town's rental ordinance adopts the current version of the International Property Maintenance Code.

## **BUILDING INSPECTION FEE SCHEDULE**

1) New Single-Family Dwelling	
a) Stick-Built	\$295.00
b) Modular	\$195.00
2) Multi-Family Dwelling/Two-Family Dwelling	\$295.00 per dwelling
3) Townhouse	\$295.00 per unit
4) Accessory Dwelling (separate eating, sleeping and living quarters)	
a) Attached to Existing Dwelling	\$295.00
b) Detached Structure	\$295.00
c) Conversion of Existing Structure	\$195.00
5) Accessory/Detached Structures to be permanently affixed to the ground or on a permanent foundation.	
a) Garages	\$195.00
b) Pole Buildings	\$195.00
c) Storage Sheds	\$195.00
d) Pool Houses	\$195.00
e) Carports	\$195.00
6) Additions to Residential Dwellings	
a) Garages	\$195.00
b) Porches	\$195.00
c) Rooms	\$195.00
d) Sunrooms	\$195.00
e) Decks	\$155.00
7) Alterations/Renovations to Residential Dwellings	
a) Multi-work (Interior & Exterior)	\$195.00
b) Interior	\$155.00
c) Exterior	\$155.00
d) Sunroom conversion	\$155.00
8) Commercial/Industrial/Institutional	
a) New Stick Built Construction	\$0.27/ sq. ft.
b) New Modular Construction	\$0.27/ sq. ft.
c) Addition	\$0.27/ sq. ft.
d) Alteration/Renovation	0.5% of construction cost
e) Commercial Minimum Fee	\$150.00
9) Mobile/Manufactured Dwelling	
a) Single wide	\$135.00
b) Double wide	\$135.00
c) Triple wide	\$195.00

10) Pool (Residential or Commercial)	
a) In-ground	\$135.00
b) Above-ground	\$95.00
c) Spa/Hot Tub	\$95.00
11) Sign	
a) Ground-mount	\$155.00
b) On-building	\$95.00
12) Fireplace/Heating Systems	\$95.00
13) Demolitions	\$95.00

\* Additional inspection trips required will be assessed a \$75.00 per trip fee

\* After-hours response or other special situations billed at \$125.00 per hour

## **BUILDING PLAN REVIEW FEE SCHEDULE**

### *All use groups other than R3 and R4*

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- New Construction (Fee based on *\*Gross Floor Area* of construction)

Up to and including 10,000 sq. ft.	\$.045 per sq. ft.
Greater than 10,000 sq. ft.	\$.03 per sq. ft.

*\*Gross Floor Area* is defined as the total square footage of all floors, within the perimeter of the outside walls, including basements, cellars, garages, roofed patios, breezeways, covered walkways and attics with floor to ceiling height of 6'6" or more.

- Alterations  
    .25% of the estimated cost of construction

Minimum fee \$60.00

### *One- and Two-Family Dwellings (use groups R3 and R4)*

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- |                                                            |                                             |
|------------------------------------------------------------|---------------------------------------------|
| • New Construction                                         | \$155.00 per dwelling unit                  |
| • Alterations and Additions                                | .25% of the estimated cost of constructions |
| • Accessory Structures (pole building, garage, pool house) | \$80.00                                     |
| • Sunroom & screen porch                                   | \$40.00                                     |
| • Minor interior renovations (basement fit-out)            | \$40.00                                     |
| • Sheds – Stick-built/ Pre-Fab                             | \$40.00/ \$30.00                            |
| • Swimming pools                                           | \$30.00                                     |
| • Decks                                                    | \$30.00                                     |
| • Solar plan review                                        | \$30.00                                     |

Minimum fee \$30.00

# PLUMBING INSPECTION FEE SCHEDULE

## Non-Residential

(listed fees apply to new construction, additions and alterations)

Piping under slab (waste and supply), not over 5 fixtures	\$45.00
Each additional fixture	\$5.00
Piping rough in (waste and supply), not over 5 fixtures	\$45.00
Each additional fixture	\$5.00
Piping final inspection not over 5 fixtures	\$45.00
Each additional fixture	\$5.00
<b>MINIMUM FEE</b>	<b>\$95.00</b>

## Residential

Manufactured Dwellings, per unit (including Mobile Home)	\$95.00
Single Family Dwelling – not over 3 full and/or partial baths	\$155.00
Single Family Townhouse, Condominium – not over 3 full baths	\$155.00
Two Family Dwelling – not over 2 full and/or partial baths per unit	\$200.00
Multi-Family Apartment Building - not over 2 full and/or partial baths per unit	
First Apartment	\$155.00
Each additional Apartment	\$95.00
Each additional bathroom per Dwelling, Townhouse, Condo or Apartment	\$45.00
Additions and Alterations – inspection of drains, wastes, vents, and supply piping not over 5 fixtures	\$95.00
Each additional fixture	\$5.00
<b>MINIMUM FEE</b>	<b>\$95.00</b>

Renovations, Alterations and structures not covered by this schedule...

**APPLY FOR SPECIAL FEE**

## ELECTRICAL INSPECTION FEE SCHEDULE

### Residential

Single Family and Town Homes, not over 200 Amp Service (includes up to three trips – service, rough-wire, final)	\$175.00
Single Family and Town Homes, not over 400 Amp Service (includes up to three trips – service, rough-wire, final)	\$195.00
Additions and Alterations (includes up to three trips – service, rough-wire, final)	\$175.00
Pole Buildings/ Garages (includes up to three trips – service, rough-wire, final)	\$175.00
Modular Dwellings (includes up to two trips – service and final, including additions)	\$150.00
Single-Wide, or Double-Wide Mobile Homes (includes two trips – service and/or feeder or dielectric strength test, final)	\$150.00
Manufactured Dwelling/ Mobile Home (requiring only one-trip final)	\$95.00
One-trip finals (generator, pool, septic, well pumps, boat lifts, EV chargers, etc.)	\$95.00
Service Reconnects (reintroduction of power to existing service)	\$95.00
Other Service Connections (new services, upgrades, service changes, construction poles)	\$95.00
Take-Over Inspections (per inspection trip)	\$95.00
Minimum/ Reinspection/ Extra Trip	\$75.00

### Pools

Permanently-installed (in-ground) – complete one-trip	\$95.00
Bonding, Wiring, or Equipment (per trip)	\$75.00
Spas and Hot Tubs (per trip)	\$75.00

### Alternative Power Sources (Solar, Wind, etc.)

Systems up to 25 kWh	\$150.00
Systems up to 100 kWh	\$300.00
Systems over 100 kWh	Special Fee

## Commercial

### Rough-Wire/ Outlets

First 50 outlets (each single device or fixture opening is an outlet)	\$60.00
Each additional 25 outlets (or fraction thereof)	\$20.00

### Finals/ Fixtures

First 50 fixtures	\$60.00
Each additional 25 fixtures (or fraction thereof)	\$20.00

### Equipment

1 <sup>st</sup> outlet of 30 K.W. or less (cooking equipment, gas/oil burners, water heaters, electric heaters, ranges, dryers, etc.)	\$45.00
Each additional outlet	\$15.00
Heat pump (both units)	\$50.00
Motors (generators, transformers, heating/ air conditioning equipment, electric furnaces, etc.)	\$35.00

### Primary Sub-Stations and Transformers

NOT exceeding 200 K.V.A.	\$125.00
Over 200 K.V.A. to 500 K.V.A.	\$150.00
Over 500 K.V.A.	\$200.00

### Service Equipment and Feeders

Up to 100 Amp	\$60.00
Over 100 Amp to Under 225 Amp	\$75.00
Over 225 Amp to Under 400 Amp	\$100.00
Over 400 Amp to Under 1000 Amp	\$150.00
Over 1000 Amp	\$200.00
Construction Service – not over 225 Amp (if over 225 Amp, apply schedule above)	\$75.00

\*\* for services exceeding 5 meters, add \$10.00 for each additional meter



**Irrigation Systems**

Agricultural Irrigation System (includes up to two trips – service and final)	\$150.00
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**Fire Alarms**

First 50 devices	\$150.00
Each additional 50 devices (or fraction thereof)	\$50.00

**Electrical Safety Surveys**

In-Home Daycare Inspection (one trip)	\$100.00
Commercial Daycare (per hour, one-hour minimum)	\$125.00
Fire Marshal-related (per hour, one-hour minimum) (schools, churches, health-care, restaurants, hotels, public facilities)	\$125.00

\*\* rates are quoted per hour to include reporting and travel time

**Fire Pump Plan Reviews**

2 sets of plans required for review	\$150.00
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**Consultations or Other Special Inspections**

Per hour, one-hour minimum	\$125.00
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# **MECHANICAL INSPECTION FEE SCHEDULE**

## **Non-Residential**

(New Work, Additions / Alterations, Tenant Fit-Out)

Central heating or Air conditioning, (per zone)	\$60.00
Steam or Hot Water Radiation (per zone)	\$60.00
Duct Heater or Re-Heat coil, VAV boxes	\$20.00
Fuel-fired unit heater, space heater, or decorative appliance	\$45.00
Cooking Hoods	\$50.00
Exhaust Fans, Ventilation Fans	\$25.00
Walk-in cooler, Freezer, Dairy/Deli case	\$50.00
<b>MINIMUM FEE</b>	<b>\$75.00</b>

## **Residential**

(Single-Family, Town House, Condominium, Multi-Family, Manufactured Home)

Multi-Family (5 or more, per apartment)	\$40.00
Single-Family, Town House, Condo (per heating/cooling zone)	\$75.00
Minimum Fee	\$125.00
Manufactured or Modular Home	\$75.00
Fuel-fired unit heater, space heater, or decorative appliance	\$75.00
Replacement of heating/cooling equipment	\$75.00
Additions or Alterations (single zone)	\$75.00
<b>MINIMUM FEE</b>	<b>\$75.00</b>

Additional inspection trips required or re-inspections will be assessed a \$75.00 per trip fee

Installations not covered by this schedule...

**APPLY FOR SPECIAL FEE**

## **RENTAL INSPECTION FEE SCHEDULE**

### ***Residential***

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- Initial inspection (including report of compliance or correction) \$95.00
- Apartment inspection (per unit) \$55.00
- Re-inspection of corrections \$55.00

### ***Non-Residential***

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- Initial inspection (including report of compliance or correction) \$155.00
- Re-inspection of corrections \$75.00

### ***Posting of Notices, Depositions, and Court Appearances***

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- Posting of Notices \$55.00
- Depositions and Court Appearances \$125.00/ hour



MAYOR AND COUNCIL OF SNOW HILL

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

**ORDINANCE 2024 – 12**

**AN ORDINANCE OF THE TOWN OF SNOW HILL AMENDING CHAPTER 137,  
ENTITLED RENTAL PROPERTY**

**WHEREAS**, pursuant to Town Charter Section 20(11), the Council has the power to make reasonable regulations in regard to buildings constructed, or reconstructed in the town, and to grant building permits for them, to formulate a building code and a plumbing code, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down; and

**WHEREAS**, the Mayor and Council has established a program for the administration of a rental license and inspection program in the Town to ensure rental properties are maintained properly and in accordance with the law; and

**WHEREAS**, the Mayor and Council of Snow Hill desire to update the fee structure for the landlord registration and rental permit, and create a separate inspection fee to address the administrative costs for the rental license and associated inspection program in the Town.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND COUNCIL OF SNOW HILL, THAT CHAPTER 137, ENTITLED RENTAL PROPERTY, OF THE CODE OF THE TOWN OF SNOW HILL, MARYLAND, IS HEREBY AMENDED AS FOLLOWS:**

...

**Chapter 137 Rental Property**

**§ 137-1 Purpose.**

The Mayor and Council of Snow Hill do hereby establish a program for the enactment, enforcement and administration of a rental permit requirement for all rental units within the corporate boundaries of Snow Hill and for the periodic registration of all landlords and rental property owners for the purpose of regulating rental property conditions and for maintaining an inventory of available rental housing.

§ 137-2 **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ABSENTEE LANDLORD**

Any landlord who resides outside the designated boundaries of Worcester County as those boundaries may be defined at the time of regular, periodic property registration.

~~HOUSING OFFICIAL~~ **CHIEF BUILDING & ZONING OFFICIAL**  
**COMPLIANCE OFFICER**

The town staff member designated by the Town Manager as having responsibility for enforcement of Chapter 101, Housing Standards, and this chapter.

**HOUSING OR DWELLING UNIT**

Any single unit which is capable of housing one separate household, whether a detached single-family structure or building or part of a multihousehold structure or building.

**IMMEDIATE FAMILY**

The "immediate family" of the owner of a housing unit consists of the owner's spouse, children, parents, grandparents or grandchildren.

[Added 1-14-1992 by Ord. No. 1991-6]

**LANDLORD**

Any property owner or designated agent who offers a housing unit for occupancy to persons other than members of his immediate family in exchange for a fee or compensation, whether monetary or otherwise.

**PRIMARY RESIDENCE**

A dwelling, owner-occupied for a minimum of 183 days in a calendar year.

[Added 4-11-2017 by Ord. No. 2017-02]

**LANDLORD REGISTRATION AND RENTAL PERMIT**

A permit issued by the Town of Snow Hill stating that the referenced structure or unit conforms to the standards of Chapter 101, Housing Standards, and that occupancy of that structure or unit is permitted for residential use. Any special circumstances or conditions under which occupancy is permitted may be specified on that certificate.

**RENTAL PROPERTY**

Any housing unit or units which are occupied by persons other than the owner or his immediate family or for which a fee or compensation, monetary or otherwise, is received by the owner in exchange for such occupation.

**RESIDENT AGENT**

A representative of a property owner or landlord who resides within the designated boundaries of Worcester County as defined at the time of periodic property registration.

**SHORT-TERM RENTAL UNIT**

A primary residence in which a portion thereof, or structure in its entirety, is occupied by persons other than the owner or their immediate family for which a fee or compensation, monetary or otherwise, is received by the owner in exchange for occupation.

[Added 4-11-2017 by Ord. No. 2017-02]

**SHORT-TERM RESIDENT AGENT**

A person or a property management company located within 20 miles of the Town of Snow Hill, Maryland, who accepts full responsibility for contact and administration of management for a registered short-term rental.

[Added 7-11-2017 by Ord. No. 2017-04]

## **SUBSTANDARD**

Any deficiency in a structure or housing unit as defined by Chapter 101, Housing Standards, as amended.

### **§ 137-3 General requirements.**

- A. All landlords must register with the Town of Snow Hill on or before July 31 of each and every calendar year or within 30 days of the date of mailing of yearly real estate tax bills. Upon adoption of this chapter, initial registration will begin as soon as practicable after this chapter is effective. It is the responsibility of the property owner to register any rental property or properties, and failure to do so constitutes a violation of these regulations and is subject to the penalties set forth herein.
- B. All absentee landlords must have a resident agent for each rental unit.<sup>[1]</sup>  
[1] *Editor's Note: Original Art. II., Sec. C, which immediately followed this subsection, regarding inspections after vacancies, was repealed 1-14-1992 by Ord. No. 1991-6.*
- C. All rental properties will be inspected on an annual basis.  
[Amended 1-14-1992 by Ord. No. 1991-6]
- D. Any substandard condition identified during an annual inspection must be corrected by the property owner before a rental permit shall be issued.  
[Amended 1-14-1992 by Ord. No. 1991-6]
- E. No housing unit shall be let, rented or occupied by someone other than the owner or his immediate family until a landlord registration and rental permit ("rental permit") has been obtained for that unit. However, no rental permit shall be required for units which are let or rented as of the effective date of this chapter for such time as the tenant in possession or residence as of the effective date of this chapter shall remain in possession or residence.

### **§ 137-4 Registration of landlords.**

- A. All property owners will receive notice with their yearly tax bills giving them 30 days in which to register any rental properties that they may own. Water and sewer bills will be used to cross-check which properties are rentals and which are owner-occupied.
- B. The owner of a property constituting a rental unit shall register the same with the Housing Chief Building & Zoning Official, Planning, Zoning and Building department within 30 days of the effective date of this chapter on a form approved by the Chief Building & Zoninghead of said department ~~Housing~~ Official, showing the address of the rental unit, the name and address of the owner and his resident agent and the full name of the tenant in possession of the unit as of the effective date of this chapter.<sup>[1]</sup>  
[1] *Editor's Note: Original Art. III, Sec. C, which immediately followed this subsection and required that landlords sign a certificate of compliance, was repealed 1-14-1992 by Ord. No. 1991-6.*
- C. The fee for the landlord registration and rental permit will be included in the inspection fee in Subsection J § 137-5 below shall be as established in Chapter 131. Exemptions are stated in § 137-8 below.  
[Amended 11-9-1999 by Ord. No. 1999-2]

- D. Absentee landlords must designate a resident agent for service of process who resides within the corporate boundaries of Worcester County. If that agent's residence should be removed from Worcester County during the yearly registration period, another agent must be designated for the duration of that period.
- E. It shall be unlawful for any property owner to offer any unit for rent or to allow any rental unit to be occupied without having first registered as a landlord as required herein within the time prescribed for such registration.  
[Amended 1-14-1992 by Ord. No. 1991-6]
- F. Failure to receive notice of the registration deadline will not excuse failure to register rental units. It is the landlord's responsibility to fulfill registration requirements.

§ 137-5 **Rental permit requirements.**

- A. No rental unit may be occupied without a valid rental permit. No rental permit shall be issued until the housing unit has been inspected by the Chief Building & Zoning Code Compliance Officer Housing Official, or his designee, to determine that the requirements of this chapter and Chapter 101, Housing Standards, have been met. No rental permit shall be issued until the Town is provided with a copy of the State of Maryland lead free certificate, if said certificate is required by State law.
- B. Any rental unit that is occupied at the time of the adoption of this chapter may continue to be occupied, even if substandard, so long as that unit does not constitute an unsafe structure as defined in Chapter 60, Buildings, Unsafe, or Chapter 101, Housing Standards, as amended. Such units will be issued a provisional rental permit valid only for the tenants in possession or residence at the time of adoption, for such time as those tenants remain in possession or residence.
- C. A rental permit shall be valid for a period of one year from the date it is issued.  
[Amended 1-14-1992 by Ord. No. 1991-6]
- D. The owner of a rental unit may request a rental permit even though the unit is exempted under the provisions of this chapter.
- E. Rental units determined to be unsafe according to the provisions of Chapter 60, Buildings, Unsafe, and/or Chapter 101, Housing Standards, will be subject to condemnation as provided by those chapters and must be vacated. The notice to vacate the unit and any expenses resulting from that eviction are the sole responsibility of the owner. The town will not issue eviction notices, nor assume any responsibility for relocation or displacement expenses when that eviction is a result of the owner's noncompliance with these regulations.
- F. Property owners subject to a demolition order will have the option of granting the property to the town in fee simple, with the town then assuming the responsibility for demolition and clearance, and assuming sole ownership of the property with all the rights thereof.<sup>[1]</sup>  
[1] *Editor's Note: Original Art. IV, Sec. G, which immediately followed this subsection, regarding notification upon the vacation of a unit, was repealed 1-14-1992 by Ord. No. 1991-6.*
- G. If the unit passes inspection, the rental permit shall be issued within five business days of the date of inspection. If the unit does not pass inspection, a notice of violations and work description shall be issued within 10 business days of the date of the inspection.

H. In the event that the town does not perform the specified action within the time period stated, the previous rental permit will be considered valid for the time that the tenant in possession or residence at the time of application for permit remains in possession or residence of the unit in question.<sup>[2]</sup>

[2] *Editor's Note: Original Art. IV, Sec. J, which immediately followed this subsection, regarding units vacated within 30 days of the last inspection, was repealed 1-14-1992 by Ord. No. 1991-6.*

I. Landlords or their agents must present the previous rental permit when applying for a new permit. Date of the last inspection will be verified from the previous permit.

~~J. The fee for a rental permit shall be as established by the Mayor and Council by resolution from time to time. The fee for registering a rental unit shall be as established by the Mayor and Council by resolution from time to time. The fee shall be stated in the fee schedule found in Chapter 131 of this Code. [Amended 1-14-1992 by Ord. No. 1991-6 ; 11-9-1999 by Ord. No. 1999-2]~~

### § 137-6 Inspections.

A. Inspections of rental units shall be conducted on an annual basis to determine compliance with Chapter 101, Housing Standards, and the fee for the inspection shall be as established by the Mayor and Council by resolution from time to time. Any rental unit that requires a reinspection shall be charged for each reinspection the fee as established by the Mayor and Council by resolution from time to time.

[Amended 1-14-1992 by Ord. No. 1991-6]

B. All inspections finding substandard conditions will be subject to the procedures set forth for violation of Chapter 101, Housing Standards, as amended.<sup>[1]</sup>

[1] *Editor's Note: Original Art. V, Secs. C and D, which immediately followed this subsection, regarding reinspection after every vacancy and landlord responsibility to apply for a new rental permit after vacancy, respectively, were repealed 1-14-1992 by Ord. No. 1991-6.*

C. Inspections shall be conducted and work descriptions shall be compiled and issued by the ~~Code Enforcement Officer~~ Chief Building & Zoning Official ~~Code Compliance Officer~~ or his designee.

[Amended 1-14-1992 by Ord. No. 1991-6]

D. The ~~Code Enforcement Officer~~ Chief Building & Zoning Official ~~Code Compliance Officer~~ or his designee will be responsible for arranging for the inspection of rental units and for initiating any other appropriate action under these regulations. The ~~Code Enforcement Officer~~ Chief Building & Zoning Official ~~Code Compliance Officer~~ or his designee will give special consideration to any request that inspections be conducted during nonbusiness hours for the convenience of the tenant(s). In the absence of such a request, the inspections will be conducted during normal business hours as defined by the town business hours in force at the time.

### § 137-7 Violations and penalties.

A. Violations of this chapter will constitute a municipal infraction and will be subject to applicable penalties under this chapter in addition to those imposed by any other applicable code or ordinance, including, without limitation, Chapter 101, Housing Standards, or Chapter 60, Buildings, Unsafe.



**B. Penalties for violations of these regulations will be imposed as follows:**

- (1) Failure to register as a landlord or agent:
  - (a) First offense: ~~\$25~~250.
  - (b) Subsequent offenses: ~~\$50~~500 each.
- (2) Allowing occupancy without valid permit:
  - (a) First offense: ~~\$100~~ 250.
  - (b) Subsequent offenses: ~~\$150~~ 500 each.

**§ 137-8 Nonprofit organization exemption.**

[Added 11-9-1999 by Ord. No. 1999-2]

- A. Landlords are exempted from the payment of registration and inspection fees if they comply with all of the following:**
- (1) The landlord shall be qualified under the Internal Revenue Code as a 501-C(3) organization.
  - (2) The landlord shall have units inspected, by an inspector approved by the Town of Snow Hill's ~~Code Enforcement Officer~~ Chief Building & Zoning Official Planning, Zoning and Building department, no less frequently with no lesser criteria for passing inspection than that established by the Town of Snow Hill.
  - (3) The landlord shall deliver to the Town of Snow Hill's ~~Code Enforcement Officer~~ Chief Building & Zoning Official Planning, Zoning and Building department a copy of said inspection within 14 days after the date of completion of said inspection.
  - (4) The landlord shall correct any and all deficiencies found in said inspection within 30 days after said inspection and deliver a report of those corrections within 45 days after said inspection to the Town of Snow Hill's ~~Code Enforcement Officer~~ Chief Building & Zoning Official Planning, Zoning and Building department.
- B. In the event that a landlord claims exemption under this section and fails to fulfill the requirements, then such landlord shall be subject to the registration and inspection fees set forth above, any additional inspection fees or costs incurred by the town and any other penalties set forth in this section. The town shall have the right to revoke said exemption if the landlord fails to comply with said requirements. The exemption from fees in no way modifies the obligation of the landlord to register rental units with the Town of Snow Hill.**

**§ 137-9 Provision for short-term rental housing.**

[Added 4-11-2017 by Ord. No. 2017-02; amended 7-11-2017 by Ord. No. 2017-04]

The structure in which the short-term rental housing takes place shall be the primary residence of the owner of the property, or a residential structure owned and not in use as a primary residence providing adherence to short-term resident agent requirements, or an accessory structure located on the same property provided said accessory structure satisfies all Building, Fire, Health and Safety Codes and Regulations for use in this manner. A second (one) primary residential structure used explicitly for short-term rental may be allowed by special exception providing the owner of the secondary primary short-term rental structure is a resident of the Town of Snow Hill,

maintaining here their primary residence.

- A. A landlord registration and rental permit will be required for all short-term housing. The fee will be \$60125 annually.
- B. Occupancy will be allowed up to five unrelated persons in any one short-term rental under this provision and pursuant to all applicable Code of the Town of Snow Hill.
- C. Parking requirements shall be:
  - (1) In an owner-occupied primary residence with rooms let for short-term rentals, two parking spaces, off-street, for owner and one parking space, off-street, per room rented shall be required.
  - (2) In use of a second primary structure used for short-term rental, two parking spaces off-street will be required per structure with one more parking space required off-street per room when more than two bedrooms are rented.
  - (3) There will be no off-street parking requirement for short-term rentals within the downtown shopping district.
- D. Contact information:
  - (1) The owner shall provide personal contact information (name, address, telephone number and e-mail address) to be contacted 24 hours a day for any complaints or problems.
  - (2) If the property owner does not remain in Worcester County during the rental period, the owner must provide contact information for an agent that can be contacted 24 hours a day regarding any problem or issues. That named agent must have a primary residence in Worcester County.
- E. Resident agent.
  - (1) A short-term rental resident agent will be named by the owner, and will serve for twenty-four-hour contact for an emergency or nuisance. The owner will provide the Town with the resident agent's name, address, valid e-mail address, and valid phone number.
  - (2) When a property management company is used as a resident agent, the company must provide business license information, including name of the company and any licenses to the Town of Snow Hill.
  - (3) Resident agents must be available 24 hours per day to respond to tenant issues and emergency situations. Failure to respond to emergency situations, police department requests or ~~Code Enforcement Officer~~ Chief Building & Zoning Official~~Code Compliance Officer~~ requests will result in revocation of the short-term rental permit. All regulations in force upon owner-occupied short-term rental structures will be equally enforced upon non-primary residence short-term rental structures and in no way will be exempted from all requirements of the Town Code and its regulations.
- F. In addition to providing required information to the Town of Snow Hill, the owner shall provide their contact information, as well the resident agent's contact information, to all properties within 400 feet of the owner's property by certified mail, return receipt requested, and regular mail on at least an annual basis.

**G. Commercial food sales.**

- (1) There shall be no commercial food sales or preparation. Meals provided by the owner for guests shall be limited to breakfast items. Nothing herein shall limit the guest's ability to prepare their own food on the property.

**H. Insurance.**

- (1) The property owner shall maintain property and liability insurance with an insurer who is aware of the owner's short-term rental housing exposure and that will respond in the event of a covered loss with liability limits of at least \$500,000 and shall provide proof of said insurance at the time of application for a landlord registration and rental permit.

- I. A ledger of renters in short-term rental housing shall be required to be maintained by owner, and shall be presented for inspection upon request of the Chief Building & Zoning Housing Official- Planning, Zoning and Building department of the Town of Snow Hill. Ledger shall contain all information including, but not limited to cost of rental; arrival of renter; departure of renter; name of renter or renters; and number of occupants in renter's party.

- J. Short-term rentals are subject to Worcester County room tax and Maryland sales tax. A copy of the Room Tax Application is required to accompany all applications for short-term rental/landlord permit applications. Contact the Worcester County Treasurers Office at (410) 632-0686 or online at [http:// www.co.worcester.md.us/departments/treasurer /room](http://www.co.worcester.md.us/departments/treasurer/room) for room tax application. Contact the Maryland Comptroller of the Treasury for state sales tax requirements at (410) 260-7980 or 1-800-638-2937.

- K. Short-term rental housing will comply with all regulations appurtenant contained within this chapter.

INTRODUCED at a meeting of the Council of Snow Hill, Maryland held on \_\_\_\_\_, 2024.

ADOPTED AND PASSED, by the required vote of the elected membership of the Council and approved by the Mayor at its meeting held on \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
RICHARD POLLITT, Town Manager

\_\_\_\_\_  
JANET SIMPSON, Mayor

Approved as to form:

\_\_\_\_\_  
DIANA WALSH, Central District Council Person

\_\_\_\_\_  
MAUREEN HOWARTH  
Ayes, Jenkins, Gordy & Almand, P.A.  
Office of Town Solicitor

\_\_\_\_\_  
EDWARD LEE, Eastern District  
Council Person

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MARGARET ANN FLETCHER,  
Western District Council Person

item # 6(a)



MAYOR AND COUNCIL OF SNOW HILL.

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

**ORDINANCE 2024 – 12**

**AN ORDINANCE OF THE TOWN OF SNOW HILL AMENDING CHAPTER 137, ENTITLED RENTAL PROPERTY**

**WHEREAS**, pursuant to Town Charter Section 20(11) the Council has the power to make reasonable regulations in regard to buildings constructed, or reconstructed in the town, and to grant building permits for them, to formulate a building code and a plumbing code, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down; and

**WHEREAS**, the Mayor and Council has established a program for the administration of a rental license and inspection program in Town to ensure rental properties are maintained properly and in accordance with the law; and

**WHEREAS**, the Mayor and Council of Snow Hill desire to update the fee structure for the landlord registration and rental permit, and create a separate inspection fee to address the administrative costs for the rental license and associated inspection program in the Town.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND COUNCIL OF SNOW HILL, THAT CHAPTER 137, ENTITLED RENTAL PROPERTY, OF THE CODE OF THE TOWN OF SNOW HILL, MARYLAND, IS HEREBY AMENDED AS FOLLOWS:**

...

**Chapter 137 Rental Property**

**§ 137-1. Purpose.**

The Mayor and Council of Snow Hill do hereby establish a program for the enactment, enforcement and administration of a rental permit requirement for all rental units within the corporate boundaries of Snow Hill and for the periodic registration of all landlords and rental property owners for the purpose of regulating rental property conditions and for maintaining an inventory of available rental housing.

§ 137-2. **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ABSENTEE LANDLORD**

Any landlord who resides outside the designated boundaries of Worcester County as those boundaries may be defined at the time of regular, periodic property registration.

**~~HOUSING OFFICIAL~~ CHIEF BUILDING & ZONING OFFICIAL**

The town staff member designated by the Town Manager as having responsibility for enforcement of Chapter 101, Housing Standards, and this chapter.

**HOUSING OR DWELLING UNIT**

Any single unit which is capable of housing one separate household, whether a detached single-family structure or building or part of a multihousehold structure or building.

**IMMEDIATE FAMILY**

The "immediate family" of the owner of a housing unit consists of the owner's spouse, children, parents, grandparents or grandchildren.

[Added 1-14-1992 by Ord. No. 1991-6]

**LANDLORD**

Any property owner or designated agent who offers a housing unit for occupancy to persons other than members of his immediate family in exchange for a fee or compensation, whether monetary or otherwise.

**PRIMARY RESIDENCE**

A dwelling, owner-occupied for a minimum of 183 days in a calendar year.

[Added 4-11-2017 by Ord. No. 2017-02]

**LANDLORD REGISTRATION AND RENTAL PERMIT**

A permit issued by the Town of Snow Hill stating that the referenced structure or unit conforms to the standards of Chapter 101, Housing Standards, and that occupancy of that structure or unit is permitted for residential use. Any special circumstances or conditions under which occupancy is permitted may be specified on that certificate.

**RENTAL PROPERTY**

Any housing unit or units which are occupied by persons other than the owner or his immediate family or for which a fee or compensation, monetary or otherwise, is received by the owner in exchange for such occupation.

**RESIDENT AGENT**

A representative of a property owner or landlord who resides within the designated boundaries of Worcester County as defined at the time of periodic property registration.

**SHORT-TERM RENTAL UNIT**

A primary residence in which a portion thereof, or structure in its entirety, is occupied by persons other than the owner or their immediate family for which a fee or compensation, monetary or otherwise, is received by the owner in exchange for occupation.

[Added 4-11-2017 by Ord. No. 2017-02]

**SHORT-TERM RESIDENT AGENT**

A person or a property management company located within 20 miles of the Town of Snow Hill, Maryland, who accepts full responsibility for contact and administration of management for a registered short-term rental.

[Added 7-11-2017 by Ord. No. 2017-04]

**SUBSTANDARD**

Any deficiency in a structure or housing unit as defined by Chapter 101, Housing Standards, as amended.

**§ 137-3. General requirements.**

- A. All landlords must register with the Town of Snow Hill on or before July 31 of each and every calendar year or within 30 days of the date of mailing of yearly real estate tax bills. Upon adoption of this chapter, initial registration will begin as soon as practicable after this chapter is effective. It is the responsibility of the property owner to register any rental property or properties, and failure to do so constitutes a violation of these regulations and is subject to the penalties set forth herein.
- B. All absentee landlords must have a resident agent for each rental unit.<sup>[1]</sup>  
[1] *Editor's Note: Original Art. II, Sec. C, which immediately followed this subsection, regarding inspections after vacancies, was repealed 1-14-1992 by Ord. No. 1991-6.*
- C. All rental properties will be inspected on an annual basis.  
[Amended 1-14-1992 by Ord. No. 1991-6]
- D. Any substandard condition identified during an annual inspection must be corrected by the property owner before a rental permit shall be issued.  
[Amended 1-14-1992 by Ord. No. 1991-6]
- E. No housing unit shall be let, rented or occupied by someone other than the owner or his immediate family until a landlord registration and rental permit ("rental permit") has been obtained for that unit. However, no rental permit shall be required for units which are let or rented as of the effective date of this chapter for such time as the tenant in possession or residence as of the effective date of this chapter shall remain in possession or residence.

**§ 137-4. Registration of landlords.**

- A. All property owners will receive notice with their yearly tax bills giving them 30 days in which to register any rental properties that they may own. Water and sewer bills will be used to cross-check which properties are rentals and which are owner-occupied.
- B. The owner of a property constituting a rental unit shall register the same with the Housing Chief Building & Zoning Official within 30 days of the effective date of this chapter on a form approved by the Chief Building & Zoning Housing Official, showing the address of the rental unit, the name and address of the owner and his resident agent and the full name of the tenant in possession of the unit as of the effective date of this chapter.<sup>[1]</sup>  
[1] *Editor's Note: Original Art. III, Sec. C, which immediately followed this subsection and required that landlords sign a certificate of compliance, was repealed 1-14-1992 by Ord. No. 1991-6.*
- C. The fee for the landlord registration and rental permit ~~will be included in the inspection fee in Subsection J § 137-5 below~~ shall be as established in Chapter 131. Exemptions are stated in § 137-8 below.  
[Amended 11-9-1999 by Ord. No. 1999-2]

- D. Absentee landlords must designate a resident agent for service of process who resides within the corporate boundaries of Worcester County. If that agent's residence should be removed from Worcester County during the yearly registration period, another agent must be designated for the duration of that period.
- E. It shall be unlawful for any property owner to offer any unit for rent or to allow any rental unit to be occupied without having first registered as a landlord as required herein within the time prescribed for such registration.  
[Amended 1-14-1992 by Ord. No. 1991-6]
- F. Failure to receive notice of the registration deadline will not excuse failure to register rental units. It is the landlord's responsibility to fulfill registration requirements.

§ 137-5. **Rental permit requirements.**

- A. No rental unit may be occupied without a valid rental permit. No rental permit shall be issued until the housing unit has been inspected by the ~~Chief Building & Zoning~~ Housing Official to determine that the requirements of this chapter and Chapter 101, Housing Standards, have been met. No rental permit shall be issued until the Town is provided with a copy of the State of Maryland lead free certificate, if said certificate is required by State law.
- B. Any rental unit that is occupied at the time of the adoption of this chapter may continue to be occupied, even if substandard, so long as that unit does not constitute an unsafe structure as defined in Chapter 60, Buildings, Unsafe, or Chapter 101, Housing Standards, as amended. Such units will be issued a provisional rental permit valid only for the tenants in possession or residence at the time of adoption, for such time as those tenants remain in possession or residence.
- C. A rental permit shall be valid for a period of one year from the date it is issued.  
[Amended 1-14-1992 by Ord. No. 1991-6]
- D. The owner of a rental unit may request a rental permit even though the unit is exempted under the provisions of this chapter.
- E. Rental units determined to be unsafe according to the provisions of Chapter 60, Buildings, Unsafe, and/or Chapter 101, Housing Standards, will be subject to condemnation as provided by those chapters and must be vacated. The notice to vacate the unit and any expenses resulting from that eviction are the sole responsibility of the owner. The town will not issue eviction notices, nor assume any responsibility for relocation or displacement expenses when that eviction is a result of the owner's noncompliance with these regulations.
- F. Property owners subject to a demolition order will have the option of granting the property to the town in fee simple, with the town then assuming the responsibility for demolition and clearance, and assuming sole ownership of the property with all the rights thereof.<sup>[1]</sup>  
[1] *Editor's Note: Original Art. IV, Sec. G, which immediately followed this subsection, regarding notification upon the vacation of a unit, was repealed 1-14-1992 by Ord. No. 1991-6.*
- G. If the unit passes inspection, the rental permit shall be issued within five business days of the date of inspection. If the unit does not pass inspection, a notice of violations and work description shall be issued within 10 business days of the date of the inspection.
- H. In the event that the town does not perform the specified action within the time period stated,



the previous rental permit will be considered valid for the time that the tenant in possession or residence at the time of application for permit remains in possession or residence of the unit in question.<sup>[2]</sup>

[2] *Editor's Note: Original Art. IV, Sec. J, which immediately followed this subsection, regarding units vacated within 30 days of the last inspection, was repealed 1-14-1992 by Ord. No. 1991-6.*

- I. Landlords or their agents must present the previous rental permit when applying for a new permit. Date of the last inspection will be verified from the previous permit.
- J. ~~The fee for a rental permit shall be as established by the Mayor and Council by resolution from time to time. The fee for registering a rental unit shall be as established by the Mayor and Council by resolution from time to time. The fee shall be stated in the fee schedule found in Chapter 131 of this Code. [Amended 1-14-1992 by Ord. No. 1991-6; 11-9-1999 by Ord. No. 1999-2]~~

#### § 137-6. Inspections.

- A. Inspections of rental units shall be conducted on an annual basis to determine compliance with Chapter 101, Housing Standards, and the fee for the inspection shall be as established by the Mayor and Council by resolution from time to time. Any rental unit that requires a reinspection shall be charged for each reinspection the fee as established by the Mayor and Council by resolution from time to time. [Amended 1-14-1992 by Ord. No. 1991-6]
- B. All inspections finding substandard conditions will be subject to the procedures set forth for violation of Chapter 101, Housing Standards, as amended.<sup>[1]</sup>
  - [1] *Editor's Note: Original Art. V, Secs. C and D, which immediately followed this subsection, regarding reinspection after every vacancy and landlord responsibility to apply for a new rental permit after vacancy, respectively, were repealed 1-14-1992 by Ord. No. 1991-6.*
- C. Inspections shall be conducted and work descriptions shall be compiled and issued by the ~~Code Enforcement Officer~~ Chief Building & Zoning Official or his designee. [Amended 1-14-1992 by Ord. No. 1991-6]
- D. The ~~Code Enforcement Officer~~ Chief Building & Zoning Official or his designee will be responsible for arranging for the inspection of rental units and for initiating any other appropriate action under these regulations. The ~~Code Enforcement Officer~~ Chief Building & Zoning Official or his designee will give special consideration to any request that inspections be conducted during nonbusiness hours for the convenience of the tenant(s). In the absence of such a request, the inspections will be conducted during normal business hours as defined by the town business hours in force at the time.

#### § 137-7. Violations and penalties.

- A. Violations of this chapter will constitute a municipal infraction and will be subject to applicable penalties under this chapter in addition to those imposed by any other applicable code or ordinance, including, without limitation, Chapter 101, Housing Standards, or Chapter 60, Buildings, Unsafe.
- B. Penalties for violations of these regulations will be imposed as follows:

**Commented [MH1]:** Council wants to add " The landlord shall correct any and all deficiencies found in said inspection within 30 days after said inspection and deliver a report of those corrections within 45 days after said inspection to the Town of Snow Hill's Chief Building & Zoning Official."

**Commented [MH2]:** Rick see highlight and then look at Chapter 101. We do not want to set up a conflict.

- (1) Failure to register as a landlord or agent:
  - (a) First offense: ~~\$25~~250.
  - (b) Subsequent offenses: ~~\$50~~500 each.
- (2) Allowing occupancy without valid permit:
  - (a) First offense: ~~\$100~~ 250.
  - (b) Subsequent offenses: ~~\$150~~ 500 each.

**§ 137-8. Nonprofit organization exemption.**  
[Added 11-9-1999 by Ord. No. 1999-2]

- A. Landlords are exempted from the payment of registration and inspection fees if they comply with all of the following:
- (1) The landlord shall be qualified under the Internal Revenue Code as a 501-C(3) organization.
  - (2) The landlord shall have units inspected, by an inspector approved by the Town of Snow Hill's ~~Code Enforcement Officer~~ Chief Building & Zoning Official, no less frequently with no lesser criteria for passing inspection than that established by the Town of Snow Hill.
  - (3) The landlord shall deliver to the Town of Snow Hill's ~~Code Enforcement Officer~~ Chief Building & Zoning Official a copy of said inspection within 14 days after the date of completion of said inspection.
  - (4) The landlord shall correct any and all deficiencies found in said inspection within 30 days after said inspection and deliver a report of those corrections within 45 days after said inspection to the Town of Snow Hill's ~~Code Enforcement Officer~~ Chief Building & Zoning Official.
- B. In the event that a landlord claims exemption under this section and fails to fulfill the requirements, then such landlord shall be subject to the registration and inspection fees set forth above, any additional inspection fees or costs incurred by the town and any other penalties set forth in this section. The town shall have the right to revoke said exemption if the landlord fails to comply with said requirements. The exemption from fees in no way modifies the obligation of the landlord to register rental units with the Town of Snow Hill.

**§ 137-9. Provision for short-term rental housing.**  
[Added 4-11-2017 by Ord. No. 2017-02; amended 7-11-2017 by Ord. No. 2017-04]

The structure in which the short-term rental housing takes place shall be the primary residence of the owner of the property, or a residential structure owned and not in use as a primary residence providing adherence to short-term resident agent requirements, or an accessory structure located on the same property provided said accessory structure satisfies all Building, Fire, Health and Safety Codes and Regulations for use in this manner. A second (one) primary residential structure used explicitly for short-term rental may be allowed by special exception providing the owner of the secondary primary short-term rental structure is a resident of the Town of Snow Hill, maintaining here their primary residence.

- A. A landlord registration and rental permit will be required for all short-term housing. The fee will be \$60125 annually.
- B. Occupancy will be allowed up to five unrelated persons in any one short-term rental under this provision and pursuant to all applicable Code of the Town of Snow Hill.
- C. Parking requirements shall be:
- (1) In an owner-occupied primary residence with rooms let for short-term rentals, two parking spaces, off-street, for owner and one parking space, off-street, per room rented shall be required.
  - (2) In use of a second primary structure used for short-term rental, two parking spaces off-street will be required per structure with one more parking space required off-street per room when more than two bedrooms are rented.
  - (3) There will be no off-street parking requirement for short-term rentals within the downtown shopping district.
- D. Contact information:
- (1) The owner shall provide personal contact information (name, address, telephone number and e-mail address) to be contacted 24 hours a day for any complaints or problems.
  - (2) If the property owner does not remain in Worcester County during the rental period, the owner must provide contact information for an agent that can be contacted 24 hours a day regarding any problem or issues. That named agent must have a primary residence in Worcester County.
- E. Resident agent.
- (1) A short-term rental resident agent will be named by the owner, and will serve for twenty-four-hour contact for an emergency or nuisance. The owner will provide the Town with the resident agent name, address, valid e-mail address, and valid phone number.
  - (2) When a property management company is used as a resident agent, the company must provide business license information, including name of the company and any licenses to the Town of Snow Hill.
  - (3) Resident agents must be available 24 hours per day to respond to tenant issues and emergency situations. Failure to respond to emergency situations, police department requests or ~~Code Enforcement Officer~~ Chief Building & Zoning Official requests will result in revocation of the short-term rental permit. All regulations in force upon owner-occupied short-term rental structures will be equally enforced upon non-primary residence short-term rental structures and in no way will be exempted from all requirements of the Town Code and its regulations.
- F. In addition to providing required information to the Town of Snow Hill, the owner shall provide their contact information, as well the resident agent's contact information, to all properties within 400 feet of the owner's property by certified mail, return receipt requested, and regular mail on at least an annual basis.
- G. Commercial food sales.
- (1) There shall be no commercial food sales or preparation. Meals provided by the owner

for guest shall be limited to breakfast items. Nothing herein shall limit the guest's ability to prepare their own food on the property.

**H. Insurance.**

- (1) The property owner shall maintain property and liability insurance with an insurer who is aware of the owner's short-term rental housing exposure and that will respond in the event of a covered loss with liability limits of at least \$500,000 and shall provide proof of said insurance at the time of application for a landlord registration and rental permit.
- I. A ledger of renters in short-term rental housing shall be required to be maintained by owner, and shall be presented for inspection upon request of the Chief Building & Zoning Housing Official of the Town of Snow Hill. Ledger shall contain all information including, but not limited to cost of rental; arrival of renter; departure of renter; name of renter or renters; and number of occupants in renter's party.
- J. Short-term rentals are subject to Worcester County room tax and Maryland sales tax. A copy of the Room Tax Application is required to accompany all applications for short-term rental/landlord permit applications. Contact the Worcester County Treasurers Office at (410) 632-0686 or online at [http:// www.co.worcester.md.us/departments/treasurer /room](http://www.co.worcester.md.us/departments/treasurer/room) for room tax application. Contact the Maryland Comptroller of the Treasury for state sales tax requirements at (410) 260-7980 or 1-800-638-2937.
- K. Short-term rental housing will comply with all regulations appurtenant contained within this chapter.

INTRODUCED at a meeting of the Council of Snow Hill, Maryland held on \_\_\_\_\_, 2024.

ADOPTED AND PASSED, by the required vote of the elected membership of the Council and approved by the Mayor at its meeting held on \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
RICHARD POLLITT, Town Manager

\_\_\_\_\_  
MICHAEL PRUITT, Mayor

Approved as to form:

\_\_\_\_\_  
DIANA WALSH, Central District Council Person

\_\_\_\_\_  
MAUREEN HOWARTH  
Ayres, Jenkins, Gordy & Almand, P.A.  
Office of Town Solicitor

\_\_\_\_\_  
JANET SIMPSON, Eastern District  
Council Person

**MARGARET ANN FLETCHER,**  
Western District Council Person

Item # 6(b)

TOWN OF SNOW HILL

MAYOR AND COUNCIL

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

**ORDINANCE 2024-03**

**AN ORDINANCE TO AMEND CHAPTER 134, ENTITLED PROPERTY MANAGEMENT, ARTICLE II ENTITLED VACANT BUILDING REGISTRATION OF THE CODE OF THE TOWN OF SNOW HILL, MARYLAND**

**WHEREAS** the presence of vacant buildings can lead to neighborhood decline; can create a public nuisance; contribute to lower property values; discourage buyers from purchasing a property adjacent to or in neighborhoods with the aforementioned properties; and

**WHEREAS** the Mayor and Council of Snow Hill ("Snow Hill") has an obligation to protect its commercial districts from decline and devaluation; and

**WHEREAS** the special problems associated with vacant buildings requires Snow Hill maintain information on location and ownership of those properties and Snow Hill desires to revise current registration procedures to further facilitate the identification and occupancy of vacant commercial buildings in the Town of Snow Hill ("Town"); and

**WHEREAS** these changes will enable Snow Hill to better monitor the registered buildings and inform owners of issues that arise concerning said buildings for the purpose of preserving and promoting the public health, safety, and general welfare of the Town;

**NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND COUNCIL OF SNOW HILL, THAT CHAPTER 134 ENTITLED PROPERTY MANAGEMENT, ARTICLE II ENTITLED VACANT BUILDING REGISTRATION OF THE CODE OF THE TOWN OF SNOW HILL, MARYLAND BE, AND IT IS HEREBY AMENDED AS FOLLOWS:**

**CHAPTER 134. Property Management**

...

**ARTICLE II. Non-Residential and Mixed Use Vacant Building Registration**

**§ 134-5. Purpose.**

**A. The purposes of this article are to:**

1. reduce vacancy of nonresidential and mixed-use buildings by encouraging property owners to occupy, lease or sell vacant buildings.
2. ensure that owners of vacant buildings are known to the town and other interested parties and can be reached if necessary.
3. ensure that owners of vacant properties are aware of the obligations of ownership under relevant codes and regulations. *(needs code citation)*
4. ensure that owners meet the minimum standards of maintenance of vacant properties. *(needs code citation)*
5. monitor and enforce safety, useability and the condition of vacant commercial properties. *(needs code citation)*

**B. The provisions of this article are in addition to and not in lieu of any other applicable provision of the Code of the Town of Snow Hill.**

**§ 134-6. Definitions.**

- (a) **Generally.** For purposes of this article, the following terms have the meanings indicated.
- (b) **Building.** Any combination of materials having a roof and enclosed within exterior walls or firewalls, built to form a structure for the shelter of persons or property.
- (c) **Code Compliance Official. aka Code Official**
- (d) **Commercial Storefront.** Any area within a building that may be individually leased or rented for commercial use in accordance with the Code and Zoning Map.
- (e) **Mixed Use Building.** *(needs definition)*
- (f) **Non-residential Building.** *(needs definition)*
- (g) **Occupied.** A building where one or more persons conducts a lawful business in compliance with all zoning regulations in all or any part of the building as the licensed business occupant, or as the legal owner or tenant or any combination of the same. Evidence offered to prove that a building is so occupied may include, but shall not be limited to, proof of continual electric, gas, heating, and water and sewer services.
- (h) **Owner.** Any person, beneficiary, co-partnership, association, trust, corporation or fiduciary:
  1. With a legal or equitable interest in or control of the property.

2. Having the charge, care or control of any premises as executor, administrator, trustee, or guardian of the estate of the owner; or
  3. Whose name appears on the deed or property tax bill for the property.
- (i) **Property.** *(needs definition)*
- (j) **Property Plan.** Details the owner's plans and timeline for the building to be occupied; its current condition per inspection report; the measures in place to ensure that the building is secured and how it will be maintained, in compliance with the Code.
- (k) **Secured.** A building that has a permanent door or window in each appropriate building opening that is secured to deter vandalism and unauthorized entry, and has all its door and window components, including frames, jambs, rails, stiles, muntins, mullions, panels, sashes, lights and panes intact and unbroken.
- (l) **Unsecured.** A building not continuously secured, maintained, locked or boarded to deter vandalism and unauthorized entry; fails to provide protection from weather damage; and is an attractive nuisance to children, vagrants, criminals, or other unauthorized persons.
- (m) **Vacant building.**
1. "Vacant building" means a building that is not habitually occupied by its owner, a tenant, or other person in lawful possession or at which substantially all lawful use consistent with zoning or building regulations has ceased.
  2. Buildings used for purposes outside of approved uses according to 200-53 Table of Permissible Uses. Non-residential buildings and first floor units of mixed-use buildings being used for purposes other than what their occupancy permit lists, or that do not have an occupancy permit, will be deemed vacant for the purpose of this chapter.
  3. This paragraph applies to buildings located in the B-1, B-2, HC, M-1, M-2 zoning districts with a ground level designed for non-residential occupancy. If more than 50% of the occupiable square footage of the portion of the first floor immediately adjacent to a public right-of-way is vacant, the building will be deemed a vacant building.
  4. "Occupiable square footage" excludes basements, crawl spaces, mechanical rooms, unfinished attics, exterior porches, garages, and other non-occupiable ancillary spaces.
- (n) **Vacant building notice.** A written notice from the Code Official stating that the property has been deemed vacant and requiring that the property be registered in accordance with this ordinance.
- (o) **Vacant Property.** A lot or parcel of real property on which is situated at least one vacant building.
- (p) **Vacant Commercial Building Registration, aka VCBR** *(needs definition)*

**134-7. Scope and Administration.**



A. **Applicability.** This article applies to non-residential and mixed use building designed or used for commercial uses or purposes that has been vacant for at least ninety (90) consecutive days. Evidence of vacant buildings includes, but is not limited to:

- (1) Attracts illegal activity and calls for service, as documented by the Police Department;
- (2) Is a fire hazard, as determined by the Fire Marshal or as documented by the Fire Department;
- (3) Creates a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within a commercial neighborhood, as documented by business complaints, or cancellations of insurance on adjacent properties or increased cost of insurance;
- (4) Partially constructed, reconstructed, or demolished building or structure upon which work was abandoned, showing no current building or demolition permit or when no substantial work on the project has been done for a period of six consecutive months or more.
- (5) Actual use of the building is not in compliance with the Town Codes. *(needs citation)*

B. **Other Laws.** Nothing in this article should be construed to relieve a property owner from compliance with all applicable federal, state and local regulations.

C. **Regulations.** The Code Official may adopt administrative regulations to implement the provisions of this article.

D. **Exemptions.**

A Written request for exemption must be provided to the Code Official and approved by the Code Official.

#### 134-8. Determination of Vacancy

*Generally:* This article requires property owners to register their own vacant properties. In addition, based on a complaint or any other information, the Code Compliance Official may determine whether or not a building is vacant. If the Code Official determines that a property has been vacant for at least ninety (90) days Code Official shall issue a vacant building notice requiring that the property be registered.

*Evidence of Vacancy:* A condition that on its own or combined with other conditions would reasonably be believed that the property is vacant, which includes, but is not limited to:

- Blight (the exterior of the property is not being maintained in accordance with the Property Maintenance code and any other applicable regulations). *(supply Property Maintenance Code)*
- overgrown or dead vegetation.
- accumulation of newspapers, circulars, or mail.
- past due utility notices or disconnected utilities.

- accumulation of trash or debris.
- windows or doorways are covered or boarded.
- absence of furnishings or items associated with commercial use.
- and statements from neighbors, delivery agents, or government officials, etc. that the property is vacant.

**134-9. Registration.**

**A. Requirement.**

- (1) The owner of any and each vacant building shall register the building with the Code Official by submitting the VCBR form and additional documentation required by the Town with the required fee in accordance with this section. Registration shall be required for all vacant buildings, whether vacant and secured, vacant and unsecured, or vacant and boarded, whenever any building within ninety (90) days of the property becoming vacant or within 90 days of the owner's receipt of a vacant building notice.
- (2) If a person assumes ownership of a vacant property that has not been registered, the new owner shall register the property within 90 days of assuming ownership.
- (3) An owner shall register the property on an annual basis for as long as the property remains vacant. The annual renewal must be accompanied by a filing fee as established in this ordinance.

**B. Contents.** The VCBR form will include:

- (1) The property address of each vacant building.
- (2) The names, addresses, phone numbers, email addresses and any other contact information of all owners of the property.
- (3) The name, address telephone number and email address and any other contact information of any local agent or representative.
- (4) Names, addresses, and telephone numbers of all persons having any ownership interest in the building or premises, including any mortgagees.
- (5) The legal description and tax account number of the vacant building.
- (6) The date on which the building became vacant.
- (7) An explanation as to the reason for the vacancy of the property.
- (8) The length of time the owner expects the building to remain vacant. A property plan statement including the proposed rehabilitation or improvements and maintenance to be made to the structure so as to make the structure safe, suitable and presentable for its intended use, and a description of what will be done to secure the structure so that it will not become open to the general public. Said plan shall also include a schedule to address any existing infractions and to repair any doors, fences, windows or other openings which are boarded up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction.

- (9) A grant of permission signed by the owner or his agent and plan of access of sufficient frequency to allow entry to the interior by the Code Official or a sworn police officer to ensure the premises is in good repair, structurally sound, sanitary and weatherproof.
- (11) Whenever the owner proposes to demolish the vacant building, the owner shall include in said plan a time schedule for such demolition and obtain the necessary permit(s) as required by other law; and
- (12) Any other information, duty or obligation deemed reasonable and necessary by the Town as is consistent with this Article.

**C. Update of information.** A property owner has a continuing obligation to ensure that the information provided at the time of registration remains valid.

If at any time the information is no longer valid, the owner shall notify the Code Officer of the change, in writing, within 15 days of the change. If a vacant property is transferred, the new owner shall notify the Officer within 30 days of the transfer and submit the name, address, telephone number, and email address of the new owners and any changes to the property plan.

**D. Removal.** If a vacant building becomes occupied at any time after the registration, the owner shall notify the office in writing along with corroborating documentation and request that the building be removed from the VBR, the town shall remove such building from the registry within 30 days of the filing of the notice unless the town determines that there is evidence of vacancy and reason to believe that the building is vacant and subject to registration.

**134.10 Inspections.**

Commercially zoned buildings shall obtain and provide a copy of a property inspection report from a Maryland Licensed Contractor, Maryland Licensed Architect, or Professional Engineer on its initial registration and every (2) years thereafter. The cost of said inspection report shall be paid by the owner.

In the off years, the building may be inspected by the Code Official.

The fee for this inspection is \$200.00.

**134.11 Fees.**

<b>First Year Registration</b>	<b>\$500</b>
<b>Second Year Registration</b>	<b>\$1000</b>
<b>Third Year Registration</b>	<b>\$2000</b>
<b>Fourth Year Registration</b>	<b>\$4000</b>

A. Fee Waivers. Owners are still required to submit a Registration Statement including inspection report and property plan.

(1) Properties undergoing Town permitted renovations, as outlined in the owner's submitted Property Plan, and making substantial progress may receive a one-year registration fee waiver. If by the second year renovations are not complete the second-year fee will be applied.

(2) A building that has suffered fire damage if the cleanup, repair or demolition is completed within one hundred and twenty (120) days from the date of the fire.

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#### 134-12. Violations and Penalties.

A. **Municipal infraction.** Any person violating any section of this article shall be guilty of a municipal infraction punishable by a fine of one hundred dollars (\$100.00) a day. Each day a violation continues will be deemed a separate offense.

B. **Additional remedies.** In addition to subsection A, the Town may pursue any action available at law or in equity to remedy violations of this article.

#### 134-13. Appeals.

(a) **The Board of Zoning Appeals**

(b) **Notice and Grounds:** The owner shall have thirty (30) days from the date of the vacant building notice to appeal the determination and to provide evidence in writing to the Code Official showing proof that the property is not vacant. Upon receipt, the Code Official will schedule a hearing within ten (10) days before the Board of Zoning Appeals for a final determination as to whether or not the building or structure is vacant and/or blighted.

(c) **Stay:** The filing of a notice of appeal will not stay the order or action of the Code Official.

(d) **Hearing:** Within thirty (30) days after filing a notice of appeal, the Board will convene to hear the appeal. At the hearing, the owner may appear and be heard or may be represented by an agent or attorney. The owner and the Code Official may testify, present documents and other evidence, including witness testimony, and cross-examine witnesses. The Board shall consider all relevant evidence submitted at the hearing. The owner has the burden of persuasion to show by a preponderance of the evidence that the Code Official's determination of vacancy was incorrect.

(e) **Decision:** Within 15 days after the hearing, the Board shall issue a written decision affirming or reversing the findings of the Code Official as specified in the vacant building notice. If the Board affirms the Code Official's findings, the owner shall register the vacant building within thirty (30) days after the owner's receipt of the written decision.

**134-14. Taxation.**

A vacant property that remains vacant for a period of at least three (3) years will be deemed a habitually vacant property for tax purposes and subject to a higher tax rate than other property within the Town. The tax rate for habitually vacant property will vary depending on the number of years the property has been vacant, as follows:

3 years vacant	2x normal tax rate	
4 years vacant	2.5x normal tax rate	
5 years vacant	3x normal tax rate	
6 years vacant	3.5x normal tax rate	
7 years vacant	4 x normal tax rate	
8 years vacant	4.5 x normal tax rate	
9 years vacant	5 x normal tax rate (max)	

INTRODUCED at a meeting of the Council of Snow Hill, Maryland held on \_\_\_\_\_, 2024.

ADOPTED AND PASSED, by the required vote of the elected membership of the Council and approved by the Mayor at its meeting held on \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
RICHARD POLLITT, Town Manager

\_\_\_\_\_  
MICHAEL PRUITT, Mayor

Approved as to form:

\_\_\_\_\_  
DIANA WALSH,  
Central District Councilwoman

\_\_\_\_\_  
MAUREEN HOWARTH

\_\_\_\_\_  
JANET SIMPSON,  
Eastern District Councilwoman

Ayres, Jenkins, Gordy & Almand, P.A.  
Office of Town Solicitor

**MARGARET ANN FLETCHER,**  
Western District Councilwoman

item # 6(c)



**MAYOR AND COUNCIL OF SNOW HILL**

**RESOLUTION 2024-1**

**CHARTER AMENDMENT**

**FOR THE PURPOSE OF AMENDING SECTIONS 18(B) AND 74(A)(3) OF THE TOWN CHARTER OF SNOW HILL TO ADD TO THE LIST OF THE DEPARTMENT HEADS, THE HEAD OF THE PLANNING AND ZONING DEPARTMENT.**

**A RESOLUTION BY THE MAYOR AND COUNCIL OF SNOW HILL**, a municipal corporation in the State of Maryland (hereinafter "the Town of Snow Hill") which Resolution is adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Subtitle 3, Title 4 of the Local Government Article of the Annotated Code of Maryland for the purpose of amending sections of the Charter of the Town of Snow Hill (hereinafter "the Town Charter") to add the head of the planning and zoning department to the list of department heads.

**WHEREAS**, pursuant to Maryland Code Annotated, Local Government Article § 4-103(b)(3), the municipality has been granted the authority to enact and adopt ordinances, resolutions, or bylaws necessary to exercise the authority of the municipality; and

**WHEREAS**, the Town Council has determined that the passage of this Resolution will benefit the general welfare of the Town of Snow Hill; and

**WHEREAS**, the Town Council gave at least twenty-one (21) days advance notice of the public hearing held on adoption of this Resolution and the amendment to the Town Charter contained herein.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SNOW HILL, MARYLAND, IN REGULAR SESSION:**

**SECTION I:** That § 18(b) of the Town Charter shall be repealed and reenacted with amendment as follows (with the underlined language inserted as new language and the language in boldface brackets as language deleted through this amendment):

**§ 18. Powers and Duties. [Amended 2-14-2012 by Res. No. 2012-02]**

\*\*\*

(b) Appointments and removal of employees and heads of offices, departments and agencies - The Mayor, with the approval of a majority of the Council and consistent with other provisions of this Charter and the Code, shall appoint the heads of all offices, departments, and

agencies of the town government, specifically including the Town Manager, the Director of the Julia A. Purnell Museum, the Chief of Police, and the Heads of the Planning, ~~and~~ Zoning and Building; Water, Sewer, and Wastewater; Streets and Public Works Departments. The heads of all offices, departments, and agencies of the town government, including specifically the Town Manager, the Director of the Julia A. Purnell Museum, the Chief of Police, and the Heads of the Planning, ~~and~~ Zoning and Building; Water, Sewer, and Wastewater; Streets and Public Works departments, may be terminated by the Mayor only "for cause" and with the approval of a majority of the Council. "Cause" for purposes of this provision shall mean: (i) an intentional act of fraud, embezzlement, theft or any other material violation of law; (ii) gross negligence in the performance of job-related duties; (iii) the willful and continued failure to substantially perform the duties of the position; (iv) dishonesty or deceit in the performance of job duties; or (v) willful conduct that demonstrably and materially injures the Town.

...

**SECTION II:** That § 74 (a)(3) of the Town Charter shall be repealed and reenacted with amendment as follows (with the underlined language inserted as new language and the language in boldface brackets as language deleted through this amendment):

**§ 74. Unclassified and Classified Service. [Amended 8-9-1994 by Res. No. 1994-4; 5-112004 by Res. No. 2004-6; 2-14-2012 by Res. No. 2012-02]**

...

(3) The Director of the Julia A. Purnell Museum, the Chief of Police, and the Heads of the Planning, ~~and~~ Zoning and Building; Water, Sewer, and Wastewater; Streets and Public Works Departments.

...

**SECTION III: BE IT FURTHER RESOLVED,** that if any provision of this Resolution or the Town Charter adopted thereby, or the application thereof to any person or circumstance, is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Resolution or the Town Charter which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Resolution and of the Town Charter are hereby declared to be severable.

**SECTION IV: BE IT FURTHER RESOLVED,** that the date of the adoption of this Resolution is \_\_\_\_\_ 2024, and that the amendments to the Town Charter of the Town of Snow Hill hereby proposed by this enactment, shall be and become effective on \_\_\_\_\_ or, fifty (50) days from the date of adoption, unless a petition for a referendum satisfying the requirements of Maryland Code Annotated, Local Government Article § 4-304(d) shall be filed by \_\_\_\_\_ or, within forty (40) days from the date of adoption. An exact copy the Resolution shall be posted in the Town offices for forty (40) days following adoption of this Resolution and a fair summary of this Resolution shall be published in a newspaper having general circulation in the Town not less than four (4) times at weekly intervals within forty (40) days of the date of adoption, and delivering a fair summary of the Resolution either by hand or by mail once to every residence in



the Town. This can be satisfied by including a fair summary in a newsletter or any other Town publication.

**SECTION V: BE IT FURTHER RESOLVED**, that all sections of the Town Charter or any ordinance or parts of sections of the Town Charter or any ordinance inconsistent with the provisions of this Resolution be and the same are hereby repealed to the extent of such inconsistency.

**SECTION VI: BE IT FURTHER RESOLVED**, that after the Resolution hereby enacted becomes effective, the Mayor shall send separately, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Reference, the following information concerning the charter amendment: (1) the complete text of the Charter of the Mayor and Council of Snow Hill as hereby enacted; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for and against the question concerning the Charter amendment, whether by the Council of the Mayor and Council of Snow Hill or in a referendum; and (4) the effective date of the Charter amendment.

**INTRODUCED** by the Town Council, at a Regular Meeting on \_\_\_\_\_, 2024, at which meeting copies were available to the public for inspection.

**ADOPTED** by the Town Council, at a Regular Meeting on, \_\_\_\_\_ 2024, at which meeting copies were available to the public for inspection.

ATTEST:

\_\_\_\_\_  
RICHARD POLLITT, Town Manager

\_\_\_\_\_  
JANET SIMPSON, Mayor

Approved as to form:

\_\_\_\_\_  
DIANA WALSH, Central District Council  
Person

\_\_\_\_\_  
MAUREEN HOWARTH  
Ayres, Jenkins, Gordy & Almand, P.A.  
Office of Town Solicitor

\_\_\_\_\_  
EDWARD LEE, Eastern District  
Council Person

\_\_\_\_\_  
MARGARET ANN FLETCHER,  
Western District Council Person