

**Town of Riverdale Park Maryland
Ordinance Resolution
2007-OR-04**

Whereas, Chapters 55 and 56 of the Code of the Town of Riverdale Park address rental housing in the Town and both contain appeals procedures. Chapter 55 is for single family home rental. Chapter 56 is for multi-unit (i.e., apartment houses) rentals, and,

Whereas, the appeals procedures in the two chapters are not identical,

Therefore be it resolved to replace the appeals procedure in Chapter 56 with the procedure in Chapter 55. Deleted text is struck through. New text is in italics.

§56-9. Appeals Procedure.

(a) ~~Any persons aggrieved by an action of the Code Enforcement Officer or the Town under this chapter may appeal such an action by filing a written notice thereof with the Town Administrator, on a form provided by the Town Administrator, and paying an appeal fee in the amount of one hundred dollars (\$100). The notice of appeal shall attach a copy of the order of decision from which the appeal is taken and shall set forth all legal and factual bases upon which the appellant contends that the order or decision from which the appeal is taken and shall set forth all legal and factual bases upon which the appellant contends that the order or decision appealed from was erroneous. The notice of appeal shall be filed within fifteen (15) days after the date of the decision or order from which the appeal is taken. If a proper and complete notice of appeal, including the appeal fee, is not timely filed, the appeal is barred. An appeal shall not operate to stay any of the provisions or requirement of this chapter, or any order or decision issued under this chapter, unless the Mayor and Town Council shall otherwise order. Within thirty (30) days after a timely and complete notice of appeal is filed, a hearing shall be conducted before the Mayor and Council, or before such Hearing Board as the Mayor and Council may, from time to time, designate for such purpose. Any hearing board designated by the Mayor and Council shall consist of five persons, two of whom shall be members of the Town Council, at least another of whom shall be experienced in matters that are the subject of the appeal and the least two members, in addition to the two members of the Town Council, who shall be residents of the Town. The hearing shall be open to the public, records and minutes shall be maintained, and the person aggrieved, the Town and other interested persons shall be given and opportunity to present evidence. At the hearing the board shall take such evidence that the board deems necessary and proper, and the burden shall be on the appellant to demonstrate that the decision or order appealed from was arbitrary, capricious, or erroneous as a matter of law. The Hearing Board shall, within thirty (30) days after conclusion of the hearing, reverse, modify, or affirm the action complained of and cause a copy of the board's decision to be sent to the appellant and other interested persons.~~

(a) *Designation of Housing Review Board.* The Housing Review Board as established in §55-9 is designated to hear appeals from the application of this chapter.

~~(b) Any person Aggrieved by a decision of the Mayor and Council or a Hearing Board may appeal that decision to the Circuit Court for Prince George's County, Maryland by filing a petition for judicial review with that court within fifteen (15) days after the decision of the board.~~

(b) *Rules of Procedure.* All persons challenging an action under the provisions of this chapter may, within ten (10) days of date of violation notice, request a hearing before the Board. The hearing request will be on forms provided by the town administrator and shall be filed with the town administrator, who will notify the appellant in writing of the time and place set for the hearing. Within thirty (30) days of the filing of the notice of hearing, the Housing Review Board shall conduct a hearing at which time an opportunity shall be given to both the person(s) challenging and the town staff to present evidence. The hearing shall be open to the public and records and minutes shall be maintained by the Board at all such hearings. Within ten (10) days after the hearing, the Board shall present its findings of fact and decisions. Said decisions may either reverse, modify, or affirm the action taken by the town's code enforcement officer or by the person(s) or firm designated. The decision of the Housing Review Board shall be final.

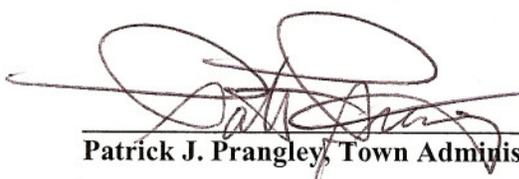
~~(c) Failure to abide by an unappealed decision rendered by the Mayor and Council or a Hearing Board shall constitute a violation of this chapter.~~

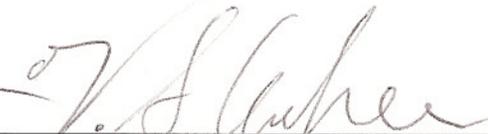
(c) *Failure to abide by the decision of the Housing Review Board shall constitute a violation of this chapter.*

Introduced: February 5, 2007

Adopted: March 5, 2007

Effective: March 25, 2007


Patrick J. Prangley, Town Administrator


Vernon S. Archer, Mayor