

NOTICE

THE COMMISSIONERS OF THE CITY OF REHOBOTH BEACH ON SEPTEMBER 17, 2007,
ADOPTED ORDINANCE NO. 0108-01 WHICH READS AS FOLLOWS:

**AN ORDINANCE TO AMEND CHAPTER 253 OF THE MUNICIPAL CODE
OF THE CITY OF REHOBOTH BEACH, DELAWARE, 2001
RELATING TO TREE REGULATIONS.**

WHEREAS, the Commissioners of the City of Rehoboth Beach adopted Comprehensive Tree Regulations (Ordinance No. 0106-01) on January 24, 2006; and

WHEREAS, the Commissioners of the City of Rehoboth Beach find that it is necessary to protect and manage trees as valuable assets in order to protect and enhance the health, safety, and welfare of the Citizens of Rehoboth Beach; and

WHEREAS, the Commissioners of the City of Rehoboth Beach find that it is fitting to amend Chapter 253 of the Municipal Code of Rehoboth Beach, Delaware, 2001, relating to tree regulations to further protect and manage trees as valuable assets in order to protect and enhance the health, safety, and welfare of the Citizens of Rehoboth Beach.

BE IT ORDAINED, by the Commissioners of the City of Rehoboth Beach, in session met, in the manner following to-wit:

Section 1. Chapter 253, Section 253-24, Subsection F, of the Municipal Code of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting the definition of CALIPER in its entirety, and inserting in lieu thereof new definition of CALIPER as follows:

CALIPER — The diameter of a tree trunk measured at twelve inches above the ground.

Section 2. Chapter 253, Section 253-29, of the Municipal Code of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting the title of Section 253-29 in its entirety, and inserting in lieu thereof a new title as follows:

§ 253-29. Submission of plans with applications for building or demolition permit, for approval of subdivision, or for tree-removal permit.

Section 3. Chapter 253, Section 253-29, Subsection A, of the Municipal Code of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting Subsection A in its entirety, and inserting in lieu thereof new Subsection A as follows:

- A. When an application for a building permit or an application for a tree-removal permit is required by the Code of the City of Rehoboth Beach, a tree survey/protection/planting plan will be submitted to the City together with such application and all documents required to be filed in connection with such application; provided, however, in the case of an application for a building permit relating to a residence or the lot on which it is located, such plan must be filed only in connection with an application for improvements greater than 500 square feet of space for a residence. When an application for the approval of a subdivision or an application for a demolition permit is required by the Code of the City of Rehoboth Beach, a tree survey/protection plan for each lot will be submitted to the City together with such application and all documents required to be filed in connection with such application. Review of such survey/protection/planting plan or survey/protection plan, and any approval thereof, will proceed in the same manner by the same City officials and/or entity responsible for reviewing and approving the application for building permit, tree-removal permit, subdivision approval, or demolition permit.

Section 4. Chapter 253, Section 253-30, Subsection A(1), of the Municipal Code of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting the phrase "No permit shall be issued to remove any protected tree unless removal is by a licensed tree professional who is certified by the International Society of Arboriculture," as such phrase appears therein, and inserting in lieu thereof the sentence "No permit shall be issued to remove any protected tree unless removal is by a licensed tree professional."

Section 5. Chapter 253, Section 253-32, Subsection A, of the Municipal Code of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting Subsection A in its entirety, and inserting in lieu thereof new Subsection A as follows:

- A. No person shall encroach or place solvents, material, construction machinery or temporary soil deposits within six feet from the trunk of any protected tree or any tree within a tree protection zone without prior approval of the City Arborist, who may authorize, for good cause, a reduction in the protected area to not less than four feet from the trunk of any protected tree or any tree within a tree protection zone .

Section 6. Chapter 253, Section 253-32, Subsection D, of the Municipal Code of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting Subsection D in its entirety, and inserting in lieu thereof new Subsection D as follows:

- D. Materials for passive tree protection shall consist of orange construction fencing approved by the City Arborist.

Section 7. Chapter 253, Section 253-35, of the Municipal Code of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by inserting a new Subsection I as follows:

- I. City trees shall be trimmed as necessary to promote healthy growth and to protect private property. The trimming of City trees shall be in accordance with the applicable provisions of this Article. The City Arborist shall procure qualified tree trimming contractors to perform necessary maintenance, in accordance with City procurement procedures, and at the direction of the City Manager.

Section 8. Chapter 253, Section 253-39, Subsection A, of the Municipal Code of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting the phrase "\$500", as such phrase appears therein, and inserting in lieu thereof the phrase "not less than \$250 or more than \$500".

Section 9. If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 10. This Ordinance shall take effect immediately upon its adoption by a majority vote of the Commission of the City of Rehoboth Beach.