



REHOBOTH BEACH BOARD OF COMMISSIONERS

Support Document Packet

**MEETING:
SPECIAL MEETING
April 4, 2016**

****DISCLAIMER****

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City of Rehoboth Beach

Sharon Lynn
City Manager

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NOTICE OF SPECIAL MEETING

THE COMMISSIONERS OF REHOBOTH BEACH
Special Meeting
Monday, April 4, 2016; 9:00 a.m.

Please be advised that a Special Meeting has been scheduled for Monday, April 4, 2016 at 9:00 a.m. by the Rehoboth Beach Commissioners on the second floor of the Rehoboth Beach Volunteer Fire Company at 219 Rehoboth Avenue, Rehoboth Beach, Delaware.

AGENDA

1. Call to Order
2. Invocation, Pledge of Allegiance to the Flag and Roll Call
3. The purpose of this Special Meeting is for the:
 - A. Swearing in of Alderman Renee I. Bennett to a new two-year term upon her confirmation by the Delaware Senate on March 23, 2016.
 - B. Consider adoption of an ordinance creating a new Chapter 210 of the City Code to be titled "Residential Rentals".
 - C. Consider adoption of an ordinance amending Chapter 227, Solid Waste, of the City Code, Section 227-1, 227-9, 227-11, 227-25 and 227-31 related to the placement and collection of wastes and recyclables, related definitions and related assessments and fines for violations.
 - D. Consider award of contract for the Y2016 Street Repaving and Repairs Program for which bids are to be received and opened on March 31, 2016.
4. Adjournment

*For additional information or special accommodations, please call (302) 227-6181 (TDD Accessible) 24-hours prior to the meeting.

**Next scheduled meeting – (Workshop) Monday, April 4, 2016, following Special Meeting at 9:00 a.m.

amw: 03/28/16; posted 03/28/16

pc (via Fax) Cape Gazette, Coast Press, State News

1 DATE: April 2016
2 VERSION: 8
3 AUTHOR(S)/SPONSOR(S): Kyle Gulbranson, AICP, AECOM & Working Group
4
5

6 **AN ORDINANCE TO CREATE A NEW CHAPTER 210 OF THE MUNICIPAL CODE OF THE**
7 **CITY OF REHOBOTH BEACH, DELAWARE, 2001, TO BE TITLED “RESIDENTIAL**
8 **RENTALS”**
9

10
11 **WHEREAS**, the Commissioners of Rehoboth Beach are committed to the sustainability
12 and long-term protection of the traditional residential character of the City’s residential
13 neighborhoods;
14

15 **WHEREAS**, the use of single and multiple family dwelling units have long been used in
16 the City for residential rental purposes to provide an alternative to traditional hotel/motel
17 accommodations; however, such uses may have adverse impacts including, for example,
18 increased traffic congestion, a diminished attention to proper refuse disposal, a loss of neighborly
19 respect and concern for the enjoyment of one’s property and home, increased and sustained
20 noise, a loss of the sense of neighborhood, and the diminution of the residential character of the
21 City’s residentially zoned neighborhoods and residentially developed properties, that can best be
22 addressed through appropriate regulation;
23

24 **WHEREAS**, the regulation of residential rentals is intended to preserve and protect the
25 City’s neighborhoods by providing standards and procedures for residential rentals, as well as
26 educate owners and prospective renters on City regulations and expected behaviors; and
27

28 **WHEREAS**, the purpose of this Ordinance is to establish regulations for such use of
29 residential rental property thereby enabling the City to preserve the public health, safety, and
30 welfare.
31

32 **BE IT ORDAINED** by the Mayor and Commissioners of the City of Rehoboth Beach, in
33 session met, a quorum pertaining at all times thereto, in the manner following to-wit:
34

35 **Section 1.** ~~the~~The Municipal Code of the City of Rehoboth Beach, Delaware, 2001,
36 as amended be and the same is hereby further amended by adding “Chapter 210: Residential
37 Rentals” as follows:
38

39 **Chapter 210: Residential Rentals.**

40
41 **§ 210-1 Title.**

42
43 This Chapter shall be referred to as the “Residential Rental Ordinance.”
44

45 **§ 210-2 Purpose.**

46
47 The City Commissioners find and determine as follows:
48

- 49 A. The use of single and multiple family dwelling units have long been used in the
50 resort community for Residential Rental purposes to provide an alternative to
51 traditional accommodations; however, such uses may have adverse impacts that
52 can best be addressed through appropriate regulations.
53
- 54 B. The regulation of Residential Rentals will preserve and protect the City's
55 neighborhoods and provide standards and procedures for Residential Rentals, as
56 well as educate prospective renters on City regulations and expected behaviors.
57
- 58 C. The purpose of this Chapter is to establish regulations for such use of Residential
59 Rentals thereby enabling the City to preserve the public health, safety, and
60 welfare.
61
- 62 D. This Chapter does not regulate hotels, motels, inns, tourist homes, rooming and
63 boarding houses, Cabins, and Cottages.
64

65 **§ 210- 3 Definitions.**
66

67 For purposes of this Chapter, the following words and phrases shall have the meaning
68 respectively ascribed to them by this Section:
69

70 **BEDROOM** - An area contained within a Residential Rental that is normally occupied,
71 heated or cooled by any equipment listed or labeled for human habitation, and designated
72 as a sleeping room or area.
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74 **CABIN** - A small single-story residential dwelling without kitchen facilities used as a
75 Residential Rental, located upon real property with a rental office or attendant. A cabin
76 shall not be an accessory to a principal dwelling.
77

78 **COTTAGE** - A small single-story residential dwelling used as a Residential Rental,
79 located on a property with a rental office or attendant. A cottage shall not be an
80 accessory to a principal dwelling.
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82 **EFFICIENCY UNIT** – A dwelling in which one room typically contains the kitchen,
83 living, and sleeping quarters, but with a separate bathroom.
84

85 **GOOD CAUSE** - For the purposes of denial, suspension, revocation, imposition of
86 conditions, renewal, and reinstatement of a Residential Rental License, Good Cause
87 means: (1) the Owner, the Owner's representative, or the Local Contact Person has failed
88 to comply with any of the terms, conditions, or provisions of this Chapter or any relevant
89 provision of this Code, State law, or any rule or regulation promulgated thereunder; (2)
90 the Owner, the Owner's representative, or the Local Contact Person has failed to comply
91 with any special conditions or restrictions that were placed upon the Residential Rental
92 License by the City Manager; (3) the Residential Rental has been operated in a manner
93 that adversely affects the public health or welfare or the safety of the immediate

94 neighborhood in which the Residential Rental is located; or (4) is delinquent with any
95 taxes or fees owed to the City of Rehoboth Beach.

96
97 **GOOD NEIGHBOR BROCHURE** - A document prepared by the City that summarizes
98 the general rules of conduct, consideration, and respect, including without limitation
99 provisions of the Municipal Code of the City of Rehoboth Beach, Delaware applicable to
100 renters and residents of the City.

101
102 **LOCAL CONTACT PERSON** - An individual designated by the Owner or the Owner's
103 representative who is available twenty-four (24) hours per day, seven (7) days per week
104 for the purpose of responding by telephone or in-person to complaints regarding the
105 condition, operation, or conduct of occupants of the Residential Rental, and who is
106 authorized by the Owner to take remedial action.

107
108 **OWNER** - The legal owner of any Property.

109
110 **PROPERTY** - A parcel of real property upon which Residential Rental is situated.

111
112 **RENTAL TERM** - The period of time an occupant and/or guest rents or leases a
113 Residential Rental.

114
115 **RESIDENTIAL RENTAL** - A dwelling unit, including single-family detached, single-
116 family attached, or multi family unit, or any portion thereof, rented for dwelling, lodging,
117 or sleeping purposes, and which is made available by agreement for residential
118 occupancy by a tenant in exchange for payment.

119
120 **RESIDENTIAL RENTAL LICENSE** - An annual license issued by the City pursuant
121 to this Chapter.

122
123 **§ 210-4 Applicability.**

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125 This Chapter shall apply to all Residential Rentals, except for hotels, motels, inns, tourist
126 homes, rooming and boarding houses, Cabins, and Cottages.

127
128 This Chapter shall apply to Residential Rentals of any duration, including Residential Rentals
129 of a short term duration of 120 days or less not subject to the Delaware Residential Landlord-
130 Tenant Code and those of a duration of more than 120 days, which are subject to the Delaware
131 Residential Landlord-Tenant Code. Where the provisions of this Chapter are inconsistent with a
132 provision of the Delaware Residential Landlord-Tenant Code, the provision of the provision of
133 the Delaware Residential Landlord-Tenant Code shall be controlling.

134
135 **§ 210-5 Owner Representative/Representation.**

136
137 An Owner may retain an agent or a representative to comply with the requirements of this
138 Chapter, including, without limitation, the filing of a complete Residential Rental License
139 application, the management of any Residential Rental, and compliance with the requirements of

140 this Chapter. Except as provided in this Chapter to the contrary, and notwithstanding any agency
141 relationships between an Owner and an representative, the Owner of any Residential Rental shall
142 remain responsible for compliance with the provisions of this Chapter and the failure of an
143 Owner's representative to comply with this Chapter shall not relieve the Owner from any
144 requirement of this Chapter.

145

146 **§ 210- 6 Residential Rental License and Registration Requirements.**

147

148 A. No Owner shall rent any Residential Rental without a valid Residential Rental License.

149

150 B. Prior to use of any property as a Residential Rental, the Owner shall apply for and obtain
151 annually a Residential Rental License on a form provided by the City and signed by the
152 Owner under penalty of perjury. Each application shall contain the following information:

153

154 (1) The name, address, email, and telephone number of the Owner of the Residential
155 Rental for which the Residential Rental License is to be issued;

156 (2) The name, address, email and telephone number of the representative, if any, of the
157 Owner;

158 (3) The name, address, email, and telephone number of the Local Contact Person

159 (4) The physical address of the Residential Rental for which the application is submitted;

160 (5) The number of Bedrooms contained within the Residential Rental and the maximum
161 occupancy;

162 (6) Acknowledgement that all applicants have reviewed and understand all regulations
163 pertaining to the Residential Rental; and

164 (7) Such other information as the City Manager deems reasonably necessary to
165 administer this Chapter.

166

167 C. A Residential Rental License may be denied if a license for a Residential Rental issued to the
168 same Owner has previously been revoked for Good Cause pursuant to this Chapter. The
169 denial of a Residential Rental License may be appealed in accordance with to the provisions
170 of § 120-6 of the Municipal Code of the City of Rehoboth Beach, Delaware.

171

172 D. Within 30 days of a change of property ownership, agent, or other material facts set forth in
173 the application for any Residential Rental Licensee, a new application for a Residential
174 Rental License and license fee shall be submitted and a new license issued before the
175 continued operation of the Residential Rental shall be permitted.

176

177 **§ 210-7 Operational Requirements and Standard Conditions.**

178

179 A. The Owner shall use reasonable business practices to ensure that the Residential Rental
180 complies with all applicable codes concerning fire, building, health and safety, and all other
181 relevant laws.

182

183 B. Any new Residential Rental or previously licensed Residential Rental that has not been
184 licensed for a period of two (2) years may be inspected by the City for compliance with the
185 provisions of this Chapter and the building, health and safety requirements of the City and

186 State of Delaware. Following an inspection, a notice of compliance or listing of deficiencies
187 will be provided to the Owner or the Owner's representative.
188

189 C. A safety certification form shall be completed by the Owner or the Owner's representative as
190 part of the annual licensing process. Any Owner may also request a Residential Rental
191 inspection by the City in lieu of completing the annual safety certification form.
192

193 D. The overnight occupancy of a Residential Rental shall not exceed the sum of two (2) persons
194 per bedroom plus an additional two (2) persons. Children under the age of six (6) years shall
195 not be counted towards the overall number of occupants.
196

197 E. An exception to the overnight occupancy limit under this Section may be authorized by the
198 City Manager when an Owner requests a greater occupancy limitation than would otherwise
199 be permitted, and demonstrates that the Residential Rental has been occupied by at least the
200 number of individuals requested for at least twenty (20) consecutive or nonconsecutive days
201 between January 1, 2015 and ~~INSERT ADOPTION DATE~~April 4, 2016. An occupancy
202 exception shall be granted if the Building Inspector determines that the Residential Rental
203 has adequate accommodations and life-safety features to exceed the occupancy limitations of
204 this Section, and the City Manager determines that the additional occupancy will not be a
205 detriment to public health, safety, or welfare. The Building Inspector may require an
206 inspection to determine if there are adequate accommodations and life-safety features. Any
207 request for an occupancy exception must be received by the City Manager on or before
208 ~~INSERT DATE EQUAL TO 1 YEAR FROM THE ADOPTION DATE~~April 4, 2017.
209

210 F. The Owner shall use reasonable business practices to ensure that the occupants and guests of
211 the Residential Rental do not create unreasonable noise disturbances, engage in disorderly
212 conduct, or violate provisions of this Code or any applicable law of the State of Delaware.
213

214 G. During the Rental Term, the Local Contact Person shall be available twenty-four (24) hours
215 per day, seven (7) days per week for the purpose of: (1) receiving telephone calls or other
216 communications from the City Police Department or other City Official relative to
217 complaints about the Residential Rental; and (2) responding to the complaint by telephone or
218 in-person when directed by the City Police Department or other City Official.
219

220
221 H. When a complaint warrants the notification of the Local Contact Person, the Local Contact
222 Person shall be promptly notified of the complaint and requested to assist with the resolution
223 of the same.
224

225 I. Failure of the Local Contact Person to cooperate with City Police or City Officials in
226 responding to a notification of a complaint concerning the condition, operation, or conduct of
227 occupants or guests of the Residential Rental in a timely and appropriate manner shall be
228 grounds for imposition of penalties as set forth in this Chapter. The Local Contact Person
229 shall not be required to act as a peace officer or place himself or herself in an at-risk situation
230 in responding to any notice provided pursuant to this Chapter.
231

- 232 J. The Owner shall post a copy of the Residential Rental License and a copy of the conditions
233 set forth in this Section in a conspicuous place within the Residential Rental.
234
- 235 K. The Owner shall provide each occupant of a Residential Rental with the following
236 information prior to occupancy of the unit and post such information in a conspicuous place
237 within the Residential Rental:
238
- 239 1) The name, email and a telephone number of the Local Contact Person;
 - 240 2) The collection days for refuse, yard waste and recyclables and applicable rules and
241 regulations pertaining to storing waste materials on the exterior of the Property;
 - 242 3) Notification that the City may pursue legal remedies ~~occupant may be cited and fined~~
243 ~~by the City and evicted pursuant to laws of the City and the State of Delaware, in~~
244 ~~addition to any other remedies available at law,~~ for creating a disturbance or for
245 violating other provisions of this Chapter ~~and the City Noise Ordinance~~;
 - 246 4) The requirements of the City's Noise Ordinance;
 - 247 5) Notification that failure to conform to the occupancy requirements of the Residential
248 Rental is a violation of this Chapter; and
 - 249 6) The Good Neighbor Brochure.
- 250
- 251
- 252 L. The City Manager shall have the authority to impose additional conditions applicable to all
253 Residential Rentals as necessary to achieve the purpose and objectives of this Chapter. A list
254 of all such additional conditions shall be maintained and on file in the office of the City Clerk
255 and such offices as the City Manager may designate.
256
- 257 M. The standard conditions may be modified by the City Manager upon request of the Owner
258 based on Property-specific circumstances and for the purpose of allowing reasonable
259 accommodation of a Residential Rental. All requests must be in writing and shall
260 demonstrate that the standard conditions create an unreasonable hardship such that, if the
261 requirement is not modified, reasonable use of the Property for a Residential Rental would be
262 effectively prohibited. Any hardships identified must relate to physical constraints of the
263 Property and shall not be self-induced or economic.
264

265 **§ 210-8 Residential Rental Assessment.**
266

- 267 a. At the request of the City Manager, an Owner shall provide reasonable access to a
268 Residential Rental and provide any records related to the use and occupancy of the
269 Residential Rental for the purpose of inspection or assessment to determine that the
270 objectives and conditions of this Chapter are being fulfilled and to investigate any
271 reported health, safety and welfare concerns.
272
- 273 b. An assessment and inspection may be deemed necessary for any of the following reasons:
274
 - 275 1) Documented violations of the Municipal Code of the City of Rehoboth Beach;
 - 276 2) Complaints from an occupant of the Residential Rental that a code violation
277 exists;

- 278 3) Records maintained by the Enforcement Official which were established during
279 previous inspections and which reflect prior violations of the Municipal Code of the
280 City of Rehoboth Beach and/or the absence of correction of such violations;
281 4) Direct referrals for inspection from other City Officials with code enforcement
282 responsibility or from officials of a federal, state or local agency, or from officials
283 with a public or private utility;
284 5) Reports that the exterior condition of the Residential Rental reflects the existence
285 of violations of Municipal Code of the City of Rehoboth Beach; or
286
- 287 c. Owners shall provide access to all required areas of a Residential Rental unit for
288 inspection within twenty-one calendar days of an inspection request from the Building
289 Inspector or the Building Inspector’s designee. This time period may be extended upon
290 the approval of the Chief Building Inspector. If the Residential Rental unit is legally
291 occupied by a tenant or other occupant, the Owner or the Owner’s representative shall
292 notify the tenant or occupant and request that the tenant or occupant allow the inspection.
293 The Owner shall not be in violation of this section if the tenant or occupant refuses to
294 allow the inspection.
295
- 296 d. If an inspection is scheduled and entry is thereafter refused or cannot be obtained, the
297 inspector shall have recourse to every remedy provided by law to secure lawful entry and
298 inspect the premises, including, but not limited to, securing an inspection warrant from
299 the Alderman Court or any other court of competent jurisdiction. The inspector shall
300 provide notice that a warrant has been issued to both the Owner or the Owner’s
301 representative and the tenant or occupant at least twenty-four hours before the warrant is
302 executed, unless the judge finds that immediate execution is reasonably necessary under
303 the circumstances shown.
304
- 305 e. Notwithstanding the foregoing, if the inspector has reasonable cause to believe that the
306 Residential Rental unit is so hazardous, unsafe, or dangerous as to require immediate
307 inspection to safeguard the public health or safety, the inspector shall have the right to
308 immediately enter and inspect the premises and may use any reasonable means required
309 to effect the entry and make an inspection.
310

311 **§ 210-9 Violations.**
312

- 313 a) Any violation of this Chapter shall be a civil offense pursuant to Chapter 126 of the
314 Municipal Code of the City of Rehoboth Beach. Any person who violates this Chapter shall
315 pay a civil assessment of \$250.00. Each day the violation remains shall be deemed a separate
316 civil offense.
317
- 318 b) Notwithstanding the provisions of Chapter 126, any citation issued for violations of this
319 Chapter may provide for a reasonable compliance date or time of less than fifteen (15)
320 calendar days from the date the citation is given if, due to the nature of the violation, a
321 shorter compliance period is necessary or appropriate, as determined in the reasonable
322 judgment of the City Official issuing the citation.
323

- 324 c) Upon the third distinct violation, in any twelve (12) month rental license period, of this
325 Chapter or violations relating to noise or disorderly conduct, the City Manager shall call for a
326 meeting with the Owner or the Owner’s representative to determine the causes of such
327 violation, complaints or behavior, and solutions to resolve the situation.
328
- 329 d) Should there be no adequate resolution after three or more distinct violations, in any twelve
330 (12) month rental license period, of this Chapter or violations relating to noise or disorderly
331 conduct, the City Manager shall not issue a Residential Rental License for the Residential
332 Rental for the next occurring rental period. Owners may appeal a decision of the City
333 Manager to the City Commissioners within ten (10) days of the City Manager’s decision.
334
- 335 e) Any person who fails to timely obtain a Residential Rental License or pay any fee or charge
336 provided in this Chapter within the time required shall pay a penalty in the amounts
337 established by the City Commissioners by resolution. Such penalty may also include interest
338 from the date on which the fee or charge became due and payable to the City until the date of
339 payment.
340
- 341 f) The remedies provided for in this Section are in addition to, and not in lieu of, all other legal
342 remedies, criminal or civil, which may be pursued by the City to address any violation of this
343 Chapter.
344

345 **§ 210-10 Requirements Not Exclusive.**
346

347 The requirements of this Chapter shall be in addition to any license, permit, or fee required under
348 any other provision of this Code The issuance of any permit pursuant to this Chapter shall not
349 relieve any person of the obligation to comply with all other provisions of this Code pertaining to
350 the use and occupancy of a Residential Rental and the Property on which it is located.
351

352 **Section 2.** If any provision of this Ordinance shall be deemed or held to be invalid or
353 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect
354 any other provision of this Ordinance which may be given effect without such invalid or
355 unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to
356 be severable.
357

358 **Section 3.** This Ordinance shall be effective immediately upon its adoption by the
359 Commissioners of the City of Rehoboth Beach, except that the Residential Rental occupancy
360 limitations established in Section 210-7(D) shall be effective as of ~~INSERT DATE~~ January 1,
361 2017.
362
363
364
365
366
367
368
369

370
371 Adopted by the Commissioners
372 of the City of Rehoboth Beach
373 _____, 2016

374
375
376
377 _____

378 Secretary of the Commissioners of
379 the City of Rehoboth Beach

380
381
382 **SYNOPSIS:** This Ordinance establishes regulations for residential rental properties within the City.

1 DATE: April 2016
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3 AUTHOR(S)/SPONSOR(S): Kyle Gulbranson, AICP, AECOM & Working Group
4
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139 application, the management of any Residential Rental, and compliance with the requirements of

140 this Chapter. Except as provided in this Chapter to the contrary, and notwithstanding any agency
141 relationships between an Owner and an representative, the Owner of any Residential Rental shall
142 remain responsible for compliance with the provisions of this Chapter and the failure of an
143 Owner's representative to comply with this Chapter shall not relieve the Owner from any
144 requirement of this Chapter.

145

146 **§ 210- 6 Residential Rental License and Registration Requirements.**

147

148 A. No Owner shall rent any Residential Rental without a valid Residential Rental License.

149

150 B. Prior to use of any property as a Residential Rental, the Owner shall apply for and obtain
151 annually a Residential Rental License on a form provided by the City and signed by the
152 Owner under penalty of perjury. Each application shall contain the following information:

153

154 (1) The name, address, email, and telephone number of the Owner of the Residential
155 Rental for which the Residential Rental License is to be issued;

156 (2) The name, address, email and telephone number of the representative, if any, of the
157 Owner;

158 (3) The name, address, email, and telephone number of the Local Contact Person

159 (4) The physical address of the Residential Rental for which the application is submitted;

160 (5) The number of Bedrooms contained within the Residential Rental and the maximum
161 occupancy;

162 (6) Acknowledgement that all applicants have reviewed and understand all regulations
163 pertaining to the Residential Rental; and

164 (7) Such other information as the City Manager deems reasonably necessary to
165 administer this Chapter.

166

167 C. A Residential Rental License may be denied if a license for a Residential Rental issued to the
168 same Owner has previously been revoked for Good Cause pursuant to this Chapter. The
169 denial of a Residential Rental License may be appealed in accordance with to the provisions
170 of § 120-6 of the Municipal Code of the City of Rehoboth Beach, Delaware.

171

172 D. Within 30 days of a change of property ownership, agent, or other material facts set forth in
173 the application for any Residential Rental Licensee, a new application for a Residential
174 Rental License and license fee shall be submitted and a new license issued before the
175 continued operation of the Residential Rental shall be permitted.

176

177 **§ 210-7 Operational Requirements and Standard Conditions.**

178

179 A. The Owner shall use reasonable business practices to ensure that the Residential Rental
180 complies with all applicable codes concerning fire, building, health and safety, and all other
181 relevant laws.

182

183 B. Any new Residential Rental or previously licensed Residential Rental that has not been
184 licensed for a period of two (2) years may be inspected by the City for compliance with the
185 provisions of this Chapter and the building, health and safety requirements of the City and

186 State of Delaware. Following an inspection, a notice of compliance or listing of deficiencies
187 will be provided to the Owner or the Owner's representative.
188

189 C. A safety certification form shall be completed by the Owner or the Owner's representative as
190 part of the annual licensing process. Any Owner may also request a Residential Rental
191 inspection by the City in lieu of completing the annual safety certification form.
192

193 D. The overnight occupancy of a Residential Rental shall not exceed the sum of two (2) persons
194 per bedroom plus an additional two (2) persons. Children under the age of six (6) years shall
195 not be counted towards the overall number of occupants.
196

197 E. An exception to the overnight occupancy limit under this Section may be authorized by the
198 City Manager when an Owner requests a greater occupancy limitation than would otherwise
199 be permitted, and demonstrates that the Residential Rental has been occupied by at least the
200 number of individuals requested for at least twenty (20) consecutive or nonconsecutive days
201 between January 1, 2015 and April 4, 2016. An occupancy exception shall be granted if the
202 Building Inspector determines that the Residential Rental has adequate accommodations and
203 life-safety features to exceed the occupancy limitations of this Section, and the City Manager
204 determines that the additional occupancy will not be a detriment to public health, safety, or
205 welfare. The Building Inspector may require an inspection to determine if there are adequate
206 accommodations and life-safety features. Any request for an occupancy exception must be
207 received by the City Manager on or before April 4, 2017.
208

209 F. The Owner shall use reasonable business practices to ensure that the occupants and guests of
210 the Residential Rental do not create unreasonable noise disturbances, engage in disorderly
211 conduct, or violate provisions of this Code or any applicable law of the State of Delaware.
212

213 G. During the Rental Term, the Local Contact Person shall be available twenty-four (24) hours
214 per day, seven (7) days per week for the purpose of: (1) receiving telephone calls or other
215 communications from the City Police Department or other City Official relative to
216 complaints about the Residential Rental; and (2) responding to the complaint by telephone or
217 in-person when directed by the City Police Department or other City Official.
218

219
220 H. When a complaint warrants the notification of the Local Contact Person, the Local Contact
221 Person shall be promptly notified of the complaint and requested to assist with the resolution
222 of the same.
223

224 I. Failure of the Local Contact Person to cooperate with City Police or City Officials in
225 responding to a notification of a complaint concerning the condition, operation, or conduct of
226 occupants or guests of the Residential Rental in a timely and appropriate manner shall be
227 grounds for imposition of penalties as set forth in this Chapter. The Local Contact Person
228 shall not be required to act as a peace officer or place himself or herself in an at-risk situation
229 in responding to any notice provided pursuant to this Chapter.
230

231 J. The Owner shall post a copy of the Residential Rental License and a copy of the conditions
232 set forth in this Section in a conspicuous place within the Residential Rental.

233
234 K. The Owner shall provide each occupant of a Residential Rental with the following
235 information prior to occupancy of the unit and post such information in a conspicuous place
236 within the Residential Rental:

- 237
- 238 1) The name, email and a telephone number of the Local Contact Person;
 - 239 2) The collection days for refuse, yard waste and recyclables and applicable rules and
240 regulations pertaining to storing waste materials on the exterior of the Property;
 - 241 3) Notification that the City may pursue legal remedies for creating a disturbance or for
242 violating other provisions of this Chapter;
 - 243 4) The requirements of the City's Noise Ordinance;
 - 244 5) Notification that failure to conform to the occupancy requirements of the Residential
245 Rental is a violation of this Chapter; and
 - 246 6) The Good Neighbor Brochure.

247
248
249 L. The City Manager shall have the authority to impose additional conditions applicable to all
250 Residential Rentals as necessary to achieve the purpose and objectives of this Chapter. A list
251 of all such additional conditions shall be maintained and on file in the office of the City Clerk
252 and such offices as the City Manager may designate.

253
254 M. The standard conditions may be modified by the City Manager upon request of the Owner
255 based on Property-specific circumstances and for the purpose of allowing reasonable
256 accommodation of a Residential Rental. All requests must be in writing and shall
257 demonstrate that the standard conditions create an unreasonable hardship such that, if the
258 requirement is not modified, reasonable use of the Property for a Residential Rental would be
259 effectively prohibited. Any hardships identified must relate to physical constraints of the
260 Property and shall not be self-induced or economic.

261
262 **§ 210-8 Residential Rental Assessment.**

263
264 a. At the request of the City Manager, an Owner shall provide reasonable access to a
265 Residential Rental and provide any records related to the use and occupancy of the
266 Residential Rental for the purpose of inspection or assessment to determine that the
267 objectives and conditions of this Chapter are being fulfilled and to investigate any
268 reported health, safety and welfare concerns.

269
270 b. An assessment and inspection may be deemed necessary for any of the following reasons:

- 271
- 272 1) Documented violations of the Municipal Code of the City of Rehoboth Beach;
 - 273 2) Complaints from an occupant of the Residential Rental that a code violation
274 exists;

- 275 3) Records maintained by the Enforcement Official which were established during
276 previous inspections and which reflect prior violations of the Municipal Code of the
277 City of Rehoboth Beach and/or the absence of correction of such violations;
278 4) Direct referrals for inspection from other City Officials with code enforcement
279 responsibility or from officials of a federal, state or local agency, or from officials
280 with a public or private utility;
281 5) Reports that the exterior condition of the Residential Rental reflects the existence
282 of violations of Municipal Code of the City of Rehoboth Beach; or
283
- 284 c. Owners shall provide access to all required areas of a Residential Rental unit for
285 inspection within twenty-one calendar days of an inspection request from the Building
286 Inspector or the Building Inspector's designee. This time period may be extended upon
287 the approval of the Chief Building Inspector. If the Residential Rental unit is legally
288 occupied by a tenant or other occupant, the Owner or the Owner's representative shall
289 notify the tenant or occupant and request that the tenant or occupant allow the inspection.
290 The Owner shall not be in violation of this section if the tenant or occupant refuses to
291 allow the inspection.
292
- 293 d. If an inspection is scheduled and entry is thereafter refused or cannot be obtained, the
294 inspector shall have recourse to every remedy provided by law to secure lawful entry and
295 inspect the premises, including, but not limited to, securing an inspection warrant from
296 the Alderman Court or any other court of competent jurisdiction. The inspector shall
297 provide notice that a warrant has been issued to both the Owner or the Owner's
298 representative and the tenant or occupant at least twenty-four hours before the warrant is
299 executed, unless the judge finds that immediate execution is reasonably necessary under
300 the circumstances shown.
301
- 302 e. Notwithstanding the foregoing, if the inspector has reasonable cause to believe that the
303 Residential Rental unit is so hazardous, unsafe, or dangerous as to require immediate
304 inspection to safeguard the public health or safety, the inspector shall have the right to
305 immediately enter and inspect the premises and may use any reasonable means required
306 to effect the entry and make an inspection.
307

308 **§ 210-9 Violations.**
309

- 310 a) Any violation of this Chapter shall be a civil offense pursuant to Chapter 126 of the
311 Municipal Code of the City of Rehoboth Beach. Any person who violates this Chapter shall
312 pay a civil assessment of \$250.00. Each day the violation remains shall be deemed a separate
313 civil offense.
314
- 315 b) Notwithstanding the provisions of Chapter 126, any citation issued for violations of this
316 Chapter may provide for a reasonable compliance date or time of less than fifteen (15)
317 calendar days from the date the citation is given if, due to the nature of the violation, a
318 shorter compliance period is necessary or appropriate, as determined in the reasonable
319 judgment of the City Official issuing the citation.
320

- 321 c) Upon the third distinct violation, in any twelve (12) month rental license period, of this
322 Chapter or violations relating to noise or disorderly conduct, the City Manager shall call for a
323 meeting with the Owner or the Owner’s representative to determine the causes of such
324 violation, complaints or behavior, and solutions to resolve the situation.
325
- 326 d) Should there be no adequate resolution after three or more distinct violations, in any twelve
327 (12) month rental license period, of this Chapter or violations relating to noise or disorderly
328 conduct, the City Manager shall not issue a Residential Rental License for the Residential
329 Rental for the next occurring rental period. Owners may appeal a decision of the City
330 Manager to the City Commissioners within ten (10) days of the City Manager’s decision.
331
- 332 e) Any person who fails to timely obtain a Residential Rental License or pay any fee or charge
333 provided in this Chapter within the time required shall pay a penalty in the amounts
334 established by the City Commissioners by resolution. Such penalty may also include interest
335 from the date on which the fee or charge became due and payable to the City until the date of
336 payment.
337
- 338 f) The remedies provided for in this Section are in addition to, and not in lieu of, all other legal
339 remedies, criminal or civil, which may be pursued by the City to address any violation of this
340 Chapter.
341

342 **§ 210-10 Requirements Not Exclusive.**
343

344 The requirements of this Chapter shall be in addition to any license, permit, or fee required under
345 any other provision of this Code The issuance of any permit pursuant to this Chapter shall not
346 relieve any person of the obligation to comply with all other provisions of this Code pertaining to
347 the use and occupancy of a Residential Rental and the Property on which it is located.
348

349 **Section 2.** If any provision of this Ordinance shall be deemed or held to be invalid or
350 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect
351 any other provision of this Ordinance which may be given effect without such invalid or
352 unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to
353 be severable.
354

355 **Section 3.** This Ordinance shall be effective immediately upon its adoption by the
356 Commissioners of the City of Rehoboth Beach, except that the Residential Rental occupancy
357 limitations established in Section 210-7(D) shall be effective as of January 1, 2017.
358
359
360
361
362
363
364
365
366

367
368 Adopted by the Commissioners
369 of the City of Rehoboth Beach
370 _____, 2016

371
372
373
374 _____

375 Secretary of the Commissioners of
376 the City of Rehoboth Beach

377
378
379 **SYNOPSIS:** This Ordinance establishes regulations for residential rental properties within the City.

DATE: April 2016
DRAFT VERSION: 7

CITY OF REHOBOTH BEACH

APPLICATION FOR RENTAL LICENSE

GLOSSARY:

APARTMENT - A room or suite of rooms in a dwelling or other permitted structure designed for use as a residence by a single family.

CABIN - A small single story residential dwelling without kitchen facilities used as a residential rental, located upon real property with a rental office or attendant. A cabin shall not be an accessory to a principal dwelling.

COTTAGE - A small single story residential dwelling used as a residential rental, located on a property with a rental office or attendant. A cottage shall not be an accessory to a principal dwelling.

EFFICIENCY APARTMENT - An apartment in which one room typically contains the kitchen, living and sleeping quarters, with a separate bathroom.

HOTEL, MOTEL, INN - A building or structure operated for profit, accommodating more than six persons, providing lodging, food and/or services to the transient traveling public, and may include restaurants, club rooms, public banquet halls, ballrooms or meeting rooms, but the individual living units shall not contain kitchen or cooking facilities.

LOCAL CONTACT PERSON - An individual designated by the Owner or the Owner's representative who is available twenty-four (24) hours per day, seven (7) days per week for the purpose of responding by telephone or in-person to complaints regarding the condition, operation, or conduct of occupants of the Residential Rental, who is authorized by the Owner to take remedial action.

RESIDENTIAL RENTAL - A dwelling unit, including single-family detached, single-family attached or multi family unit, or any portion thereof, rented for dwelling, lodging, or sleeping purposes, and which is made available by agreement for residential occupancy by a tenant in exchange for payment.

TOURIST, ROOMING HOUSE OR BOARDING HOUSE - A dwelling or structure or part thereof used to provide sleeping accommodations, with or without meals, for compensation, for no more than six persons.

<p>Make Check Payable To: City of Rehoboth Beach Attn: B & L 306 Rehoboth Avenue Rehoboth Beach, DE 19971</p>
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APPLICATION FOR RENTAL LICENSE FOR RESIDENTIAL RENTALS

Acct. #
Tax ID#

NEW ()
RENEWAL ()

A separate application must be completed for each rental property

License Fee Pursuant to §120-20. Lodging Facilities: The undersigned persons, firms and corporations engaged, for profit, in renting rooms, cottages, cabins, private houses and apartments and/or serving food within the limits of the City shall pay an annual license fee, as follows:

Rental License fees for Residential Rentals are as follows:

- For **each home or apartment with at least one bedroom**: \$50, plus
- For **each bedroom in excess of two in a home or apartment**: \$20 additional
- Efficiency apartments, **one room only** and bath: \$41
- Private houses offering rooms for private rental: \$26 per room

Owner Name (Print)	Agent Name, if applicable (Print)
Signature	Signature
Address (home)	Office Address
Home Phone #	Office Phone #
Cell Phone #	Second Phone # (Optional)
Email	Email

Each Residential Rental must have a Local Contact Person who can respond 24 hours per day, 7 days per week

Local Contact Person (Print)
Address (home)
Home Phone #
Cell Phone #
Email

***For all contact information, please indicate best method for contact by circling Home/Office Phone, Cell Phone or Email

If you own or manage a Residential Rental please complete the following section. If you did not have a rental license within the previous twelve (12) months, your rental will need to be inspected. Please call 302-227-4504 to schedule a rental inspection within 15 days. If you did have a residential rental license within the previous twelve (12) months, you must complete a safety certification form, which is attached to this Application. You may also request an inspection by the City of the rental unit in lieu of completing the safety certification form.

House
 Apartment
 Efficiency Apartment, One Room Only
 Housing Offering Rooms for Rent

Street Address of Rental Property _____

Number of Bedrooms _____ Maximum Occupancy _____

I have reviewed and understand the Residential Rental Ordinance [and the Noise Ordinance \(Chapters 210 and 189 of the City Code\)](#).

I am requesting an occupancy exception. (Please attach occupancy justification for City review)

FOR OFFICE USE: Verified by City of Rehoboth Building and Licensing that the Residential Rental does not exceed the maximum occupancy permitted.

~~FOR OFFICE USE: Requested use is permitted in the applicable zoning district.~~

**APPLICATION FOR RENTAL LICENSE
FOR CABINS, COTTAGES, HOTELS, MOTELS, INNS, TOURIST, ROOMING HOUSES AND
BOARDINGHOUSES**

Acct. #
Tax ID#

NEW ()
RENEWAL ()

A separate application must be completed for each rental property

License Fee Pursuant to §120-20. Lodging Facilities: The undersigned persons, firms and corporations engaged, for profit, in renting rooms, cottages, cabins, private houses and apartments and/or serving food within the limits of the City shall pay an annual license fee, as follows:

Rental License fees for Other Types of Lodging are as follows:

- For each cabin or cottage: \$33
- Hotels, motels, inns, rooming houses or boardinghouses: \$26 per room

Owner Name (Print)	Manager's Name (Print)
Signature	Signature
Address (home)	Office Address
Home Phone #	Office Phone #
Cell Phone #	Second Phone # (Optional)
Email	Email

Please provide a 24 hour emergency contact if different from above.

Second Contact Name (Print)
Office Address
Office Phone #
Second Phone # (Optional)
Email

***For all contact information, please indicate best method for contact by circling Home/Office Phone, Cell Phone or Email

Please indicate what type of lodging you own/manage and the following information.

Cabins or Cottages Number of Units _____

Hotel, Motel or Inn Number of Bedrooms _____

Tourist, Rooming or Boarding House Number of Bedrooms _____

Name of Establishment _____

Street Address of Rental Property _____

~~FOR OFFICE USE: Requested use is permitted in the applicable zoning district.~~

DATE: April 2016
DRAFT VERSION: 7

CITY OF REHOBOTH BEACH

APPLICATION FOR RENTAL LICENSE

GLOSSARY:

APARTMENT - A room or suite of rooms in a dwelling or other permitted structure designed for use as a residence by a single family.

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HOTEL, MOTEL, INN - A building or structure operated for profit, accommodating more than six persons, providing lodging, food and/or services to the transient traveling public, and may include restaurants, club rooms, public banquet halls, ballrooms or meeting rooms, but the individual living units shall not contain kitchen or cooking facilities.

LOCAL CONTACT PERSON - An individual designated by the Owner or the Owner's representative who is available twenty-four (24) hours per day, seven (7) days per week for the purpose of responding by telephone or in-person to complaints regarding the condition, operation, or conduct of occupants of the Residential Rental, who is authorized by the Owner to take remedial action.

RESIDENTIAL RENTAL - A dwelling unit, including single-family detached, single-family attached or multi family unit, or any portion thereof, rented for dwelling, lodging, or sleeping purposes, and which is made available by agreement for residential occupancy by a tenant in exchange for payment.

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<p>Make Check Payable To: City of Rehoboth Beach Attn: B & L 306 Rehoboth Avenue Rehoboth Beach, DE 19971</p>
--

APPLICATION FOR RENTAL LICENSE FOR RESIDENTIAL RENTALS

Acct. #
Tax ID#

NEW ()
RENEWAL ()

*****A separate application must be completed for each rental property*****

License Fee Pursuant to §120-20. Lodging Facilities: The undersigned persons, firms and corporations engaged, for profit, in renting rooms, cottages, cabins, private houses and apartments and/or serving food within the limits of the City shall pay an annual license fee, as follows:

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- For **each bedroom in excess of two in a home or apartment**: \$20 additional
- Efficiency apartments, **one room only** and bath: \$41
- Private houses offering rooms for private rental: \$26 per room

Owner Name (Print)	Agent Name, if applicable (Print)
Signature	Signature
Address (home)	Office Address
Home Phone #	Office Phone #
Cell Phone #	Second Phone # (Optional)
Email	Email

Each Residential Rental must have a Local Contact Person who can respond 24 hours per day, 7 days per week

Local Contact Person (Print)
Address (home)
Home Phone #
Cell Phone #
Email

***For all contact information, please indicate best method for contact by circling Home/Office Phone, Cell Phone or Email

If you own or manage a Residential Rental please complete the following section. If you did not have a rental license within the previous twelve (12) months, your rental will need to be inspected. Please call 302-227-4504 to schedule a rental inspection within 15 days. If you did have a residential rental license within the previous twelve (12) months, you must complete a safety certification form, which is attached to this Application. You may also request an inspection by the City of the rental unit in lieu of completing the safety certification form.

House
 Apartment
 Efficiency Apartment, One Room Only
 Housing Offering Rooms for Rent

Street Address of Rental Property _____

Number of Bedrooms _____

I have reviewed and understand the Residential Rental Ordinance and the Noise Ordinance (Chapters 210 and 189 of the City Code).

I am requesting an occupancy exception. (Please attach occupancy justification for City review)

FOR OFFICE USE: Verified by City of Rehoboth Building and Licensing that the Residential Rental does not exceed the maximum occupancy permitted.

**APPLICATION FOR RENTAL LICENSE
FOR CABINS, COTTAGES, HOTELS, MOTELS, INNS, TOURIST, ROOMING HOUSES AND
BOARDINGHOUSES**

Acct. #
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NEW ()
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A separate application must be completed for each rental property

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Rental License fees for Other Types of Lodging are as follows:

- For each cabin or cottage: \$33
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Owner Name (Print)	Manager's Name (Print)
Signature	Signature
Address (home)	Office Address
Home Phone #	Office Phone #
Cell Phone #	Second Phone # (Optional)
Email	Email

Please provide a 24 hour emergency contact if different from above.

Second Contact Name (Print)
Office Address
Office Phone #
Second Phone # (Optional)
Email

***For all contact information, please indicate best method for contact by circling Home/Office Phone, Cell Phone or Email

Please indicate what type of lodging you own/manage and the following information.

- | | |
|---|--------------------------|
| <input type="checkbox"/> Cabins or Cottages | Number of Units _____ |
| <input type="checkbox"/> Hotel, Motel or Inn | Number of Bedrooms _____ |
| <input type="checkbox"/> Tourist, Rooming or Boarding House | Number of Bedrooms _____ |

Name of Establishment _____

Street Address of Rental Property _____

City of Rehoboth Beach
Rental Housing Inspections Program
ANNUAL SAFETY CERTIFICATION FOR RENTAL LICENSE APPLICATION

PROPERTY ADDRESS (PRINT)		
NUMBER OF BEDROOMS:	SELF - INSPECTION DATE:	
RENTAL TYPE:	<input type="checkbox"/> Single Family <input type="checkbox"/> Multi family <input type="checkbox"/> Apartment / Condo <input type="checkbox"/> Efficiency Apartment	GARAGE APARTMENT OR OTHER ADDITIONAL DWELLING ON PROPERTY. <input type="checkbox"/> YES – TYPE: _____ <input type="checkbox"/> NO
<p>Owners of rental housing properties must certify each rental housing dwelling/unit on the property every licensure year. If you prefer the City to perform an inspection in lieu of submitting this safety certification, please contact Building & Licensing at 302-227-4504 to schedule.</p> <p>Self- Safety Certification requires the following:</p> <ul style="list-style-type: none"> Inspect each rental housing dwelling / unit on the property for compliance with requirements. Immediately make any repairs to the rental housing dwelling / unit in order to achieve compliance with the requirements highlighted in yellow on the checklist. The items not highlighted are recommended, however will not be required for self safety certification until the 2017 licensure year. Upon completion of the safety certification, maintain a copy on file and submit the Safety Certification Packet with signed statement of attestation to the City of Rehoboth Beach Building and Licensing Department. 		
SIGNER'S NAME: (PRINT)	<input type="checkbox"/> OWNER <input type="checkbox"/> OWNER'S REPRESENTATIVE	SIGNATURE:
SIGNER'S ADDRESS:		
CITY:	STATE:	ZIPCODE:
TELEPHONE:	E-MAIL:	

PLEASE MAIL THE COMPLETED SAFETY-CERTIFICATION PACKET TO:

City of Rehoboth Beach
 Building and Licensing Department
 306 Rehoboth Avenue
 Rehoboth Beach, DE 19971

City of Rehoboth Beach
Rental Housing Inspections Program
ANNUAL SAFETY CERTIFICATION FOR RENTAL LICENSE APPLICATION

PROPERTY ADDRESS:	SELF - INSPECTION DATE:
-------------------	-------------------------

ITEMS	YES	NO (If no, explain)	N/A
Exterior Property Areas			
Exterior property areas maintained in a clean and safe condition			
Sidewalks, walkways, and driveways are in good repair			
Exterior areas including sidewalk free from weeds and plant overgrowth in excess of 10 Inches. Landscaping maintained			
Address Numbers are plainly legible, minimum 4 inches in height, contrast with their background and visible from the street			
Garage and other accessory structures in good condition and maintained			
Exterior Dwelling			
Exterior surfaces are free from deterioration, Painted surfaces are properly maintained			
Roofs are in good repair, gutters & downspouts are not clogged			
Stairs, decks, guardrails and handrails are in good condition with no rotting material			
All Exterior lighting is in working order (entryway, landscaping, etc)			
Entry doors are equipped with a dead bolt lock designed to be readily opened from the interior without the need for keys, special knowledge or effort and have a minimum lock throw of 1 Inch			
All exterior and sliding glass doors open, shut & secure properly			
Interior Dwelling			
Interior surfaces are maintained free from dirt, mold, stains, holes, cracked/peeling paint or other defective surface conditions			
Bathroom exhaust fan operational and exhaust to exterior (if equipped)			
Interior doors in place, properly working, with correct hardware			

GFCI receptacles installed in all bathrooms and all kitchen receptacles servicing countertop surfaces			
All habitable areas have at least two separate and remote electrical receptacles, each bathroom shall contain at least one receptacle			

City of Rehoboth Beach
Rental Housing Inspections Program
~~ANNUAL SAFETY CERTIFICATION FOR RENTAL LICENSE APPLICATION~~

PROPERTY ADDRESS:	SELF-INSPECTION DATE:
------------------------------	----------------------------------

ITEMS	YES	NO (If no, explain)	DOES NOT APPLY
Interior Dwelling (Continued)			
All windows open as designed and properly lock/latch			
All appliances are in working order			
HVAC system operational and serviced per manufacturer recommendations			
Water heater in working condition with relief valve discharge pipe installed			
Fire & Life Safety			
Smoke detectors are installed in the hallways and in each bedroom/sleeping room			
All smoke detectors are in working order and inspected bi-annually. Damaged or missing smoke detectors replaced in-kind and as designed			
Emergency escape openings maintained in accordance with the building code in effect at the time of construction			
Egress doors readily opened from the interior without the need for keys, special knowledge, special knowledge or effort			
Apartments/Condominiums – Exterior doors leading to a common hallway are equipped with a door closing device capable to have the force to bring the door to a fully closed position upon being released after opening			
Miscellaneous			
Rental property meets City of Rehoboth Beach zoning code for use?			
Annual Pool license obtained (Only applicable to pools,			

hot tubs, spas and Jacuzzis)?			
Current representative / local contact person on file with the city?			
Rental Property meets City occupancy requirement?			
Notes			

~~City of Rehoboth Beach
Rental Housing Inspections Program
ANNUAL SAFETY CERTIFICATION FOR RENTAL LICENSE APPLICATION~~

PROPERTY ADDRESS:	SELF-INSPECTION DATE:
------------------------------	----------------------------------

STATEMENT OF ATTESTATION

I attest that the answers to the questions stated above are true and correct to the best of my knowledge and belief, and I acknowledge that willful misrepresentations could result in the suspension or revocation of my rental license.

SIGNATURE **DATE**

PRINT NAME

City of Rehoboth Beach
Rental Housing Inspections Program
ANNUAL SAFETY CERTIFICATION FOR RENTAL LICENSE APPLICATION

PROPERTY ADDRESS (PRINT)		
NUMBER OF BEDROOMS:	SELF - INSPECTION DATE:	
RENTAL TYPE:	<input type="checkbox"/> Single Family <input type="checkbox"/> Multi family <input type="checkbox"/> Apartment / Condo <input type="checkbox"/> Efficiency Apartment	GARAGE APARTMENT OR OTHER ADDITIONAL DWELLING ON PROPERTY. <input type="checkbox"/> YES – TYPE: _____ <input type="checkbox"/> NO
<p>Owners of rental housing properties must certify each rental housing dwelling/unit on the property every licensure year. If you prefer the City to perform an inspection in lieu of submitting this safety certification, please contact Building & Licensing at 302-227-4504 to schedule.</p> <p>Self- Safety Certification requires the following:</p> <ul style="list-style-type: none"> Inspect each rental housing dwelling / unit on the property for compliance with requirements. Immediately make any repairs to the rental housing dwelling / unit in order to achieve compliance with the requirements highlighted in yellow on the checklist. The items not highlighted are recommended, however will not be required for self safety certification until the 2017 licensure year. Upon completion of the safety certification, maintain a copy on file and submit the Safety Certification Packet with signed statement of attestation to the City of Rehoboth Beach Building and Licensing Department. 		
SIGNER'S NAME: (PRINT)	<input type="checkbox"/> OWNER <input type="checkbox"/> OWNER'S REPRESENTATIVE	SIGNATURE:
SIGNER'S ADDRESS:		
CITY:	STATE:	ZIPCODE:
TELEPHONE:	E-MAIL:	

PLEASE MAIL THE COMPLETED SAFETY-CERTIFICATION PACKET TO:

City of Rehoboth Beach
 Building and Licensing Department
 306 Rehoboth Avenue
 Rehoboth Beach, DE 19971

City of Rehoboth Beach
Rental Housing Inspections Program
ANNUAL SAFETY CERTIFICATION FOR RENTAL LICENSE APPLICATION

PROPERTY ADDRESS:	SELF - INSPECTION DATE:
-------------------	-------------------------

ITEMS	YES	NO (If no, explain)	N/A
Exterior Property Areas			
Exterior property areas maintained in a clean and safe condition			
Sidewalks, walkways, and driveways are in good repair			
Exterior areas including sidewalk free from weeds and plant overgrowth in excess of 10 Inches. Landscaping maintained			
Address Numbers are plainly legible, minimum 4 inches in height, contrast with their background and visible from the street			
Garage and other accessory structures in good condition and maintained			
Exterior Dwelling			
Exterior surfaces are free from deterioration, Painted surfaces are properly maintained			
Roofs are in good repair, gutters & downspouts are not clogged			
Stairs, decks, guardrails and handrails are in good condition with no rotting material			
All Exterior lighting is in working order (entryway, landscaping, etc)			
Entry doors are equipped with a dead bolt lock designed to be readily opened from the interior without the need for keys, special knowledge or effort and have a minimum lock throw of 1 Inch			
All exterior and sliding glass doors open, shut & secure properly			
Interior Dwelling			
Interior surfaces are maintained free from dirt, mold, stains, holes, cracked/peeling paint or other defective surface conditions			
Bathroom exhaust fan operational and exhaust to exterior (if equipped)			
Interior doors in place, properly working, with correct hardware			

ITEMS	YES	NO (If no, explain)	DOES NOT APPLY
Interior Dwelling (Continued)			
GFCI receptacles installed in all bathrooms and all kitchen receptacles servicing countertop surfaces			
All habitable areas have at least two separate and remote electrical receptacles, each bathroom shall contain at least one receptacle			
All windows open as designed and properly lock/latch			
All appliances are in working order			
HVAC system operational and serviced per manufacturer recommendations			
Water heater in working condition with relief valve discharge pipe installed			
Fire & Life Safety			
Smoke detectors are installed in the hallways and in each bedroom/sleeping room			
All smoke detectors are in working order and inspected bi-annually. Damaged or missing smoke detectors replaced in-kind and as designed			
Emergency escape openings maintained in accordance with the building code in effect at the time of construction			
Egress doors readily opened from the interior without the need for keys, special knowledge, special knowledge or effort			
Apartments/Condominiums – Exterior doors leading to a common hallway are equipped with a door closing device capable to have the force to bring the door to a fully closed position upon being released after opening			
Miscellaneous			
Annual Pool license obtained (Only applicable to pools, hot tubs, spas and Jacuzzis)?			
Current representative / local contact person on file with the city?			
Rental Property meets City occupancy requirement?			
Notes			

STATEMENT OF ATTESTATION

I attest that the answers to the questions stated above are true and correct to the best of my knowledge and belief, and I acknowledge that willful misrepresentations could result in the suspension or revocation of my rental license.

SIGNATURE

DATE

PRINT NAME

DATE: March 26, 2016
VERSION: March 26, 2016 [General Code Format]
SPONSORS: Commissioners Kathy McGuinness and Stan Mills
FORMATTING: Glenn Mandalas

**AN ORDINANCE TO AMEND CHAPTER 227, SOLID WASTE,
OF THE MUNICIPAL CODE OF THE CITY OF REHOBOTH BEACH, DELAWARE, 2001,
SECTIONS 227-1, 227-9, 227-11, 227-25, and 227-31, RELATING TO
THE PLACEMENT AND COLLECTION OF WASTES AND RECYCLABLES**

1
2 **WHEREAS**, the Mayor and Commissioners desire to modify regulations relating to the storage,
3 placement, and collection of wastes and recyclables within the City to provide for the efficiency of City
4 services and the orderly appearance of the City.
5

6 **BE IT ORDAINED** by the Commissioners of the City of Rehoboth Beach, in session met, a
7 quorum pertaining at all times thereto, in the manner following to-wit:
8

9 **Section 1.** Chapter 227, Section 227-1 of the Municipal Code of the City of Rehoboth
10 Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting from the
11 definition of BAG, the word “polyethelyne” as such word appears therein, and inserting in lieu thereof the
12 word “polyethylene”, and by deleting the phrase “having a tie string” as such phrase appears therein.
13

14 **Section 2.** Chapter 227, Section 227-1 of the Municipal Code of the City of Rehoboth
15 Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting from the
16 definition of GARBAGE, the word “and” as such word appears therein between the words “food” and
17 “wastes”, and by inserting the phrase “, and animal waste” after the word “produce”.
18

19 **Section 3.** Chapter 227, Section 227-1 of the Municipal Code of the City of Rehoboth
20 Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting from the
21 definition of REFUSE, the phrase “tree branches, yard trimmings,” as such phrase appears therein, the
22 phrase “tin cans,” as such phrase appears therein, and the word “leaves,” as such word appears therein,
23 and by inserting a new subsection C, and re-lettering the displaced subsections, as follows:
24

25 C. Garbage.
26

27 **Section 4.** Chapter 227, Section 227-1 of the Municipal Code of the City of Rehoboth
28 Beach, Delaware, 2001, as amended be and the same is hereby further amended by inserting
29 alphabetically the following new definitions:
30

31 **BUNDLE**

32 Branches and prunings tied together, no longer than four feet in length and not exceeding
33 50 pounds in weight.
34

35 **DISPOSABLE CONTAINER**

36 A bag, box or similar container (other than a waste container) intended for one time
37 disposal of waste and which will prevent leakage if any liquids are present.
38

39 **LEACHATE**

40 Any liquid which drains from garbage or any liquid which comes in contact with any part
41 of a container previously contacted by garbage, including all water that comes in contact
42 with garbage or parts of a container previously in contact with garbage, such as (without

43 limitation) water used to wash a dumpster or rainwater that drains from or through
44 garbage.

45
46 **RECYCLABLES**

47 Any material or group of materials that can be collected and sold or used for recycling.

48
49
50 **TRASH**

51 Refuse containing no food, food waste, animal waste, human waste or any such matter.

52
53
54 **WASTE**

55 Refuse, recyclables and yard waste intended for disposal.

56
57 **WASTE CONTAINER**

58 A reusable rigid plastic or metal container with watertight lid and suitable handles or
59 tipper mechanism compatible with city refuse trucks and used for the storage of
60 recyclables, yard waste and bagged garbage and refuse.

61
62 **YARD WASTE**

63 Organics including grass, leaves, prunings, brush, shrubs, garden materials, Christmas
64 trees and tree limbs up to 4" in diameter.

65
66 **Section 5.** Chapter 227, Section 227-9 of the Municipal Code of the City of Rehoboth
67 Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting from the title
68 the phrase "Placement of containers" as such phrase appears therein, and inserting in lieu thereof the
69 phrase "Collection of refuse", and by deleting from the title the word "limit" as such word appears
70 therein, and inserting in lieu thereof the word "limits", and by deleting the phrase "waste material" as
71 such phrase appears between the words "all" and "in" therein, and inserting in lieu thereof the word
72 "refuse", and by deleting the phrases "or disposable containers", "collection forces", and "within eight
73 hours after the waste shall have been collected" as such phrases appear therein, and by deleting the word
74 "material" as such word appears between the words "waste" and "containers" therein, and by deleting the
75 word "lot" as such word appears before the word "shall" therein, and inserting in lieu thereof the word
76 "dwelling", and by inserting between the words "in" and "containers" as such words appear therein, the
77 word "waste", and by inserting between the words "lot" and "in" as such words appear therein, the phrase
78 "not earlier than 6:00 p.m. on the day prior to collection day or shall place any refuse in disposable
79 containers not earlier than 5:00 a.m. on collection day".

80
81 **Section 6.** Chapter 227, Section 227-11 of the Municipal Code of the City of Rehoboth
82 Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting Section 227-
83 11 in its entirety and inserting new Section 227-11 as follows:

84
85 **§ 227-11. Collection of yard waste and recyclables; time limits.**

86
87 A. The City will collect yard waste as needed, provided that such yard waste is
88 either:

89

- 90 (1) contained in paper bags specifically manufactured for yard waste or
91 securely tied together in bundles and does not exceed 50 pounds in
92 weight or four feet in length; or
93
94 (2) is placed within a City owned and furnished yard waste container.
95
96 Disposal of leaves, branches and tree trimmings not so bagged or tied shall be the
97 responsibility of the property owner.
98

- 99 B. From October 1 to May 14 of each year, the City will collect loose leaves and
100 pine needles free of foreign debris such as lumber, stones, bricks, branches and
101 any type of garden or flower bed stalks when placed at the curb line or on the
102 road shoulder.
103
104 C. The City will collect recyclables provided that such recyclables are contained in
105 a City owned and furnished recycling container.
106
107 D. The owner or occupier of any given lot shall place all recyclables or yard waste
108 in specified containers along the street in front of such lot not earlier than 6:00
109 p.m. on the day prior to collection day in order that it may be conveniently
110 collected by the City. All recycling and yard waste containers shall be removed
111 from City property not later than 9:00 p.m. on collection day. Bagged and
112 bundled yard waste and loose leaves and pine needles may be placed along the
113 street at any time.
114
115 E. Any violation of this section is declared a civil offense pursuant to Chapter 126
116 of the Municipal Code of the City of Rehoboth Beach.
117
118

119 **Section 7.** Chapter 227, Section 227-25 of the Municipal Code of the City of Rehoboth
120 Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting Section 227-
121 25 in its entirety.
122

123
124 **Section 8.** Chapter 227, Section 227-31 of the Municipal Code of the City of Rehoboth
125 Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting the numbers
126 "500" and "1,000" as such numbers appears therein, and inserting respectively in lieu thereof the numbers
127 "250" and "500".
128

129 **Section 9.** This Ordinance shall take effect June 1, 2016.
130

131 Adopted by the Commissioners
132 of the City of Rehoboth Beach
133 _____, 2016
134
135
136
137 _____

DATE: March 26, 2016
VERSION: March 26, 2016 [General Code Format]
SPONSORS: Commissioners Kathy McGuinness and Stan Mills
FORMATTING: Glenn Mandalas

138 Secretary of the Commissioners of
139 the City of Rehoboth Beach

140

141 **SYNOPSIS:** This Ordinance amends provisions of Chapter 227 of the Municipal Code of the City of
142 Rehoboth Beach relating to the placement and collection of wastes and recyclables, related definitions,
143 and related assessments and fines for violations, as shown with strikethrough and underlining in Exhibit
144 A, attached hereto.

145

EXHIBIT A

§ 227-1. Definitions.

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

BAG

A plastic or ~~polyethylene~~ polyethylene bag not less than 1 1/4 mils thick ~~having a tie string~~ and containing no more than 50 pounds when filled.

BUNDLE

Branches and prunings tied together, no longer than four feet in length and not exceeding 50 pounds in weight.

DISPOSABLE CONTAINER

A bag, box or similar container (other than a waste container) intended for one time disposal of waste and which will prevent leakage if any liquids are present.

GARBAGE

Wastes resulting from the handling, preparation, cooking and consumption of food, ~~and~~ wastes resulting from the handling, storage and sale of produce, and animal waste.

LEACHATE

Any liquid which drains from garbage or any liquid which comes in contact with any part of a container previously contacted by garbage, including all water that comes in contact with garbage or parts of a container previously in contact with garbage, such as (without limitation) water used to wash a dumpster or rainwater that drains from or through garbage.

RECYCLABLES

Any material or group of materials that can be collected and sold or used for recycling.

REFUSE

- A. Combustible trash, including but not limited to paper, excelsior, ~~tree branches, yard trimmings,~~ wood furniture and bedding.
- B. Noncombustible trash, including but not limited to metals, ~~tin cans,~~ dirt, stone, glass, crockery and other mineral waste.
- C. Garbage.
- ED. Street rubbish, including but not limited to street sweepings, dirt, ~~leaves,~~ catch basin dirt and contents of litter receptacles.
- DE. Wastes resulting from industrial processes and manufacturing operations.

RESIDENTIAL AREAS

194 All residences other than motels and hotels, but shall include boardinghouses, apartment
195 houses and condominiums, regardless of whether such residences are located in areas
196 other than residential zones as defined in Chapter 270, Zoning.
197

198 TRASH

199 Refuse containing no food, food waste, animal waste, human waste or any such matter.
200

201
202 WASTE

203 Refuse, recyclables and yard waste intended for disposal.
204

205 WASTE CONTAINER

206 A reusable rigid plastic or metal container with watertight lid and suitable handles or
207 tipper mechanism compatible with city refuse trucks and used for the storage of
208 recyclables, yard waste and bagged garbage and refuse.
209

210 YARD WASTE

211 Organics including grass, leaves, prunings, brush, shrubs, garden materials, Christmas
212 trees and tree limbs up to 4" in diameter.
213
214

215 **§ 227-9. Placement of containers**~~Collection of refuse; time limits.~~

216
217 The owner or occupier of any given ~~dwelling lot~~ shall place all ~~waste material~~ refuse in waste
218 containers or disposable containers along the curb in front of such lot not earlier than 6:00 p.m.
219 on the day prior to collection day or shall place any refuse in disposable containers not earlier
220 than 5:00 a.m. on collection day in order that it may be conveniently collected by the City
221 collection forces. All ~~waste material~~ containers shall be removed from City property not later than
222 9:00 p.m. on collection day ~~within eight hours after the waste shall have been collected.~~ Any
223 violation of this section is declared a civil offense pursuant to Chapter 126 of the Municipal Code
224 of the City of Rehoboth Beach.
225
226

227 **§ 227-11. Collection of yard waste and recyclables; time limits**~~leaves, branches and tree~~
228 ~~trimmings.~~
229

230 A. The City will collect ~~leaves, branches and tree trimmings from May 15 to~~
231 September 30 of each year yard waste as needed, provided that such ~~refuse yard~~
232 waste is either:
233

234 (1) bagged contained in paper bags specifically manufactured for yard waste
235 or securely tied together in bundles, each of which shall and does not
236 exceed 50 pounds in weight or four feet in length; or-
237

238 (2) is placed within a City owned and furnished yard waste container.
239

240 Disposal of leaves, branches and tree trimmings not so bagged or tied shall be the
241 responsibility of the property owner.

- 242
243 B. From October 1 to May 14 of each year, the City will collect loose leaves and
244 pine needles free of foreign debris such as lumber, stones, bricks, branches and
245 any type of garden or flower bed stalks when placed at the curb line or on the
246 road shoulder and also branches and tree trimmings, less than four feet in length,
247 if bundled and tied in accordance with Subsection A above.
248
249 C. The City will collect recyclables provided that such recyclables are contained in
250 a City owned and furnished recycling container.
251
252 D. The owner or occupier of any given lot shall place all recyclables or yard waste
253 in specified containers along the street in front of such lot not earlier than 6:00
254 p.m. on the day prior to collection day in order that it may be conveniently
255 collected by the City. All recycling and yard waste containers shall be removed
256 from City property not later than 9:00 p.m. on collection day. Bagged and
257 bundled yard waste and loose leaves and pine needles may be placed along the
258 street at any time.
259
260 E. Any violation of this section is declared a civil offense pursuant to Chapter 126
261 of the Municipal Code of the City of Rehoboth Beach.
262
263

264 **§ 227-25. Definitions.**
265

266 As used in this article, the following terms shall have the meanings indicated:
267

268 **GARBAGE**

269 ~~Wastes resulting from the handling, preparation, cooking and consumption of food, and~~
270 ~~wastes resulting from the handling, storage and sale of produce.~~
271

272 **LEACHATE**

273 ~~Any liquid which drains from garbage or any liquid which comes in contact with any part~~
274 ~~of a container previously contacted by garbage, including all water that comes in contact~~
275 ~~with garbage or parts of a container previously in contact with garbage, such as (without~~
276 ~~limitation) water used to wash a dumpster or rainwater that drains from or through~~
277 ~~garbage.~~
278

279 **REFUSE**

280 ~~Any waste, discarded or unwanted material, including garbage and trash.~~
281

282 **RESIDENTIAL AREAS**

283 ~~All residences other than motels and hotels, but shall include boardinghouses, apartment~~
284 ~~houses and condominiums, regardless of whether such residences are located in areas~~
285 ~~other than residential zones as defined in Chapter 270, Zoning.~~
286

287 **TRASH**

288 ~~Refuse containing no food, food waste, animal waste, human waste or any such matter.~~
289

DATE: March 26, 2016
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290
291
292
293
294
295

§ 227-31. Violations and penalties.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$250 nor more than \$500 ~~\$500 nor more than \$1,000~~ and shall pay the costs of prosecution.



**KERCHER
ENGINEERING
INC**

Civil Engineers
Municipal Engineers
Pavement Engineers
Traffic Engineers
Planners
Asset Management
Construction Services

G.I.S. / G.P.S.

Surveyors

CCR Reviews

MAIN OFFICE:

254 Chapman Road
Suite 202
Newark, DE 19702
Phone: 302.894.1098
Fax: 302.894.1099

BRANCH OFFICES:

413 E. Market Street
Georgetown, DE 19947
Phone: 302.854.9062
Fax: 302.854.9064

2345 York Road
Suite B11
Timonium, MD 21093
Phone: 410.252.8333
Fax: 410.252.8388

8310 Quail Creek Drive
Collax, NC 27235
Phone: 336.215.5521

www.kercherei.com

April 1, 2016

City Manager
Ms. Sharon Lynn
City of Rehoboth Beach
229 Rehoboth Avenue, P.O. Box 1163
Rehoboth Beach, DE 19971

RE: Y2016 Street Repaving and Repairs Program, Project No. 2016-1
Bid Evaluation

Dear Ms. Lynn,

Two (2) bids were received for the referenced project on March 31, 2016. A review of the bids has been performed and has been attached for your use.

Bids totals are as follows:

	Base Bid
Engineers' Estimate	\$93,216.95
1) Jerry's Inc.	\$131,297.35
2) George and Lynch, Inc.	\$148,234.65

Jerry's Inc. has met all requirements of the contract and provided the lowest bid. At this time, I am recommending award of the contract to Jerry's Inc., 17776 Oak Hill Drive, Milford, Delaware 19963 for the sum of \$131,297.35.

Please contact me should you have any questions or comments.

Sincerely,

KERCHER ENGINEERING, INC.

Michael Baiocco, Project Manager