



REHOBOTH BEACH BOARD OF COMMISSIONERS

Supporting Document Packet

WORKSHOP MEETING:

January 4, 2016

****DISCLAIMER****

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City of Rehoboth Beach

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City Manager

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THE COMMISSIONERS OF REHOBOTH BEACH

Workshop Meeting

Second Floor of Rehoboth Beach Volunteer Fire Company

Monday, January 4, 2016; immediately following Special Meeting

WORKSHOP AGENDA

1. Call to Order
2. Roll Call
3. Correspondence
4. Old Business
 - A. Discuss with Kyle Gulbranson of AECOM, the City's planning consultant, a draft Vacation Rental Ordinance.
 - B. Discuss the requirements contained in the City Code related to the size of restaurants.
 - C. Discuss the status of brewery-pubs as related to the City's applicable zoning and licensing requirements.
 - D. Discuss possible changes to City Code related to the storage and collection of refuse, yard waste and recycling – Commissioners Mills and McGuiness.
 - E. Discuss potential changes to the City's Charter related to voter qualifications and voter registration requirements – Commissioner McGuiness.
 - F. Discuss a draft resolution opposing seismic testing related to oil exploration in the Atlantic Ocean off the east coast of the United States – Commissioners McGuiness and Zellers.
5. New Business
6. City Manager's Report
7. Committee Report
8. City Solicitor's Report
9. Commissioner Announcements/Comments
10. Discuss items to include on future agendas.
11. Citizen Comment
12. Adjournment

AGENDA ITEMS MAY BE CONSIDERED OUT OF SEQUENCE.

Citizen comment regarding Old Business, New Business and Committee Reports will be heard during each agenda topic after initial discussion by the Commissioners at the discretion of the chair. Speakers shall state their name and address. Comments are limited to three minutes or at the discretion of the chair. Comments on non-agenda items will be heard under "Citizen Comment".

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

**Next scheduled meeting – (Regular) Friday, January 15, 2016; 7:00 p.m.

amw: 12/28/15; posted 12/28/15

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

1 DATE: December 2015
2 VERSION: 4
3 AUTHOR(S)/SPONSOR(S): Kyle Gulbranson, AICP, AECOM & Working Group
4 TO: Board of Commissioners
5

6 **Chapter _____ Residential Rentals**
7

8 **Section 1 Title.**

9 This Chapter shall be referred to as the "Residential Rental Ordinance."
10

11
12 **Section 2 Purpose.**

13 The City Commissioners finds and determines as follows:
14

- 15 a) The use of single and multiple family dwelling units have long been used in the resort community for Residential
16 Rental lodging purposes to provide an alternative to traditional accommodations; however, such uses in certain single-
17 family neighborhoods may have effects that can best be addressed through an appropriate city regulatory program.
18
- 19 b) The establishment of a regulatory program for Residential Rental lodging will provide an administrative procedure to
20 preserve and protect the City's residential neighborhoods and provide standards and procedures for Residential
21 Rentals, as well as education for prospective renters on the City and expected behaviors.
22
- 23 c) The purpose of this Chapter is to establish regulations for such use of residential property thereby enabling the City to
24 preserve residential communities and the public health, safety, and welfare.
25
- 26 d) This Chapter is not intended to regulate hotels, motels, inns, tourist homes, rooming and boarding houses and bed-
27 and-breakfast establishments.
28

29 **Section 3 Definitions.**

30 For purposes of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them by
31 this Section:
32

33 **BEDROOM** - An area of a Residential Rental normally occupied and being heated or cooled by any equipment listed or
34 labeled for human habitation, designated as a sleeping room or area.
35

36 **GOOD CAUSE** - For the purposes of denial, suspension, revocation, imposition of conditions, renewal, and reinstatement
37 of a Residential Rental License, means (1) the Owner, the Owner's Agent, or the Local Contact Person has failed to
38 comply with any of the terms, conditions, or provisions of this Chapter or any relevant provision of this Code, State law, or
39 any rule or regulation promulgated thereunder; (2) the Owner, Owner's Agent, or Local Contact Person has failed to
40 comply with any special conditions that were placed upon the Residential Rental License by the City Manager; (3) the
41 Residential Rental has been operated in a manner that adversely affects the public health or welfare or the safety of the
42 immediate neighborhood in which the Residential Rental is located; or (4) is delinquent with any taxes or fees owed to the
43 City of Rehoboth Beach
44

45 **GOOD NEIGHBOR BROCHURE** - A document prepared by the City that summarizes general rules of conduct,
46 consideration, and respect, including without limitation provisions of the Rehoboth Beach Municipal Code applicable to or
47 expected of renters and residents of the City
48

49 **LOCAL CONTACT PERSON** - An individual designated by the Owner, an Agent of the Owner or local property manager,
50 who is available twenty-four (24) hours per day, seven (7) days per week for the purpose of responding by telephone or in-
51 person to complaints regarding the condition, operation, or conduct of occupants of the Residential Rental, or any agent of
52 the Owner authorized by the Owner to take remedial action and who responds to any violation of this Code
53

54 **OWNER** - The person(s) or entity(ies) that hold(s) legal and/or equitable title to a Residential Rental unit
55

56 **PROPERTY** - A residential legal lot of record on which a Residential Rental is located
57

58 **RENTAL TERM** - The period of time an occupant and/or guest rents or leases a Residential Rental
59

60 **RESIDENTIAL RENTAL** - A residential dwelling, including single-family detached, single-family attached or multi family
61 unit, or any portion of such a dwelling, rented for occupancy for dwelling, lodging, or sleeping purposes which is made
62 available by agreement for residential occupancy by a tenant in consideration for payment of rent regardless of rental term
63

64 **RESIDENTIAL RENTAL LICENSE** - Also referred to as "Rental License" means an annual license submitted to the City
65 pursuant to this Chapter
66

67 **Section 4 Applicability.**

68 This Ordinance shall apply to all Residential Rental units as defined in Section 3.
69

- 70 a) No Owner of a Residential Rental shall rent any unit without a valid Rental License pursuant to this Chapter.
71
72 b) The current License number issued by the City shall be posted in a clear and legible manner on all advertising related
73 to each Residential Rental, including without limitation, web based advertising, print media, and television, and on the
74 property. (IS THIS STILL RELEVANT?)
75

76 **Section 5 Owner Representative/Representation**

- 77 a) An Owner may retain an Agent or a representative to comply with the requirements of this Chapter, including, without
78 limitation, the filing of a complete Residential Rental License, the management of the Residential Rental unit or units,
79 and the compliance with the requirements of this Chapter. Except as provided and notwithstanding any agency
80 relationships between an Owner and an Agent or representative, the Owner of the Residential Rental unit or units
81 shall remain responsible for compliance with the provisions of this Chapter and the failure of an Agent to comply with
82 this Chapter shall not relieve the Owner of the Owner's obligations under the provisions of this Chapter.
83

84 **Section 6 Residential Rental License and Registration Requirements**

- 85 a) Prior to use of a property as a Residential Rental, the Applicant shall apply for and obtain a Residential Rental License
86 annually on a form provided by the City and signed by the Applicant under penalty of perjury. Each application shall
87 contain the following information:
88
89 1) The name, address, email and telephone number of the Owner of the unit for which the Residential Rental
90 License is to be issued

- 91 2) The name, address, email and telephone number of the Agent, if any, of the Owner of the unit
- 92 3) The name, address, email and twenty-four (24) hour telephone number of the Local Contact Person
- 93 4) The physical address of the residential property proposed to be used as a Residential Rental
- 94 5) The number of bedrooms contained within the Residential Rental unit
- 95 6) Acknowledgement of receipt and inspection of a copy of all regulations pertaining to the operation of a
- 96 Residential Rental
- 97 7) Such other information as the City Manager deems reasonably necessary to administer this Chapter

98
 99 b) A Residential Rental License may be denied if a Rental License for the same unit and issued to the same Owner has
 100 previously been revoked pursuant to Section 9. The denial of a Rental License for any reason may be appealed in
 101 accordance with to the provisions of Chapter 120-12 of the Municipal Code.

102
 103 c) Upon change of property ownership, agent, or other material facts set forth in the annual license, a new license for a
 104 Residential Rental shall be required to continue operation of the Residential Rental and within fourteen days (14) of
 105 said change the Owner or his or her Agent shall submit the required registration and fee.

106
 107
 108 **Section 7 Operational Requirements and Standard Conditions.**

109 a) The Owner shall use reasonably prudent business practices to ensure that the Residential Rental unit complies with
 110 all applicable codes regarding fire, building and safety, health and safety, and all other relevant laws.

111
 112 b) Any new Residential unit applying for a Rental License for the first time, or an existing residential rental whose license
 113 has not been renewed for a period of _____ or is not current on rental license fees shall be required to be
 114 inspected by the City for compliance with the provisions of this Ordinance and the building, health and safety
 115 requirements of the City and State. Following an inspection a notice of compliance or listing of deficiencies will be
 116 provided to the Owner or his or her Agent. Existing Residential Rental units as of the date of adoption of this
 117 Ordinance will be required to complete an annual self-certification checklist form for health and safety requirements as
 118 part of the annual license renewal process. The checklist will identify minimum health and safety requirements and
 119 required safety equipment to be present in each Residential Rental unit. The self-certification checklist shall be
 120 completed by the Owner or his or her Agent and notarized. A self-certification checklist will need to be completed
 121 every year as part of the license renewal process.

122
 123 c) The overnight occupancy of a Residential Rental unit is limited to a specific number of occupants, with the maximum
 124 number of overnight occupants as four (4) persons within each Residential Rental unit plus an amount that will not
 125 exceed two (2) persons per bedroom within each Residential Rental unit. Children under the age of two (2) years will
 126 not count towards the overall number of occupants. The Owner of a Residential Rental has the right to limit the
 127 number of occupants to less than the maximum required by the City. The following chart is provided as an example
 128 of how this Section would be applied to specific situations:

Number of Bedrooms	Total of Overnight Occupants
0	4
1	6
2	8
3	10
4	12

5	14
6	16
7	18

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- d) The City Manager may approve occupancy in excess of the above stated occupancy requirements due to exceptional circumstances unique to an existing property. An Owner or Agent of such a property shall request an exception to the occupancy requirement at time of application for a Residential Rental License or renewal. The City Manager shall confirm with the Building Inspector that the residence has the capacity to house occupants in excess of the City's occupancy maximum and may require an inspection by the Building Inspector.
- e) During the term each Residential Rental unit is rented, the Owner, his or her Agent, and/or the Local Contact Person designated by the Owner, shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of (1) responding by telephone to complaints from the City Police Department or other City Official and (2) responding in-person to any additional or successive complaints regarding the condition, operation, or conduct of occupants of the Residential Rental when contacted directly by telephone of a serious violation or situation that requires immediate attention or action.
- f) The Owner shall use reasonably prudent business practices to ensure that the occupants and/or guests of the Residential Rental unit do not create unreasonable noise disturbances, engage in disorderly conduct, or violate provisions of the Municipal Code or any State law.
- g) For the purpose of this Section and Subsections below, the following procedure shall be used to respond to identified complaints and violations requiring the Local Contact Person's involvement.
 - 1) Should a City Police Officer or City Official be notified of a complaint regarding an occupant and/or guest of a Residential Rental unit that has created unreasonable noise, disturbances or engaged in disorderly conduct while occupying the Residential Rental unit, the complaint shall be investigated by a Police Officer and the Officer shall determine whether or not the complaint warrants notification of the Local Contact Person. Should the incident be resolved by the Police Officer and no contact is made to the Local Contact Person, a report shall be provided to the City Manager's Office the following day regarding the incident.
 - 2) Should the Officer determine that the complaint warrants the notification of the established Local Contact Person, the City Police or a City Official shall promptly notify the Local Contact Person to respond in a timely and appropriate manner to stop the reported activity or its recurrence.
 - i. The Local Contact Person shall attempt to contact the occupant and/or guest of the Residential Rental unit by telephone within thirty (30) minutes of being contacted by the City Police or City Official. Should the Local Contact Person make contact with the occupants of the rental unit and the issue is resolved, the Local Contact Person shall report back to the City Police of the situations resolution. The City Police shall provide a report to the City Manager's Office the following day regarding the incident.
 - ii. Should the Local Contact Person not be able to reach the occupant and/or guest by telephone within thirty (30) minutes of notification of the complaint or violation, an in-person visit by the Local Contact Person shall be made to the property to resolve the situation. The Local Contact Person shall visit the property in no less than one (1) hour from the initial contact by the City Police or City Official. The Local Contact Person shall contact the City Police after visiting the property to advise

175 the City as to the issue or situation. The City Police shall provide a report to the City Manager's
176 Office the following day regarding the incident.
177
178 iii. In the instance of a serious situation in the opinion of the investigating officer, or issuance of a
179 citation by a City Police Officer, the Police Officer shall request an immediate in-person visit by the
180 Local Contact Person to assist with the resolution of the incident. The City Police shall provide a
181 report to the City Manager's Office the following day regarding the incident.
182
183 iv. The City Police shall notify the City Manager's Office on a daily basis of any report, incident or
184 violation pertaining to a Residential Rental unit for record keeping and resolution. A notice of
185 complaint will be emailed or mailed to the Owner or his or her Agent, and Local Contact Person.
186 The City Manager may follow up directly with the Owner or Owners' Agent to determine disposition
187 or resolution of the complaint based on the severity or frequency of occurrence at a given
188 location.

189
190 h) Failure of the Owner or his or her Agent to respond to calls or notice of complaints regarding the condition, operation,
191 or conduct of occupants of the Residential Rental in a timely and appropriate manner shall be grounds for imposition
192 of penalties as set forth in this Chapter. It is not intended that an Owner, Agent, or Local Contact Person act as a
193 peace officer or place himself or herself in an at-risk situation.
194
195 i) Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by
196 the collectors and between the hours of five (5) a.m. and eight (8) p.m. on scheduled trash collection days. The
197 Owner of the Residential Rental unit shall use reasonably prudent business practices to ensure compliance with all
198 the provisions of Chapter ___ of the Municipal Code, and shall provide "walk-in service" or as may otherwise be
199 approved by the City Manager.
200
201 j) The Owner of the Residential Rental unit shall post a copy of the Rental License and a copy of the conditions set forth
202 in this Section in a conspicuous place within the unit.
203
204 k) The Owner shall provide each occupant of a Residential Rental with the following information prior to occupancy of
205 the unit and/or post such information in a conspicuous place within the unit:
206
207 1) The name of the Managing Agency, Agent, Rental Manager, Local Contact Person, or Owner of the unit,
208 email and a telephone number at which that party may be reached on a twenty-four (24) hour basis
209 2) The trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash or refuse on
210 the exterior of the property
211 3) Notification that the occupant may be cited or fined by the City and/or immediately evicted by the Agent or
212 Owner pursuant to State law, in addition to any other remedies available at law, for creating a disturbance or
213 for violating other provisions of this Chapter and the City Noise Ordinance, a copy of the City's Noise
214 Ordinance is to be provided
215 4) Notification that failure to conform to the occupancy requirements of the Residential Rental unit is a violation
216 of this Chapter
217 5) Provide a copy of the Good Neighbor brochure
218
219 l) The use of a Residential Rental unit shall not violate any applicable conditions, covenants, or other restrictions on real
220 property.

- 221
222 m) The City Manager shall have the authority to impose additional standard conditions, applicable to all Residential
223 Rental units, as necessary, to achieve the objectives of this Chapter. A list of all such additional standard conditions
224 shall be maintained and on file in the office of the City Clerk and such offices as the City Manager designates.
225
226 n) Notwithstanding the provisions of Subsection (__) above, upon a determination of good cause, the City Manager may
227 impose additional or special standards or requirements for placement or imposition of special conditions or
228 performance standards for Owners, Owner's Agents, Local Contact Persons for a particular property.
229
230 o) The standard conditions may be modified by the City Manager upon request of the Owner or his or her Agent based
231 on site-specific circumstances for the purpose of allowing reasonable accommodation of a Residential Rental. All
232 requests must be in writing and shall identify how the strict application of the standard conditions creates an
233 unreasonable hardship to a property such that, if the requirement is not modified, reasonable use of the property for a
234 Residential Rental would not be allowed. Any hardships identified must relate to physical constraints to the subject
235 site and shall not be self-induced or economic. Any modifications to the standard conditions shall not further
236 exacerbate an already existing problem.
237
238 p) The City Manager shall have the authority to establish administrative rules and regulations consistent with the
239 provisions of this Chapter for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the
240 requirements and the provisions of this Chapter. A copy of such administrative rules and regulations shall be on file in
241 the office of the City Clerk.
242

243 **Section 8 Audit.**

- 244 a. Each Owner and Agent or representative of any Owner shall provide access to their Residential Rental and any
245 records related to the use and occupancy of the Residential Rental at the request of the City Manager for the
246 purpose of inspection or audit to determine that the objectives and conditions of this Chapter are being fulfilled
247 and any reported health, safety and welfare concerns.
248
249 b. Upon notification of the City Manager's Office of an audit, the Owners shall provide access to all required areas
250 of a Residential Rental unit for inspection within forty-eight hours of an inspection request from the Building and
251 Licensing Department. This time period may be extended upon the approval of the Chief Building Inspector or his
252 or her designee. If the Residential Rental unit is legally occupied by a tenant or other occupant, the owner shall
253 notify the tenant or occupant and request that the tenant or occupant allow the inspection. The owner shall not be
254 in violation of this section if the tenant or occupant refuses to allow the inspection.
255
256 c. If an inspection is scheduled and entry is thereafter refused or cannot be obtained, the inspector shall have
257 recourse to every remedy provided by law to secure lawful entry and inspect the premises, including but not
258 limited to securing an inspection warrant from the Alderman Court or any other court of competent jurisdiction.
259 The inspector shall provide notice that a warrant has been issued to both the owner/operator and the tenant or
260 occupant at least twenty-four hours before the warrant is executed, unless the judge finds that immediate
261 execution is reasonably necessary under the circumstances shown.
262
263 d. Notwithstanding the foregoing, if the inspector has reasonable cause to believe that the Residential Rental unit is
264 so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the public health or safety,
265 the inspector shall have the right to immediately enter and inspect the premises and may use any reasonable
266 means required to effect the entry and make an inspection.
267
268
269

270 **Section 9 Violations.**

- 271 a) Any person who uses, or allows the use of, a residential property in violation of the provisions in this Chapter is guilty
272 of a misdemeanor for each day in which such residential property is used, or allowed to be used, in violation of this
273 Chapter. Violations are punishable pursuant to Section ___ and the administrative citation provisions of Chapter ___
274 of the Municipal Code, except that the fine for a first violation shall be two hundred fifty dollars (\$250) and each
275 subsequent violation shall be five hundred dollars (\$500).
276
- 277 b) Notwithstanding the provisions of Chapter ___, any citation or pre-citation or courtesy warning issued for violations
278 specified in this Section may provide for a reasonable compliance date or time of less than fifteen (15) calendar days
279 from the date or the time the citation or pre-citation warning is given if, due to the nature of the violation, a shorter
280 compliance period is necessary or appropriate, as determined in the reasonable judgment of the city official issuing
281 the citation or notice.
282
- 283 c) Upon the third violation or complaint in any twelve (12) month period to this Ordinance or for noise or disorderly
284 conduct the City Manager shall call for a meeting with the property owner and representative to determine the causes
285 of such violation, complaints or behavior, and solutions to resolve the situation.
286
- 287 d) Should after numerous complaints, violations and meetings with the property owner and representatives of properties
288 with three or more violations, and adequate resolution of the particular problems are not resolved, the City Manager
289 for good cause may not renew the Residential Rental License for the particular property. Owners may appeal a
290 decision of the City Manager regarding non-renewal to the City Commissioners.
291
- 292 e) Any person who fails to timely obtain a Residential Rental License or pay any fee or charge provided in this Chapter
293 within the time required shall pay a penalty in the amounts established by the City Commissioners by resolution.
294 Such penalty may also include interest from the date on which the fee or charge became due and payable to the City
295 until the date of payment.
296
- 297 f) The remedies provided for in this Section are in addition to, and not in lieu of, all other legal remedies, criminal or civil,
298 which may be pursued by the City to address any violation of this code or other public nuisance.
299

300 **Section 10 Requirements Not Exclusive.**

301 The requirements of this Chapter shall be in addition to any license, permit, or fee required under any other provision of
302 this Code. The issuance of any permit pursuant to this Chapter shall not relieve any person of the obligation to comply
303 with all other provisions of this Code pertaining to the use and occupancy of Residential Rental or the property on which it
304 is located.

APPLICATION FOR RENTAL LICENSE

Acct. #
Tax ID#

NEW ()
RENEWAL ()

*****Please call 302-227-4504 to schedule your rental inspection within 15 days*****

*****If your rental property is managed by a property management or real estate company, please have them call us to schedule. A representative must meet our inspector on site*****

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 to the City Manager, for the use of the City, as follows:

Rental License fees 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
- For each cabin: \$33
- Hotels, motels, inns, rooming houses or boardinghouses or private houses offering rooms for private rental: \$26 per room

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

DEFINITIONS:

LOCAL CONTACT PERSON - An individual designated by the Owner, an Agent of the Owner or local property manager, 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, or any agent of the Owner authorized by the Owner to take remedial action and who responds to any violation of this Code.

RESIDENTIAL RENTAL - A residential dwelling, including single-family detached, single-family attached or multi family unit, or any portion of such a dwelling, rented for occupancy for dwelling, lodging, or sleeping purposes which is made available by agreement for residential occupancy by a tenant in consideration for payment of rent regardless of rental term

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

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

If you own/manage a Residential Rental(s) please complete the following section. Any new Residential Rental applying for a Rental License for the first time will need to be inspected by the City. Existing Residential Rentals are required to complete and have notarized a self-certification checklist. The self-certification checklist is attached.

	How Many for Rent?	Number of Bedrooms In Each	Maximum Occupancy	Street Address of Rental Property
Houses				
Efficiency Apartments – One Room Only				
House Offering Rooms for Rent				

Verified by Building and Licensing that the Residential Rental does not exceed the maximum occupancy permitted.

If you own/manage an Apartment Building, Cottage, Cabin, Hotel, Motel, Inn, Rooming House or Boarding House please complete the following section.

	How Many for Rent?	Number of Bedrooms In Each	Street Address of Rental Property
Apartment Building			
Cottages w/Kitchen			
Cabins – No Kitchen			
Hotel Rooms			
Motel Rooms			
Inns			
Rooming Houses			
Boarding Houses			

Make Check Payable To:
 City of Rehoboth Beach
 Attn: B & L
 306 Rehoboth Avenue
 Rehoboth Beach, DE 19971

**City of Rehoboth Beach
Rental Housing Inspections Program
Self-Certification Checklist**

PROPERTY ADDRESS (PRINT)		
NUMBER OF BEDROOMS:	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 ON PROPERTY? <input type="checkbox"/> YES <input type="checkbox"/> NO
<p>Owners of rental housing properties must certify each rental housing dwelling/unit on the property every licensure year.</p> <p>Self-Certification requires the following:</p> <ul style="list-style-type: none"> Inspect each rental housing dwelling / unit on the property for compliance with the checklist. Immediately make any repairs to the rental housing dwelling / unit in order to achieve compliance with the requirements of the checklist. Ensure all required permits are obtained if required. Upon completion of the checklist, maintain a copy on file and submit the Self Certification Packet with signed affidavit to the City of Rehoboth Beach Building and Licensing Department . Immediately notify the City of Rehoboth Beach Building and Licensing Department if any rental dwelling / unit cannot be self-certified because necessary repairs cannot or will not be made. 		
SIGNER'S NAME: (PRINT)	<input type="checkbox"/> OWNER <input type="checkbox"/> OWNER'S AGENT	SIGNATURE:
SIGNER'S ADDRESS:		
CITY:	STATE:	ZIPCODE:
TELEPHONE:	E-MAIL:	

PLEASE MAIL THE COMPLETED SELF-CERTIFICATION PACKET TO:

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

**City of Rehoboth Beach
Rental Housing Inspections Program
Self-Certification Checklist**

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

ITEMS	YES	NO (If no, explain)	DOES NOT APPLY
Exterior Property Areas			
Exterior property areas maintained in a clean and safe condition			
Sidewalks, walkways, and driveways are in good repair			
Exterior areas free from weeds and plant overgrowth in excess of 10 Inches. No tree or other vegetation impeding sidewalks or right of way areas, Landscaped areas or maintained			
Address Numbers are plainly legible, 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			
Foundations are in good solid condition			
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.			
Exterior lighting is in working order			
Entry doors are equipped with a dead bolt lock designed to be readily openable from the side of egress 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			
All walls are free from holes and major cracks			
Interior surfaces are maintained free from dirt, mold, stains, cracked/peeling paint or other defective surface conditions			
All appliances are in working order			
Bathroom exhaust fan in working order			
Interior doors in place, properly working, with correct hardware			
GFCI outlets installed in all bathrooms and all kitchen receptacles servicing countertop surfaces			
All habitable areas have at least two separate and remote outlets, each bathroom shall contain at least one receptacle.			
Electric panel and directories covered and circuits labeled			

**City of Rehoboth Beach
Rental Housing Inspections Program
Self-Certification Checklist**

PROPERTY ADDRESS:	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 operates as designed with relief valve discharge pipe installed			
Fire 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 openable from the egress side without the need for keys, special knowledge, special knowledge or effort			
Miscellaneous			
Rental property meets CORB zoning code for use			
Pool license obtained (Only if a pool is on the property)			
Current agent/local contact person on file with the city			
Notes			

**City of Rehoboth Beach
Rental Housing Inspections Program
Self-Certification Checklist**

PROPERTY ADDRESS:	INSPECTION DATE:
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AFFIDAVIT

I herby certify, under penalty or perjury..... In accordance with CORB codes and ordinances and the 2012 International property Maintenance Code...etc

***** NEED TO ADD LANGAUGE*****

DATE: December 30, 2015
 VERSION: Of December 30, 2015 (Edited/condensed version of original of 12-14-14)
 SPONSORS: Commissioners Stan Mills and Kathy McGuiness
 TO: Board of Commissioners, City Manager
 RE: Supporting document relative to discussion of possible changes to the City Code related to the storage and collection of refuse, yard waste and recycling.
 (On the agenda of the Commissioners' workshop of January 4, 2016.)

CONCERNS RELATED TO
 STORAGE AND COLLECTION OF REFUSE, YARD WASTE & RECYCLABLES
 AND RECOMMENDATIONS FOR RESOLUTIONS



OBSERVATION #1/Discussion Topic #1

Residential refuse (trash/garbage) is set out too far in advance of collection day including on Saturdays when refuse is predominantly generated by rental houses.

- Sometimes the refuse is set out in rigid containers; much of the times in bags only.
- Refuse can get broken into by vermin and birds.
- Refuse can get odorous.
- Refuse is unsightly.
- Refuse occupies the public space on the streets and/or curbside (i.e. is on city property).
- Refuse put at the curb on Saturdays can sit in the open for 2-3 days or longer as the next City collection day is Monday (in the south) and Tuesday (in the north). Other wastes can sit for up to two weeks before being collected because of the extended time between collections in the off-season.

CODE REFERENCE.

The current code is silent on how early refuse (yard waste and recyclables, also) can be put out on the street.

POSSIBLE AVENUE FOR RESOLUTION.

- Establish/codify a timeline for setting out refuse for collection: “The owner or occupier of any given residentially zoned lot shall place all waste materials in waste containers or disposable containers along the curb in front of such lot not earlier than 6:00 p.m. on the day prior to day of collection and not later than 7:00 a.m. on the day of collection provided that all waste is placed inside a container between 6:00 p.m. the day prior to day of collection and 5:00 a.m. on the day of collection.”

RECOMMENDATION IS HIGHLIGHTED ABOVE.



OBSERVATION #2/Discussion Topic #2

Residential refuse, yard waste and recyclables containers are not removed from public space (the street/curbside) timely per current City Code.

- Some containers can be out seemingly “forever” until a property owner returns to town or a neighbor retrieves the containers. (One or more properties identified by citizens appear to store their containers in the street.)
- Results in unsightliness – containers tip over; lids blow open or down the street.

CODE REFERENCE.

§227-9 prescribes a timeline: “All waste material containers shall be removed from City property within eight hours after the waste shall have been collected.” (Emphasis added.)

POSSIBLE AVENUES FOR RESOLUTION.

1. Enforce current timeline requirement for retrieving containers from the street.
2. Adjust timeline for retrieval of containers to “All waste material containers shall be removed from City property ~~within eight hours after the waste shall have been collected~~ not later than 9:00 p.m. on the day of collection.”

RECOMMENDATION IS HIGHLIGHTED ABOVE.

OBSERVATION #3/Discussion Topic #3

Stored refuse, yard waste and recyclables often are located within the front yard in residential areas.

- Some containers are tipped over or upside down; some have lids ajar or removed.
- They are unsightly.
- They can remain in place for weeks before being righted, lids put in place or moved out of sight.

CODE REFERENCE.

The City Code is silent for the screening (masking) of residential wastes. Not so for commercial properties: “[In all commercial] Districts all refuse storage areas and refuse waste containers shall be screened from public view with an acceptable screen material, including wood, lattice, fine-mesh fencing, plantings or other suitable material erected in conformance to all building and zoning codes. (§270-27 Storage of Refuse excerpted.)

POSSIBLE AVENUE FOR RESOLUTION.

- Establish that for residential properties, all waste containers stored between the main façade of the house and the street line (or additionally between the second façade and the second street line for a corner property) shall be screened from view.

RECOMMENDATION IS HIGHLIGHTED ABOVE.

DISCUSSION TOPIC #4

How to facilitate compliance with the new time restrictions for putting out wastes for collection and for retrieval of containers from city property.

POSSIBLE AVENUES FOR RESOLUTION.

1. Leave in hands of the property owners, residents and/or rental agents.
2. Implement a premium “valet” waste collection service at extra cost to the user.
3. Amend the City Code to allow for residential waste clients to contract with an outside company for waste collection services provided that “valet” service is mandatory and proper notice is given to the city.

RECOMMENDATION IS HIGHLIGHTED ABOVE.

SEISMIC FOR OFFSHORE WIND V. SEISMIC FOR OIL AND GAS

Overview Seismic surveys are conducted both for offshore fossil fuel exploration and for offshore wind development. The fossil fuel industry uses seismic surveys to search for offshore oil and natural gas deposits while the offshore wind industry conducts them prior to the construction phase of an offshore wind farm.

However, seismic surveys for offshore wind are much less harmful for three primary reasons.

Seismic testing for offshore wind does not involve the use of seismic airguns, the most disruptive and potentially harmful seismic technology for marine life.

Seismic testing for offshore wind occurs over a much smaller area and is conducted after a site for a potential wind farm has already been identified, while seismic testing for fossil fuels involves spanning the ocean to search for deposits of oil and natural gas.

Seismic testing for offshore wind involves introducing far less sound energy into the marine environment since seismic surveys for offshore wind need only penetrate a few yards deep into the seabed.

Seismic Testing for Oil and Natural Gas Seismic testing for fossil fuels involves the use of airguns, which are towed behind ships and shoot blasts of compressed air at 250 decibels through the water and miles into the seabed to search for oil and gas deposits. These air guns generate intense pulses of sound, almost as loud as explosives, which go off every ten seconds, 24 hours a day, for days to weeks on end. The resulting pressure wavefield transmits downward, miles past the seafloor and into the hydrocarbon layer of Earth's crust, and is then reflected back up towards the ship. Hydrophones are used to record sound signals reflected from structures within the rock. Navigators compute the position of both the sound source and each hydrophone group in order to locate pockets of oil and natural gas. Two-dimensional and three-dimensional surveys are the two main types of seismic testing conducted for fossil fuels. The 2-D surveys are used to identify prospective oil and gas formations while the 3-D, which provide better detail, are used to target the best hydrocarbon potential within a specific area or formation. The 3-D surveys require a greater number of airguns and, despite being significantly more expensive than the 2-D, are preferred by industry because of the higher quality data.

Seismic Testing for Offshore Wind Unlike seismic surveys for fossil fuels, seismic testing for offshore wind does not involve the use of seismic airguns which must be powerful enough to penetrate deep into the Earth's crust to reveal potential oil and gas deposits. Rather, seismic surveys for offshore wind are conducted to acquire information about the local seafloor and thus need only penetrate a few yards, rather than miles, into the seafloor. More specifically, seismic surveys for offshore wind are utilized to identify submerged items that could be hazardous during construction, information pertaining to the presence of archaeological resources, and to gather data for bathymetric charts that map the underwater terrain. The intensity of the sound generated from these seismic surveys depends on the type of technology that is used but none of the technologies used for offshore wind are as intense as seismic airguns, which is the most disruptive and potentially harmful seismic technology to marine life.

Size of Study Area

The starkest difference between seismic surveys conducted for fossil fuels and those conducted for offshore wind is the difference in the size of the area that is seismically surveyed. Currently, the U.S. Department of the Interior (DOI) is deciding if seismic airgun testing should be allowed to search for oil and gas in the Atlantic Ocean. **The proposed area for seismic testing spans along the coasts of seven states, from Delaware to Florida.** Multiple companies have expressed interest in conducting seismic surveys throughout this region to determine which areas show promising hydrocarbon deposits. **Alternatively, the leasing and siting process for offshore wind involves comparatively small regions of the outer continental shelf that are organized into defined wind energy areas, thus limiting potential negative effects of seismic testing to a smaller region.**

In fact, DOI's planning area for seismic testing for fossil fuels in the Atlantic Ocean makes approximately 854,779 km² available for companies to conduct seismic testing. **i A single offshore wind proposed lease area, on the other hand, is around 700 km²ii, less than 0.1% of the size of the Atlantic slated for seismic testing for fossil fuels.**

Potential Wildlife Impacts According to DOI's own assessments, the impacts to marine life from seismic testing for fossil fuels stand to be more severe than those for offshore wind, due to the high sound intensity from seismic airguns. Arrays of multiple airguns can produce blasts up to 250 dB in order to ensure penetration of the seabed to search for hydrocarbon deposits. Levels of 180 dB or greater pose a potential for injury to marine mammals and the blasts are sufficiently loud and constant that they can injure or disturb vital behaviors in fish, dolphins, whales, and sea turtles. ³ These impacts can include temporary and permanent hearing loss, abandonment of habitat, the disruption of vital behaviors such as mating and feeding, and even beach strandings and deaths.ⁱⁱⁱ

The frequency emitted from seismic testing for offshore wind is also much less harmful to marine life.

The frequency of sound waves from seismic surveys is measured as the number of pulses per second, or Hertz (Hz). Airguns used during seismic testing for fossil fuels emit low frequency pulses since only low frequency sounds can penetrate the earth deep enough to reveal potential deposits in the hydrocarbon layer. Seismic airguns' operating frequency varies, with most energy at 0.2 kHz, well within the hearing range of marine mammals, sea turtles, and fish.

Many seismic surveys for offshore wind, on the other hand, operate at 100 kHz or higher which sea turtles and fish will not hear. ^{iv} Seismic surveys for offshore wind are not without potential wildlife impacts, but the technologies used and the conditions under which the surveys are conducted will not

cause nearly the same impacts as seismic testing for fossil fuels.

While there has been less comprehensive scientific review of the potential wildlife effects of seismic surveys for offshore wind, it is still noteworthy that surveys for offshore wind, unlike those for fossil fuels, do not involve the use of airguns for deep seabed penetration. This is due to the fact that renewable energy facilities are placed yards, rather than miles, deep into the seabed. Seismic surveys for offshore wind therefore introduce far less energy, and thus far less sound, into the environment than seismic surveys for fossil fuels.

Conclusion

While seismic surveys are conducted for both offshore fossil fuel exploration and offshore wind site characterization, **NOT ALL SEISMIC TECHNOLOGIES ARE CREATED EQUAL.** Unlike seismic surveys for offshore wind, the seismic testing conducted to search for oil and natural gas involves the use of airguns that shoot loud blasts of compressed air, the intense noise from which can have profoundly serious effects on marine species. Furthermore, seismic testing for fossil fuels is slated to take place along most of the East Coast, from Delaware to Central Florida, thus having more opportunities to seriously impact more species across a greater distance than offshore wind, the seismic testing for which occurs in concentrated lease areas.

ⁱ BOEM. (2012). Atlantic OCS Proposed Geological and Geophysical Activities Mid and South Atlantic Planning Areas Draft Programmatic Environmental Impact Statement, Vol I: Chapter 1-8.

ⁱⁱ BOEM Office of Renewable Programs. (2012). Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic OCS Offshore Rhode Island and Massachusetts Environmental Assessment.

ⁱⁱⁱ BOEM. (2012). Atlantic OCS Proposed Geological and Geophysical Activities Mid and South Atlantic Planning Areas Draft Programmatic Environmental Impact Statement, Vol I: Chapter 1-8. ^{iv} Id

http://oceana.org/sites/default/files/Siesmic_for_Offshore_Wind_vs_Seismic_for_Fossil_Fuels_FINAL.pdf

RESOLUTION 2015-20

A RESOLUTION IN OPPOSITION TO OFFSHORE
SEISMIC TESTING FOR OIL AND GAS EXPLORATION

WHEREAS, The U.S. Bureau of Ocean Energy Management (BOEM) is currently in the process of trying to open the Atlantic Coast off the Town of ocean City to exploration and development of offshore oil and gas which will include the utilization of methods such as seismic blasting and,

WHEREAS, the full impact of seismic blasting in the Atlantic Ocean and its effect on marine mammals, highly migratory fish, and other marine life is not yet fully understood by scientists, the oil and gas industry, BOEM, or the Federal Government, and lower impact technologies may be available,

WHEREAS, the Mayor and City Council of Ocean City, Maryland, having been entrusted with the preservation and enhancement of the natural beauty of the beach and waters in, and adjacent to, Ocean City, Maryland for the benefit of the citizens of Ocean City, Maryland and the visitors therein and,


WHEREAS, the Mayor and City Council of Ocean City Maryland has consistently expressed its disapproval of, and opposition to offshore oil drilling since 1974,

NOW, THEREFORE, BE IT RESOLVED that the Town of Ocean City is opposed to the current BOEM Proposal for seismic testing off the coast of Maryland for the purpose of oil and gas exploration and development.

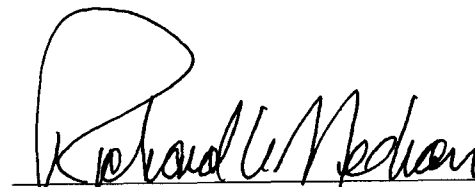
BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to our Congressional Representatives.

RESOLVED this 21st day of September, 2015

ATTEST:

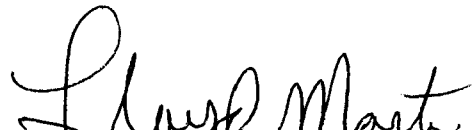


DIANA CHAVIS, Clerk




RICHARD W. MEEHAN, Mayor


Approved as to form:



LLOYD MARTIN, President



GUY R. AYRES III, City Solicitor



MARY P. KNIGHT, Secretary



RESOLUTION NO. _____

**A RESOLUTION OF THE COMMISSIONERS OF THE TOWN OF DEWEY BEACH,
DELAWARE IN OPPOSITION TO SEISMIC TESTING AND OFFSHORE DRILLING
ACTIVITIES ALONG THE ATLANTIC COAST**

WHEREAS, The U.S. Bureau of Ocean Energy Management (BOEM) is currently in the process of trying to open the mid and south Atlantic planning areas to exploration and development of offshore oil and gas, which include using seismic testing for geological and geophysical surveys, and

WHEREAS, the economies of the Town of Dewey Beach and nearby towns depend heavily on tourism, recreational fishing and the industries that support it, and

WHEREAS, seismic testing is potentially devastating to our coastal area's fish and marine life since the volume, intensity, and duration of the sounds emitted have been shown to harm fish and to drive them from traditional feeding and breeding habitat, and to injure and kill marine mammals such as dolphins and whales, and

WHEREAS, exploratory and commercial offshore oil drilling and activities, including extraction and transportation of offshore oil and gas resources pose the risk of a spill, and

WHEREAS, such spills have caused severe damage to coastal habitat and the tourism and fishing-based economies of coastal towns in other planning areas where offshore oil and gas development has been permitted, and

WHEREAS, the residents, workers and businesses of, and hundreds of thousands of recreational visitors to the Town of Dewey Beach should not have to face the threat of an oil spill and its impact on the local habitat, property values, and local economy;

NOW THEREFORE, the Commissioners of the Town of Dewey Beach, Delaware do hereby resolve by majority vote of the Town Commissioners that :

the Town of Dewey Beach opposes the proposed oil and gas development activities, including seismic testing, in the mid and south Atlantic regions generally, and off the Delaware coast specifically.

SO RESOLVED, this 12th Day of December, 2015

Diane Hanson, Mayor

Marc Appelbaum, Town Manager



RESOLUTION OF THE CITY OF LEWES IN OPPOSITION TO SEISMIC TESTING ALONG THE ATLANTIC COAST, NEAR THE DELAWARE BAY

WHEREAS, the City of Lewes and its citizens are deeply concerned about the U.S. Department of the Interior's plans to allow geological and geophysical surveys, including seismic testing, off the coast of Delaware and elsewhere in the Mid-Atlantic coastal region, and

WHEREAS, these activities are the precursors to actual oil and natural gas exploration, including drilling, and

WHEREAS, one need look no further than the disastrous BP oil spill in the Gulf of Mexico and countless other, less spectacular catastrophes to understand the danger posed to the beaches and marine life of the Atlantic Ocean and the Delaware Bay, both of which border the City of Lewes, by drilling and oil and natural gas production activities, and

WHEREAS, seismic testing also is potentially devastating to our coastal area's fish and marine life and that of the Mid-Atlantic coast region as the sounds emitted during testing are two (2) times louder than that of a jet engine which could prove to be devastating to marine animals who use sound as their primary means of finding food, navigating and staying connected to the their groups and offspring, and

WHEREAS, the continued viability and health of the Mid-Atlantic ocean and coastal region, including the City of Lewes, require that the Bureau of Ocean Energy Management (BOEM) continue its policy in the current 2012-2017 Five-Year Program **not to allow** lease sales in the Atlantic Ocean for oil and gas exploration and development, and

WHEREAS, the facts underlying BOEM's current policy are unchanged except that climate change and ocean acidification now are affecting the Atlantic environment and ecosystem, and sea level change and extreme weather events, exacerbated by warmer air and ocean temperatures, now threaten coastal communities, like the City of Lewes, which already experiences periodic flooding. The massive destruction caused by Hurricane Sandy – which barely missed directly hitting the City of Lewes -- demonstrates the fragility of the Mid-Atlantic coastal region, and

WHEREAS, neither our workers and businesses of, nor our hundreds of thousands of recreational visitors to, the City of Lewes should have to face the threat of an oil spill or the widespread industrial development that would be necessary for developing an oil and gas industry in the Atlantic Ocean and particularly off the shores of the Mid-Atlantic region.

NOW, THEREFORE, the Mayor and City Council of the City of Lewes oppose the Five-Year Program allowing oil and natural gas exploration activities, including seismic testing, along the Atlantic Ocean coast and near the Delaware Bay.

Theodore W. Becker, Mayor

Fred Beaufait, Deputy Mayor

Bonnie Osler, Councilperson

Dennis Reardon, Councilperson
November 9, 2015

Rob Morgan, Councilperson

Date

1 WHEREAS, it is the responsibility of the City of Rehoboth to preserve and protect the natural
2 beauty of our beach and the waters in, and adjacent to it, for the enjoyment of its current and
3 future generations of citizens and visitors; and

4 WHEREAS, The US Bureau of Ocean Energy Management (BOEM) is considering permits
5 allowing for the exploration and development of offshore oil and gas in the mid- and south-
6 Atlantic which include using seismic testing for geological and geophysical surveys; and

7 WHEREAS, the economy of the City of Rehoboth Beach and its neighboring coastal towns is
8 heavily dependent on tourism, recreational fishing and the industries that support it; and

9 WHEREAS, the nature of seismic blasting in the Atlantic Ocean specifically for oil and natural
10 gas exploration is potentially devastating to our coastal area's fish and marine life since the
11 volume, intensity and duration of the sounds emitted during such testing have been shown to
12 harm fish and drive them from their long-established feeding and breeding habitats, and to result
13 in the strandings and deaths of mammals such as dolphins and whales who depend on sound for
14 navigation and food; and

15 WHEREAS, these activities provide the groundwork for actual oil and natural gas exploration,
16 including drilling; and exploratory and commercial offshore oil drilling and activities such as
17 extracting and transporting oil and gas pose a realistic risk of a spill; and,

18 WHEREAS, such spills have resulted in severe harm to coastal habitat and the tourism and
19 fishing-based economies of other coastal towns where such offshore oil and gas development has
20 been permitted; and

21 WHEREAS, the continued viability and health of the Mid-Atlantic ocean and coastal region,
22 including the City of Rehoboth Beach, require that the Bureau of Ocean Energy Management
23 (BOEM) continue its policy in the current 2012-2017 five-Year Program *not* to allow lease sales
24 in the Atlantic Ocean for oil and gas exploration and development, and

25 WHEREAS, neither our residents, workers, businesses of, nor the hundreds of thousands of
26 visitors to the City of Rehoboth Beach should have to face the threat of an oil spill with its
27 negative impact on the natural environment, local economy, and property values.

28 NOW THEREFORE, BE IT RESOLVED, the Commissioners of the City of Rehoboth Beach,
29 Delaware do hereby, by majority vote, oppose the Five-Year Program allowing oil and natural
30 gas exploration activities, including seismic testing along the mid and south Atlantic regions
31 generally, and off the Delaware coast specifically.

32 SO RESOLVED.....