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3 **AN ORDINANCE TO AMEND CHAPTER 206 OF THE MUNICIPAL CODE OF**
4 **THE CITY OF REHOBOTH BEACH, DELAWARE, 2001,**
5 **TO FURTHER REGULATE RESIDENTIAL POOLS**
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8 **WHEREAS**, the lots within Rehoboth Beach’s residential neighborhoods are relatively
9 small, typically fifty feet wide by 100 feet deep, and

10 **WHEREAS**, the City of Rehoboth Beach’s residential neighborhoods are populated by
11 full-time residents, part-time residents and vacation rentals intermixed, and

12 **WHEREAS**, these uses have agreeably existed side by side through a delicate balancing
13 of interests that has given the city a distinctively positive quality, and

14 **WHEREAS**, there has, in recent years, been an acceleration in the tearing down of the
15 city’s historic cottages and replacing them with large houses which are utilized as vacation rental
16 units many of which include unenclosed swimming pools, and

17 **WHEREAS**, the Mayor and Commissioners held a joint meeting with the Planning
18 Commission on September 12, 2014 to discuss the impact of the increase in the construction of
19 unenclosed swimming pools where citizens spoke of how vacation rental properties with a
20 swimming pool had created a nuisance depriving them of the quiet enjoyment of their home, and

21 **WHEREAS**, the Mayor and Commissioners on October 17, 2014, instituted, on the
22 strength of the testimony received at the meeting of September 12, 2014, a moratorium on the
23 construction of new unenclosed swimming pools to allow the time to further investigate the
24 impact of swimming pools used in conjunction with vacation rental units and, if found
25 warranted, to adopt appropriate ordinances to address problems identified, and

26 **WHEREAS**, the Mayor and Commissioners have meet on a continuing basis since then
27 to discuss issues surrounding vacation rentals, including the impact of unenclosed swimming
28 pools, with public input an important part of these discussions, and

29 **WHEREAS**, the Mayor and Commissioners have found that when a property is utilized
30 as a vacation rental, rather than occupied by full or part-time residents, the number and density of
31 occupants increases, that unenclosed swimming pool use as part of vacation rentals is much more
32 intense than would otherwise be expected, that the noise generated by those using a pool
33 increases at a much faster rate than the increase in the number of people using it, and that the
34 surface of the water contained in a pool tends to increase the impact of noise on adjacent
35 properties, and

36 **WHEREAS**, the Mayor and Commissioners find that the proliferation of swimming
37 pools used in conjunction with vacation rentals has and will diminish the quality of life for full
38 and part-time residents in a dramatic and destabilizing way.

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

41 **Section 1.** Chapter 206 of the Municipal Code of the City of Rehoboth Beach, Delaware,
42 2001, as amended be and the same is hereby further amended by placing Sections 206-1 and
43 206-2 into an Article I titled “General Provisions” and placing Sections 206-3 through 206-14
44 into an Article II titled “Construction and Licensing”.

45 **Section 2.** Chapter 206, Section 206-2, of the Municipal Code of the City of Rehoboth
46 Beach, Delaware, 2001, as amended be and the same is hereby further amended by adding, in
47 alphabetical order, a-two new definitions as follows:

48 **SWIMMING POOL, UNENCLOSED (UNENCLOSED POOL)**

49 A swimming pool not enclosed on all sides by walls and a roof or where the walls or roof
50 are of materials or construction that fail to attenuate noise generated in and around the
51 area of the pool.

52 **VACATION RENTAL**

53 The renting of a dwelling unit in any R1(S), R-1 or R-2 Zoning District for a period of
54 120 or fewer consecutive days.

55 **Section 3.** Chapter 206, Section 206-14 of the Municipal Code of the City of Rehoboth
56 Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting
57 within Subsection A the first appearance of the word “Chapter” as it appears therein and
58 substituting in lieu thereof the word “Article”.

59 **Section 3.4.** Chapter 206 of the Municipal Code of the City of Rehoboth Beach,
60 Delaware, 2001, as amended be and the same is hereby further amended by a new Article II as
61 follows:

62 **ARTICLE III**
63 **VACATION RENTALS**

64 **§ 206-15. New pools.**

65 No unenclosed Private Rental Pool permitted after (date of adoption) shall be used at any time in
66 conjunction with a vacation rental. The pool shall at all times the property is used for a vacation
67 rental be covered by a locked cover

68 **§ 206-16. Existing pools.**

69 No unenclosed pool that was permitted or constructed on or before (date of adoption) where no
70 valid City rental license existed for the related property on (date of adoption) shall be used at any
71 time in conjunction with a vacation rental. The pool shall at all times the property is used for a
72 vacation rental be covered and inaccessible. ~~by a locked cover.~~

73 **§ 206-16. Future use of pools.**

74 Notwithstanding anything contained in this Chapter to the contrary no unenclosed pool shall be
75 used at any time in conjunction with a vacation rental after January 1, 2018. Thereafter the pool
76 shall at all times the property is used for a vacation rental be covered by a locked cover.

77 **§206-17. Violations and penalties.**

78 **A. The property owner shall at all times be responsible for compliance with this Article.**

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80 **B. Any violation of this Article is declared a civil offense pursuant to Chapter 126 of the**
81 **Municipal Code of the City of Rehoboth Beach. Any person who violates this Article shall**
82 **pay a civil assessment of \$250. Each day such violation continues after notice of violation**
83 **has been given to the offender shall be considered a separate offense.**

84

85 **C. In addition to those authorized by §126-2, any City employee authorized by the City**
86 **Manager to enforce this Chapter may issue a citation to any person violating this Article.**

87 **Section 4.** If any provision of this Ordinance shall be deemed or held to be invalid or
88 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect
89 any other provision of this Ordinance which may be given effect without such invalid or
90 unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to
91 be severable.

92

93 **Section 5.** This Ordinance shall take effect immediately upon its adoption by a majority
94 vote of the Commissioners of the City of Rehoboth Beach.

95

96 Adopted by the Commissioners
97 Of the City of Rehoboth Beach
98 _____, 2015

99

100

101

102 _____
103 Secretary of the Commissioners of
104 the City of Rehoboth Beach

104

105 **SYNOPSIS:** This Ordinance established regulations for residential pools operated in
106 conjunction with vacation rentals.