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3 AUTHOR(S)/SPONSOR(S): Kyle Gulbranson, AICP, AECOM & Working Group
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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 Municipal Code of the City of Rehoboth Beach, Delaware, 2001, as
36 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.
73

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.
81

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.**

124
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 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.
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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.