

1 **AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LEWES BY**
2 **ADDING A NEW CHAPTER 150 RENTAL LICENSING FOR THE PURPOSE OF**
3 **ESTABLISHING A SHORT-TERM AND LONG-TERM RENTAL LICENSING**
4 **PROGRAM THAT DIFFERENTIATES SHORT-TERM AND LONG-TERM**
5 **RESIDENTIAL RENTALS, ESTABLISHES STANDARDS FOR SHORT-TERM AND**
6 **LONG-TERM RENTALS, AND IDENTIFIES PENALTIES FOR VIOLATION OF SUCH**
7 **STANDARDS.**

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10 **WHEREAS**, the Mayor and City Council recognize the importance of supporting the
11 City’s core values as established in §197-3 of the Municipal Code of the City of Lewes as they
12 relate to maintaining the high quality of life in Lewes; and

13 **WHEREAS**, the Mayor and City Council recognize that rental housing is an important
14 component of the City’s housing stock and economic vitality; and

15 **WHEREAS**, the Mayor and City Council recognize that rental units contribute to the
16 City’s tourism economy and support the vibrance of the City’s business community; and

17 **WHEREAS**, the Mayor and City Council understand that short-term and long-term
18 rental properties have an effect on the neighborhoods in which they are located and on the
19 demand for City services, and therefore must be managed through reasonable regulations

20 **BE IT ORDAINED** by the Mayor and City Council, in session met, a quorum pertaining
21 at all times thereto, in the manner following to-wit:

22 **Section 1.** A new Chapter 150 Rental Licensing be established as follows:

23 **Article I. General Provisions**

24 **§150-1 Purpose**

25 The Mayor and City Council find and determine as follows:
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- 27 A. Residential dwellings have long been used for short-term and long-term rental purposes
28 and are an important part of the local tourism economy; however, short-term rental uses
29 may have adverse impacts that can best be addressed through appropriate regulations.
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- 31 B. The regulation of residential rentals, including the differentiation between short-term and
32 long-term rentals, will help preserve and protect the City’s neighborhoods, provide
33 standards and procedures for residential rentals, educate prospective short-term renters on
34 City regulations and expected behaviors, and support the City’s core values established in
35 City Code § 197-3.
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C. The purpose of this chapter is to establish licensing requirement and regulations for use of residential rentals thereby enabling the City to preserve the public health, safety, and welfare.

D. This chapter does not regulate hotels, motels, inns, and bed-and-breakfasts, as defined herein and in City Code Chapter **§197 Zoning**.

§150-2 Definitions

For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Bedroom means a room or space designed to be used for sleeping purposes with two means of egress (one of which may be a window that meets egress requirements of the currently enforced edition of the International Residential Code.) Spaces used for eating or cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms and similar uses are not considered Bedrooms.

Commercial/fundraising activity means an activity or occurrence primarily for the exchange of goods or services for financial gain or for seeking financial support for a charity, cause, or organization including but not limited to the sale of merchandise, food or beverages, parties, weddings, paid performances, and any other similar activity.

Dwelling unit means a group of rooms located within a building and forming a single independent habitable unit with facilities which are used or intended to be used for and having permanent provisions for living, sleeping, sanitation, cooking, and eating purposes. A dwelling unit, however, shall not include a bed and breakfast, cabin court, hotel or motel, and lodging house as those terms are defined and regulated under the City Code Chapter §197 Zoning Ordinance.

Good Neighbor Brochure means a document prepared by the City that summarizes the general rules of conduct, consideration, and respect, including without limitation provisions of the Municipal Code of the City of Lewes, Delaware, applicable to renters and residents of the City.

Gross Receipts Rental Tax means the tax on rent received in any year for occupancy which occurs during the period of January 1 through December 31 of that shall be due and payable on or before the following February 1. See City Code Chapter §172 Article II Taxation-Gross Receipts Rental Tax.

76 **License holder** means the person who applies for and receives a short-term or long-term rental
77 license from the City of Lewes. A license holder is the owner of the dwelling unit where the
78 rental is located.

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80 **Local contact** means the individual designated by the license holder to meet or satisfy
81 obligations under this ordinance and to serve as the contact person for issues relating to a rental.
82 The designated contact must be available twenty-four (24) hours a day to accept telephone calls
83 and respond physically to the rental within a reasonable time period, not to exceed ~~one-two~~ (24)
84 hours when the rental is rented and occupied.

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86 **Long-term Rental** means all or any portion thereof of a residential dwelling unit used as a place
87 regularly rented for dwelling, lodging, or sleeping purposes to one party with a duration of
88 occupancy of greater than thirty (30) consecutive days. Hotels, motels, and other land uses
89 explicitly defined and regulated in this ordinance separately from long-term rentals are not
90 considered to be long-term rentals.

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92 **Maximum occupancy** means the maximum number of allowable overnight occupants for a
93 rental, as established in Section 150-5 Short-term Rental Standards of this ordinance.

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95 **Neighbors** mean the owners and occupants of property that are contiguous to the premises on
96 which the rental is located and the property that is separated from the premises on which the
97 rental is located by a public or private road. For the purpose of this definition, a property is
98 separated from the premises on which the rental is located by a public or private road if any
99 portion of the property, as measured between the property's side lot lines as extended to the
100 center of the road, is contiguous with the premises on which the rental is located, as measured
101 between the premises' side lot lines as extended to the center of the road.

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103 **Occupant** means an individual living in, sleeping in, or otherwise having possession of a rental.

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105 **Occupancy Limit** means the overnight occupancy of a residential rental shall not exceed the
106 sum of two persons per bedroom plus an additional two persons. Children under the age of six
107 years shall not be counted towards the overall number of occupants.

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109 **Owner** means any person holding legal or equitable title to a property or to real improvements
110 upon a property solely, jointly, by the entireties, in common, or as a land contract vendee.

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112 **Person** means an individual, firm, corporation, association, partnership, limited liability
113 company, or other legal entity.

114
115 **Premises** means a lot, parcel, tract, or plot of land together with the buildings and structures on
116 them.

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118 **Property** means land, firmly attached structures, and integrated equipment (such as light fixtures
119 or a well pump), and anything growing on the land.

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121 **Short-term Rental** means all or any portion thereof of a residential dwelling unit which is
122 advertised or held out to the public as a place regularly rented for dwelling, lodging or sleeping
123 purposes to one party with a duration of occupancy of thirty (30) consecutive days or less.
124 Hotels, motels, and other land uses explicitly defined and regulated in this ordinance separately
125 from short-term rentals are not considered to be short-term rentals.

126 **Violation notice** means a written notice issued by the Planning and Building Department
127 advising the license holder and/or the local agent of a violation of this ordinance.
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129 **§150-3 License Required**

- 130 A. The owner of any long-term or short-term rental shall obtain the appropriate rental
131 license from the City of Lewes prior to engaging in rental of the property, in
132 accordance with the license application procedure and criteria set forth in this chapter.
- 133 B. Any license issued pursuant to this chapter is non-transferable.
- 134 C. The license year shall begin with January 1 and end with December 31 of each calendar
135 year. License fees shall be due and payable to the City of Lewes no later than February 1st
136 of the current license year. The owner, firm or corporation which has not previously rented
137 the property but commences to do so partway through a license year shall pay the following
138 license fees pursuant to the following schedule:
- 139 a. For any period of three or more months in a license year: 100% of the applicable
140 annual license fee.
 - 141 b. For any period shorter than three months of the license year: 50% of the applicable
142 annual license fee.
- 143 D. In the first year of implementation of this ordinance, calendar year 2023, the following
144 shall be complete by the property owner:
- 145 a. A completed rental license application
 - 146 b. Payment of Gross Receipts Rental Tax on revenues collected in calendar year
147 2022.
- 148 E. License renewals shall be obtained in a substantially similar form and manner as the
149 initial license, and shall also require:
- 150 a. A new attestation of all information as outlined in §150-7 Short-term Rental
151 License Application or §150-14 Long-term Rental License Application;
 - 152 b. An attestation that the applicant has not had a rental license revoked in the last
153 year; and
 - 154 c. Proof of payment of all applicable taxes for the previous year.
 - 155 i. The Gross Receipts Rental Tax, a rate established by Mayor and City
156 Council, shall be remitted on or before the following February 1.
- 157 F. The rental license fees shall be as approved by the Mayor and City Council and indicated
158 in the fee schedules maintained by the City of Lewes.
- 159 G. The license holder remit in a timely manner all applicable city, state, and federal taxes
160 and City fees owed in connection with the rental.
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163 **Article II. SHORT-TERM RENTALS**

164 **§ 150-4 Short-term Rental Use**

165 All the required approvals shall be obtained prior to establishment of the use. Short-term rentals
166 are a permitted use only as permitted in accordance with City Code Chapter §197 Zoning,
167 Attachment 1 Table of Permitted Uses and Structures and only pursuant to a valid Short-Term
168 Rental License issued in accordance with this section by the Planning and Building Department.
169 Any additional requirements of the state shall also be required to be satisfied.

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172 **§ 150-5 Short-term Rental Standards**

173 Short-term rentals, as defined in §150-2 Definitions, shall be subject to the following general
174 requirements:

- 175 A. Short-term rental dwellings shall meet all applicable building, health, fire, and related
176 safety codes at all times including:
- 177 a. That each short-term rental has working smoke detectors in every bedroom,
178 outside of all sleeping area, and on all habitable floors;
 - 179 b. That each short-term rental has working carbon monoxide detectors in every
180 dwelling unit with an attached garage or fuel appliances;
 - 181 c. That each short-term rental has a properly maintained and charged fire
182 extinguisher in each short-term rental unit; and
 - 183 d. That each short-term rental has GFCI receptacles within 6 feet of the outside edge
184 of any sink.
- 185 B. The overnight occupancy of a short-term rental shall not exceed the sum of two persons
186 per bedroom, as defined in §150-2 Definitions, plus an additional two persons. Children
187 under the age of six years shall not be counted towards the overall number of occupants.
- 188 C. Short-term rentals shall not be operated outdoors, in a recreational vehicle, or any non-
189 residential structure.
- 190 D. The short-term rental property shall meet all applicable requirements of the zoning
191 district in which the property is located.

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193 **§150-6 Short-term Rental Operation**

- 194 A. Use of the short-term rentals to host commercial activities shall be prohibited.
- 195 B. It shall be the responsibility of the property owner or authorized agent to ensure short-
196 term rental guests comply with the requirements of City Code Chapters §132 Noise, and
197 Chapter §106 Garbage, Rubbish and Refuse, and Chapter §167 Sidewalk and Property
198 Maintenance.
- 199 C. Good Neighbor Brochures will be available ~~Each short term rental shall provide the~~
200 ~~Good Neighbor Brochure~~ to every renter, and be maintained in the home by the owner,
201 ~~their agent or local contact.~~
- 202 D. All advertising for any short-term rental, including electronic advertising on short-term
203 rental websites, shall include the identification number of the short-term rental.
- 204 E. The license holder shall maintain records of all short-term rental ~~activity, including~~
205 ~~number of guests,~~ booking dates and associated rental income, ~~rental income, and taxes~~
206 ~~remitted, for three years~~ and shall ~~be provided~~ it to the City in conjunction with an
207 annual City gross receipts rental tax remittance, ~~or upon other request by the City. The~~
208 City shall not request such information more than three (3) times per calendar year.

209 ~~E.F.~~ The City shall only use the short-term rental booking records collected under
210 Subsection E to for purposes of this Chapter and confirmation of compliance with the
211 provisions of Chapter 172 Taxation, Article II Gross Receipts Rental Tax.

212 ~~F.G.~~ All short-term rental license holders shall comply with the provisions of any city,
213 county, state, or federal disaster or emergency orders.

214 ~~G.H.~~ The following information shall be made conspicuously visible inside the
215 dwelling: the property's rental identification number and information on maximum
216 occupancy, location of any off-street parking on the property if such off-street parking
217 exists if applicable, contact information for the property owner or local representative,
218 emergency numbers, and waste and recycling pickup schedule.

219 ~~H.I.~~ The designated local contact person shall be available twenty-four (24) hours a
220 day to accept telephone calls and respond physically to the short-term rental within a
221 reasonable time period, not to exceed two (2) hours when the short-term rental is rented
222 and occupied.

224 §150-7 Short-term Rental License Application

225 A. An applicant for a short-term rental license shall submit to the following requirements
226 and documentation:

- 227 a. The name, address, phone number and email contact information of the applicant
228 and the address of the property being applied for.
- 229 b. Attest to the following and furnish the necessary documentation upon request of
230 the Planning and Building Department:
 - 231 i. That the applicant has an ownership interest in the property being applied
232 for;
 - 233 ii. That each short-term rental has the required safety equipment including:
234 working smoke detectors in every bedroom, outside sleeping area, and on
235 all habitable floors; working carbon monoxide detectors in every dwelling
236 unit with an attached garage or fuel appliances; a properly maintained and
237 charged fire extinguisher; and GFCI receptacles within 6 feet of the
238 outside edge of any sink;
 - 239 iii. That the property has no outstanding taxes, fees, or liens, outside of a
240 mortgage;
 - 241 iv. That the property is not subject to any contractual restrictions precluding
242 its use as a short-term rental, including but not limited to homeowner
243 association agreements, condominium bylaws, or restrictive covenants;
 - 244 v. That the applicant consents to the inspection of the short-term rental by the
245 Planning and Building Department to confirm attestations of all
246 application information and license requirements, as described in Section
247 150-7.A.b;
 - 248 vi. That in each short-term rental there is a document that provides the
249 property's rental identification number and information on maximum
250 occupancy, location of off-street parking on the property if such off-street
251 parking exists if applicable, contact information for the property owner or
252 local representative, emergency numbers, and waste and recycling pickup
253 schedule. This document shall be conspicuously visible within the unit;
254 and

- 255 vii. That the Good Neighbor Brochure will be provided to every renter and
256 maintained in the home by the owner, their agent or local contact.
- 257 B. By obtaining a license the property owner agrees to allow the Planning and Building
258 Department the right to inspect a short-term rental to confirm attestations of all
259 application information and license requirements. Inspections shall be performed at an
260 agreed upon time with no less than 48 hours prior notice, except in the case of an
261 immediate threat to public safety. Nonresponse to or refusal of an inspection shall be
262 grounds for the suspension of a short-term rental license.
- 263 C. Any fraud, material misrepresentations, or false statements contained in the attestations,
264 required documentation, or correlating application materials shall be grounds for
265 immediate revocation of a short-term rental license. Furthermore, all requirements herein
266 shall be continuously maintained throughout the duration of the license.

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269 **§ 150-8 Short-term Rental License Issuance**

- 270 A. Upon satisfactory submission of the required attestations and requested documentation
271 herein, the Planning and Building Department ~~may~~shall issue a short-term rental license.
272 Said license shall contain:
- 273 a. The address of the short-term rental;
274 b. The license holder's name;
275 c. The rental identification number, and rental limitations, including maximum
276 occupancy; and
277 d. Contact information (name, cell phone and e-mail) for complaints by guests, of a
278 local contact person who shall be available twenty-four (24) hours a day to accept
279 telephone calls and respond physically to the short-term rental within a reasonable
280 time period, not to exceed two (2) hours, when the property is rented and occupied.

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282 **§ 150-9 Short-term Rental Violations and Penalties**

- 283 A. Any violation of this article and the correlating provisions in the City Code may subject a
284 violation to any remedy, legal or equitable, available to the City.
- 285 B. License violations include ~~but are not limited to~~:
- 286 a. Operating a short-term rental without a valid short-term rental license;
287 b. Advertisement or rental of a short-term rental without proper licensing;
288 c. Failure to include the rental identification number of a short-term rental unit in any
289 advertisement or listing;
290 d. Advertising a short-term rental outside the permitted scope of a short-term rental
291 license; and
292 e. Failure to remit all applicable taxes.
- 293 C. Operation violations include ~~but are not limited to~~:
- 294 a. Use of the short-term rental for commercial/fundraising activities;
295 b. Failure to provide the Good Neighbor Brochure;
296 c. Failure to maintain required records;
297 d. Failure to ensure short-term rental guests comply with the requirements of City
298 Code Chapters §132 Noise, Chapter §106 Garbage, Rubbish and Refuse, and
299 Chapter §167 Sidewalk and Property Maintenance;
300 e. Nonresponse to or refusal of an inspection;

- 301 f. Failure to make conspicuously visible the information required in §150-6.G;
302 g. Failure of local contact person to satisfactorily respond to or resolve complaints;
303 and
304 h. Failure to comply with any disaster or emergency orders.
305 i. Disturbing the peace within the City.
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307 D. The short-term rental license fines shall be as approved by the Mayor and City Council and
308 indicated in the schedules maintained by the City of Lewes. The following penalties shall
309 apply to notices of violation:
310 a. For License Violations:
311 i. First notice of violation – written warning;
312 ii. Second notice of repeat violation – fine
313 iii. Third and subsequent notice of repeat violation or six notices of violation
314 during the term of the rental license – fine and immediate revocation of
315 short-term rental license.
316 b. For Operation Violations
317 i. First notice of violation – written warning;
318 ii. Second notice of repeat violation – fine;
319 iii. Third and subsequent notice of repeat violation or six notices of violation
320 during the term of the rental license – fine and immediate revocation of
321 short-term rental license.
322 c. Three repeat violations of this article ~~in a calendar year~~ during the term of the
323 rental license or six notices of violation during the term of the rental license or
324 any revocation of a short-term license shall be grounds for denial of a short-term
325 license issuance or renewal for twelve (12) months from the date of revocation.
326 E. Each day a violation continues unresolved will constitute a separate violation.
327 a. Nothing contained herein shall be construed to limit the legal remedies available to
328 any other person for the correction of violations of this article and the correlating
329 provisions in the City code.

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331 ~~Any person may appeal a decision by the Planning and Building Department regarding a notice~~
332 ~~of violation to the Board of Adjustment.~~

333 334 **§ 150-10 Short-term Rental Complaint Procedure**

- 335 A. Any person having a complaint regarding any alleged violation or violations of this
336 article for a short-term rental shall call the Planning and Building Department at City Hall
337 Monday through Friday, excluding weekends and holidays. For weekends, holidays, and
338 outside office hours, any person having a complaint should contact the Police
339 Department.
340 B. If the complainant feels the property owner or the authorized agent failed to satisfactorily
341 resolve a complaint, the complainant shall notify the City Manager in writing. The City
342 Manager will investigate the complaint, and if deemed accurate, will authorize the
343 Planning and Building Department to issue a notice of violation to the property owner or
344 the authorized agent.
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347 **Article III. LONG-TERM RENTALS**

348 **§ 150-11 Long-term Rental Use**

349 All the required approvals shall be obtained prior to establishment of the use. Long-term rentals
350 are a permitted use only as permitted in accordance with City Code Chapter §197 Zoning,
351 Attachment 1 Table of Permitted Uses and Structures and only pursuant to a valid Long-Term
352 Rental License issued in accordance with this section by the Planning and Building Department.
353 Any additional requirements of the state shall also be required to be satisfied.
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357 **Article IV Long Term Rentals**

358 **§ 150-12 Long-term Rental Standards**

359 Long-term rentals, as defined in §150-2 Definitions, shall be subject to the following general
360 requirements:

- 361 A. Long-term rental dwellings shall meet all applicable building, health, fire, and related
362 safety codes at all times including:
- 363 a. That each long-term rental has working smoke detectors in every bedroom,
364 outside of all sleeping area, and on all habitable floors;
 - 365 b. That each long-term rental has working carbon monoxide detectors in every
366 dwelling unit with an attached garage or fuel appliances.
 - 367 c. That each long-term rental has a properly maintained and charged fire
368 extinguisher in each long-term rental unit; and
 - 369 d. That each long-term rental has GFCI receptacles within 6 feet of the outside
370 edge of any sink.
- 371 B. Long-term rentals shall not be operated outdoors, in a recreational vehicle, or any non-
372 residential structure; and
- 373 C. The long-term rental property shall meet all applicable requirements of the zoning district
374 in which the property is located.
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376 **§150-13 Long-term Rentals Operation**

- 377 A. Use of the long-term rentals to host commercial/fundraising activities shall be prohibited.
- 378 B. It shall be the responsibility of the property owner or authorized agent to ensure long-
379 term renters comply with the requirements of City Code Chapters §132 Noise, and
380 Chapter §106 Garbage, Rubbish and Refuse, and Chapter §167 Sidewalk and Property
381 Maintenance.
- 382 C. Each long-term rental shall provide the Good Neighbor Brochure to every renter and be
383 maintained in the home by the owner, their agent or local contact.
- 384 D. All advertising for any long-term rental, including electronic advertising on long-term
385 rental websites, shall include the identification number of the long-term rental.
- 386 E. The license holder shall maintain records of all long-term rental booking dates and
387 associated rental income activity, including rental income, and taxes remitted, for three
388 years and shall be provided it to the City in conjunction with an annual City gross
389 receipts rental tax remittance., or upon other request by the City. The City shall not
390 request such information more than three (3) times per calendar year upon request.

391 F. The City shall ~~only~~ use the long-term rental booking records collected under Subsection
392 E for purposes to ~~of this Chapter and confirmation of~~ compliance with the provisions of
393 Chapter 172 Taxation, Article II Gross Receipts Rental Tax.

394 F.G. All long-term rental license holders shall comply with provisions of any city,
395 county, state, or federal disaster or emergency orders.
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397 **§ 150-14 Long-term Rental License Application**

398 A. An applicant for a long-term rental license shall submit to the following requirements and
399 documentation:

- 400 a. The name, address, phone number and email contact information of the applicant
401 and the address of the property being applied for.
402 b. Attest to the following and furnish the necessary documentation upon request of
403 the Planning and Building Department:
404 i. That the applicant has an ownership interest in the property being applied
405 for;
406 ii. That each long-term rental has the required safety equipment including:
407 working smoke detectors in every bedroom, outside sleeping area, and on
408 all habitable floors; working carbon monoxide detectors in every dwelling
409 unit with an attached garage or fuel appliances; a properly maintained and
410 charged fire extinguisher; and GFCI receptacles within 6 feet of the
411 outside edge of any sink;
412 iii. That the property has no outstanding taxes, fees, or liens, outside of a
413 mortgage; and
414 iv. That the property is not subject to any contractual restrictions precluding
415 its use as a long-term rental, including but not limited to homeowner
416 association agreements, condominium bylaws, or restrictive covenants.
417 v. That the applicant consents to the inspection of the long-term rental by the
418 Planning and Building Department to confirm attestations of all
419 application information and license requirements, as described in Section
420 150-14.A.b.
421 vi. That the Good Neighbor Brochure will be provided to every renter.

422 B. By obtaining a license the property owner agrees to allow the Planning and Building
423 Department the right to inspect a long-term rental to confirm attestations of all
424 application information and license requirements. Inspections shall be performed at an
425 agreed upon time with no less than 48 hours prior notice, except in the case of an
426 immediate threat to public safety. Nonresponse to or refusal of an inspection shall be
427 grounds for the suspension of a long-term rental license.

428 C. Any fraud, material misrepresentations, or false statements contained in the attestations,
429 required documentation, or correlating application materials shall be grounds for
430 immediate revocation of a long-term rental license. Furthermore, all requirements herein
431 shall be continuously maintained throughout the duration of the license.
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433 **§ 150-15 Long-term Rental License Issuance**

434 A. Upon satisfactory submission of the required attestations and requested documentation
435 herein, the Planning and Building Department ~~may~~shall issue a long-term rental license.
436 Said License shall contain:

- 437 a. The address of the long-term rental;
- 438 b. The license holder's name;
- 439 c. The rental identification number and any rental limitations.

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441 **§ 150-16 Long-term Rental Violations and Penalties**

442 A. Any violation of this article and the correlating provisions in the City code may subject a
443 violator to any remedy, legal or equitable, available to the City.

444 B. License violations include ~~but are not limited to:~~

- 445 a. Operation of a long-term rental without proper a valid long-term rental license;
- 446 b. Advertisement or rental of a long-term rental without proper licensing;
- 447 c. Failure to include the rental identification number of a long-term rental unit in any
448 advertising or listing;
- 449 d. Advertising a long-term rental outside the permitted scope of a long-term rental
450 license; and
- 451 e. Failure to remit all applicable taxes.

452 C. Operation violations include ~~but are not limited to:~~

- 453 a. Use of a long-term rental for commercial/fundraising activities;
- 454 b. Failure to provide the Good Neighbor Brochure;
- 455 c. Failure to maintain required records;
- 456 d. Failure to ensure long-term renters comply with the requirements of City Code
457 Chapters §132 Noise, Chapter §106 Garbage, Rubbish and Refuse, and Chapter
458 §167 Sidewalk and Property Maintenance; and
- 459 e. Nonresponse to or refusal of an inspection.

460 D. The long-term rental license fines shall be as approved by the Mayor and City Council and
461 indicated in the schedules maintained by the City of Lewes. The following penalties shall
462 apply to notices of violation:

463 a. For License Violations:

- 464 i. First notice of violation – written warning;
- 465 ii. Second notice of repeat violation – fine;
- 466 iii. Third and subsequent notice of repeat violation – fine and immediate
467 revocation of long-term rental license.

468 b. For Operation Violations

- 469 i. First notice of violation – written warning;
- 470 ii. Second notice of violation — fine;
- 471 iii. Third and subsequent notice of violation — fine and immediate revocation
472 of long-term rental license.

473 c. Three violations of this article in a calendar year or any revocation of a long-term
474 license shall be grounds for denial of a long-term license issuance or renewal for
475 twelve (12) months from the date of revocation.

476 E. Each day a violation continues unresolved will constitute a separate violation.

- 477 a. Nothing contained herein shall be construed to limit the legal remedies available to
478 any other person for the correction of violations of this article and the correlating
479 provisions in the City code.

480 ~~F.—Any person may appeal a decision by the Planning and Building Department regarding a
481 notice of violation to the Board of Adjustment.~~

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483 **§ 150-17 Long-term Rental Complaint Procedure**

- 484 A. Any person having a complaint regarding any alleged violation or violations of this
485 article for a short-term rental shall call the Planning and Building Department at City Hall
486 Monday through Friday, excluding weekends and holidays. For weekends, holidays, and
487 outside office hours, any person having a complaint should contact the Police
488 Department.
489 B. If the complainant feels the property owner or the authorized agent failed to satisfactorily
490 resolve a complaint, the complainant shall notify the City Manager in writing. The City
491 Manager will investigate the complaint, and if deemed accurate, will authorize the
492 Planning and Building Department to issue a notice of violation to the property owner or
493 the authorized agent.

494 **§ 150-18 Appeals.**

495 A. Appeals to the Board of Adjustment, as provided for in Chapter 197 Zoning, may be
496 taken by any person aggrieved by a decision of the Planning and Building Department
497 relative to the revocation or denial of a rental license under this Chapter. Such appeals
498 shall be taken within 20 days by filing, with the Planning and Building Department and
499 with the City Manager, a notice of appeal specifying therein the grounds of the appeal,
500 along with a fee of \$1,250. Within five business days following receipt of the notice of
501 appeal, the Planning and Building Department shall transmit to the City Manager all of
502 the papers constituting the record upon which the decision appealed from was taken. The
503 City Manager shall transmit said notice of appeal and record to the Chairperson of the
504 Board of Adjustment. Not later than 30 days following receipt of the notice of appeal and
505 record by the City Manager, the Board of Adjustment Chairperson shall set a time, date,
506 and place for the hearing of the appeal. All meetings of the Board of Adjustment shall be
507 open to the members of the general public. The Board of Adjustment shall keep minutes
508 and records of its proceedings, showing the evidence received at the hearing, the vote of
509 each member upon each question considered or indicating the absence of a member or
510 failure of a member to vote, if such was the case. In the event every question considered
511 is decided in favor of the appellant, the fee of \$1,250 shall be returned to the appellant.

512 B. An appeal under this chapter shall stay all proceedings in the action appealed from the
513 Planning and Building Department relative to the revocation or denial of a rental license
514 under this Chapter. The stay will expire upon the issuance of a decision by the Board of
515 Adjustments.

516 **Section 2.** This Ordinance shall take effect for the license year beginning January 1, 2023.

517 **Section 3.** This Ordinance shall not impair any rental contract in effect prior to January 1,
518 2023.

519 **Section 34.** If any provision of this ordinance shall be deemed or held to be invalid or
520 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect
521 any other provision of this Ordinance which may be given effect without such invalid or
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529 unenforceable provision, and to this end, the provisions of this ordinance are hereby declared to
530 be severable.

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534 I, Timothy Ritzert, Secretary of the City Council of the City of Lewes, do hereby certify that the
535 foregoing is a true and correct copy of the ordinance passed by Mayor and City Council at its
536 regular meeting on _____, at which a quorum was present and voting throughout
537 and the same is still in full force and effect.

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545 SYNOPSIS: The proposed ordinance creates a new chapter in the municipal code for the purpose
546 of establishing a rental licensing program for residential rentals that differentiates long-term and
547 short-term rentals, establishes standards for operation and identifies penalties for violation of the
548 requirements.

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Secretary