

**TOWN OF GEORGETOWN  
TOWN COUNCIL MEETING AGENDA**

Meeting Date: Wednesday, August 13, 2014  
Location: Town Hall, 39 The Circle, Georgetown, DE  
Time: 7:00 P.M. Regular Meeting

7:00 P.M. Regular Meeting

1. Pledge of Allegiance
2. Invocation
3. Adoption of Agenda
4. Approval of July 23, 2014 Town Council Minutes
5. Presentation to the 2014 Little League Girls 9-10 year old State Champions
6. Conditional Use Application – Fred Tana – Case #2014-7
7. Emergency Services Fund Request – Georgetown Ambulance – Station 93
8. Redesign of the Town's Flag
9. Discussion on Amending Ordinance #2014-6 Signs §230-176 (H.) Signs permitted in all districts.
10. Proposed Formation of a Commercial/Residential Development Committee
11. 1st Reading of Ordinances
  - A. Ordinance #2014-7 Hotel and Motel Code
12. Departmental Reports
  - A. Gene Dvornick – Town Manager
  - B. Bill Bradley – Director of Public Works
13. Public Comment
14. Adjournment

The agenda items as listed may not be considered in sequence. This agenda is subject to change to include additional items including executive sessions or the deletion of items including executive sessions, which arise at the time of the meeting. Persons with disabilities requiring special accommodations to attend this meeting should contact the Town Office in writing 72 hours in advance of the meeting, stating their needs in order to have them addressed under the requirements of the Americans with Disabilities Act (ADA).

TOWN COUNCIL  
INFORMATION SHEET

ITEM: Conditional Use Application – Fred Tana – Case #2014-7

ITEM NO: 6

DATE: August 13, 2014

PRESENTER: Fred Tana

DESCRIPTION: An application by Fred Tana for a Conditional Use to allow two residential rental units behind a single family residential structure located at 602 N Bedford Street. The properties are identified as Sussex County Tax District 135 Map 14.00 Parcel 174.00 and are currently zoned (UR1) Urban Residential.

BACKGROUND: As Council requested on Friday, July 25, 2015, Code Enforcement Officer Jamie Burk visited 602 N. Bedford Street and took photographs of the electrical panel and inspection decals.

No comments have been received since the Public Hearing.



# Town of Georgetown Review Application

#1

Check Type of Review Requested	Copies
Category II Plan Review	5
Category I Site Plan - Conceptual	11
Category I Site Plan - Preliminary	11
Category I Site Plan - Final	8
✓ Conditional Use	18
Historic Review	8
Subdivision/RPC Review - Conceptual	11
Subdivision/RPC Review - Preliminary	18
Subdivision/RPC Review - Final	18
Utility Review	2
Zoning Amendment	18
Other:	

All packages to include number of copies shown:

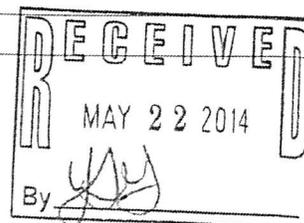
- Review Application
- Plans / Prints
- Supportive Materials
- One PDF of Site Plan

Note: One 11 x 17 copy of complete site plan to be provided with application packages.

Property Information	
Sussex County Tax Map/Parcel:	1-35 14.00 174.00 97
Project Location:	602 North Bedford ST.
Property Size/Dimension:	2 AC - 510.88 X 149+
Project Title/Name:	602 North Bedford ST Apt. 1 + 2
Current Zoning District:	UR 1
Proposed Zoning (if applicable):	UR 1
Current Property Use:	Apt 1 + 2 Dwelling
Proposed Property Use:	Rental Apt 1 + 2

Current Property Owner Information	
Current Owner Name:	Fred + Doris + Kenneth Dawson
Phone Number:	302-845-4800 / 853-0395 / 344-2898
Fax Number:	302-644-1980
Email Address:	CRIDAW@Yahoo.
Mailing Address:	21455 Fox Run Rd
City, State, Zip Code:	Leesville, Del. 19958

Engineer / Surveyor Information	
Company Name:	Rich Evans Design INC
Contact Name:	Rich Evans
Phone Number:	875-1030
Fax Number:	
Email Address:	
Mailing Address:	
City, State, Zip Code:	

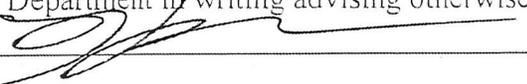


Developer Information	
Company Name:	
Contact Name:	<i>Small AS owner's</i>
Phone Number:	
Fax Number:	
Email Address:	
Mailing Address:	
City, State, Zip Code:	

Designated Primary Contact	
Contact Name:	<i>Fred Tawa / Chris Dawson</i>
Phone Number:	<i>945-4800 / 853-0395 / 344-2898</i>
Fax Number:	
Email Address:	
Mailing Address:	<i>21455 Fox Run Rd</i>
City, State, Zip Code:	<i>Lewis, Delo 18958</i>

**Please read and certify the following:**

1. I have supplied all the information listed on this form and that statements contained in any papers or plans submitted as part of this application are true and correct.
2. This project was designed in accordance with the plan requirements in the Comprehensive Plan, Zoning Code, Design Standards as well as the Construction Standards for the Town of Georgetown.
3. I, or an agent on my behalf, will attend all public hearings/meetings necessary for this project in order to answer any questions to the best of my ability in respect to the present and future needs, health, safety, morals, convenience, order, prosperity and general welfare of the inhabitants of Georgetown.
4. I understand that any incomplete applications will not move forward in the review process and I will be notified in writing after a thorough review has been completed by the Planning Department.
5. It is understood that the Planning Department processes all applications in the order in which they were received. Each application will continue in the process once eligibility and the appropriate reviews have been completed.
6. I understand that only the designated primary contact listed on this application will receive any and all review comments, meeting information and correspondence to and from the Town of Georgetown.
7. I understand that the Engineer will be billed for the professional services rendered from the Town Engineer and/or the Town Solicitor, as required for my application, unless I notify the Town Planning Department in writing advising otherwise.

Signatures	
Designated Primary Contact	
Developer	
All Current Property Owners	
Parcel -	
Parcel -	
Parcel -	

OFFICE USE ONLY			
Date Received:	Received by:	Amount: \$	Cash/Check #:

OCT. 11TH 2013

#2

© SCAOR. Not for public distribution.

Single Family  
609014 Closed

602 N BEDFORD STREET Unit:0  
GEORGETOWN, DE 19947

L\$219,500  
S\$219,500



MLS Area:	Georgetow n Hundred	Section:	Between Rt. 1 & 113
County:	Sussex	School Dist:	Indian River
Community:		Bedrooms:	4
Building:		Full Baths:	2
# of Stories:	2	Half Baths:	1
New Const:	No	Yr. Built:	1940
Waterfront:	None	Waterview:	None
Blocks to Ocean:		Furnished:	No
Dwelling SQFT:	2,800	Rental:	No
Historic Dist:	No	Public Road:	
Lot Size-Sqft:		Lot Dim:	
Lot Size-Acres:	10.00	Showing Instructions	

Previous | Next

Remarks: Sale of parcel 174 PLUS a 21-lot approved subdivision for a total of 10+/- acres in all. The house is a roomy 4BR, 2.5BA farmhouse; the 2-car detached garage has an efficiency plus a 1BR apt. With a little TLC, this property can be ready to move in & earn some income. Or, develop the subdivision!

Style:	Farm House	Const.:	Stick/Frame
Ext. Type:	Aluminum Siding	Ext. Feat:	Kennel , Pool-Above Ground , Storage Shed/Outbuilding
Foundation:	Concrete Block	Roofing:	Asphalt Shingle
Basement:	Crawl Space	Attic:	Floored
Garage:	Detached	Garage Size:	2
Driveway:	Crushed/Stone , Dirt , Gravel	Parking:	Driveway/Off Street , Garage
Porch/Deck:		Security:	
Interior:	Fireplace-Wood , Fixed Attic Stairs	Oth Rms:	Den/Study/Library , Formal Dining Room , Laundry/Utility Rm 1st Fl
Appliances:		Extra Unit:	1 Bedroom , 1st Floor , 2nd Floor Efficiency , Detached , Garage Apartment
Kitchen:	Country Kitchen	Heating:	Forced Air , Oil
Flooring:	Carpet , Vinyl	Lot Desc:	Irregular Shape
Fireplace:	Wood Burning	Sewer:	Public Central Sewer
Cooling:	Central A/C	Water:	Public Central Water
Pool:	Above Ground	Exclusions:	
Disclosures:	Exempt from S.D./R.P.C.		
Financing:	Cash , Conventional		
Docs on file:	Plat Map		
Comm. Amenities:			
Could Be Sold As:	Lots and Land		

Room	Level	Dimensions	Room	Level	Dimensions
Living	F		Master BR	2	
Dining	F		Bedroom 2	2	
Kitchen	F		Bedroom 3	2	
Family	F		Bedroom 4	2	
Other	F				

F = First floor L = Lower floor

Taxes & Fees are Annual Amounts

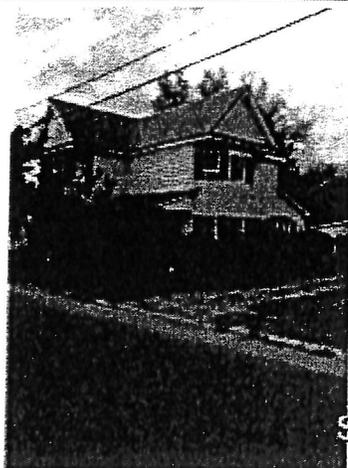
City Tax: \$	Rent Inc: \$	Flood Ins. Avail:	Dock Type:	City Limits:	Yes
County Tax: \$374	Water Fee: \$	Sewer Fee: \$	Ground Rent: \$	Ground Rent Yrs:	
Trash Fee: \$	HOA Fee:	Condo Fee: \$	Ownership:	Fee Simple	Condo Own: No

Zoning: Town Codes

List Agt: ED LESTER	Agent#: 156001	List Off: LESTER REALTY INC.
Office Ph: (302) 856-4000	Appt. Ph.: (302) 856-4000	Firm/Office: LES156/0
Email: ed.lester@verizon.net	Cell: (302) 745-1500	Office Ph/Fax: (302) 856-4000 / (302) 856-9703
Alt. Agt: ED LESTER	Alt. Agt Cell: (302) 745-1500	

Tax Dist: 135	Tax Map: 14	Tax Parcel: 174	Tax Unit #: 0
Pend. Parcel #:	Internal List #: 415	Var. Rate Com: No	Owner: Artisans Bk
Lockbox: Sentrilock	Seller Contr: \$0	Pend. Subdiv:	
Showing Inst: Call Before Showing , Lockbox		Contract Info:	
Listing Date: 11/18/2013	Act. W/Kick Date:	Contract Date: 12/09/2013	Settlement Date: 12/20/2013
Sub Agent: No	Sub Agt Amt:	Sub Agt %:	Sub Agt Bonus:
Buyer Brk: Yes	Buyer Brk Amt:	Buyer Brk %: 2.5	Buyer Brk Bonus:
Short Sale: No	Bank Notified: No	Addnm Aquired: No	Seller Disclosure: Yes
Listing Type: Exclusive Right to Sell	Listing Sub Type: N/A	Financing: Owner	

Photo Gallery MLS# 609014  
602 N BEDFORD STREET Unit:0  
GEORGETOWN, DE 19947



SCAOR



SCAOR



SCAOR



SCAOR

All room dimensions and other measurements are approximate. All information is deemed reliable but not guaranteed.  
Prospective purchasers should verify the information to their own satisfaction. Information provided by the  
Sussex County Association of Realtors Multiple Listing Service.  
Printed on 04/30/2014 at 10:25 AM

#3

602 North Bedford st. Georgetown DE.

To: planning and zoning review board

We the property owners of 602 north Bedford street are applying for a conditional use. The property was purchased by us in December 2013 as an investment, as we already have several in the town limits of Georgetown. When purchased it was to our knowledge that we were buying a three rental income property ( main house with a one bedroom and efficiency apartment, located behind main house). During the process of trying to retrieve the proper permits required by Georgetown. It was brought to our attention that it was never approved for the usage that it was being used for prior to purchase. Now we are trying to take the proper steps in order to resolve the situation.

The area where the property is located exist of several business and residential properties. There will be minimal impact to surrounding properties, as we have already contacted these land and business owner and informed them of our intentions. We also felt that there was a need for major clean up of the property mention to help make it presentable, and not such an eyesore for surrounding business and home owners. There will be plenty of available parking for the proposed conditional use, The area will also have sufficient lighting for tenants occupying rental property. With new business coming to Georgetown, it we also help provide clean affordable housing for to those searching.

Thank you for your consideration,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

#4

RECEIVED  
JUN 03 914

(4) 10' x 30' PARKING SPACES

(2) 10' x 30' PARKING SPACES

1-35-14-93.00  
N/F EVELYN PANUSKA  
395/570  
ZONED UR1

NORTH BEDFORD STREET  
(60' WIDE)

DRAINAGE EASEMENT  
(WIDTH VARIES)

20' WIDE DRAINAGE EASEMENT

EXIST. 2 1/2-STORY FRAME BLDG.  
N 35° 28' 24" W  
55.84'

GRAVEL

EXIST. 2-STORY FRAME BLDG.

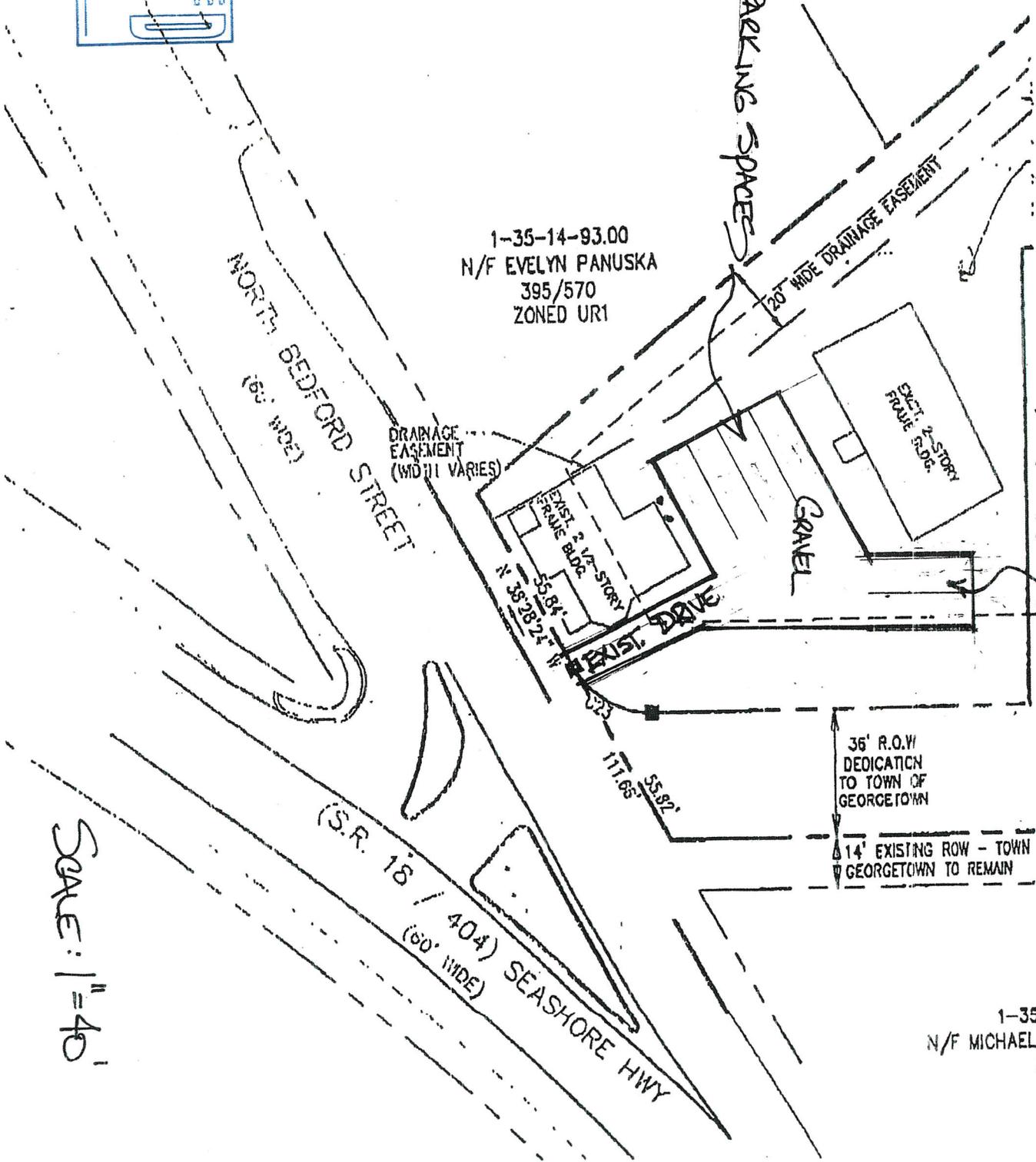
35' R.O.W  
DEDICATION  
TO TOWN OF  
GEORGETOWN

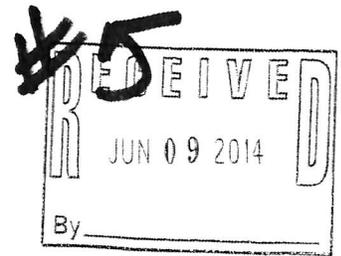
14' EXISTING ROW - TOWN OF  
GEORGETOWN TO REMAIN

(S.R. 18 / 404)  
SEASHORE HWY  
(60' WIDE)

1-35-  
N/F MICHAEL

SCALE: 1" = 40'





June 3, 2014

Town of Georgetown  
39 The Circle  
Georgetown, DE 19947

RE: Fred Tana  
602 North Bedford St.

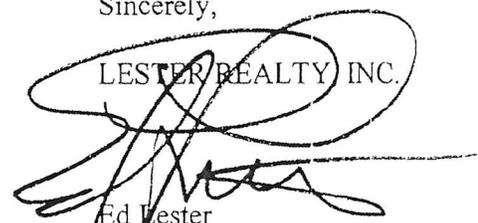
To Whom It May Concern:

I am the owner of rental properties at 107, 109, 111, 111-A North Bedford Street. I am familiar with the property Mr. Tana is attempting to license and lease.

As a rental property owner, lessor, and long-standing member of the business community, I have no objection to what Mr. Tana is trying to accomplish with improving this property and leasing it out. There is presently a high demand for rental properties in this area. In fact, Mr. Tana is improving the property to a condition well above the condition of the adjacent property, which is certainly an improvement for the neighborhood and the Town of Georgetown as a whole.

If you would like further feedback from me regarding Mr. Tana's proposed change of use, please do not hesitate to give me a call.

Sincerely,

  
LESTER REALTY INC.  
Ed Wester  
Broker, G.R.I.  
GREEN

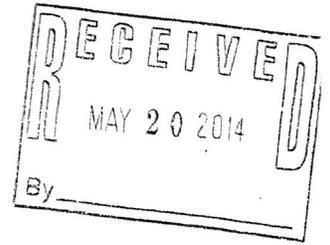
CEL/sat



**Terry Megee**

President

302-856-0064, ex 226 • Fax: 302-856-3749 • Cell: 302-745-6320  
www.megeemotors.com • terrymegee@hotmail.com  
515 N. Bedford St. • PO Box 330 • Georgetown, DE 19947



May 16, 2014

To Whom It May Concern,

RE: A to Z Builders re-zoning request

I support the zoning requested by A to Z builders for the property across from my dealership on N. Bedford St. He is doing a nice job beautifying our town, one house at a time.

Sincerely,

Terry A Megee

Owner

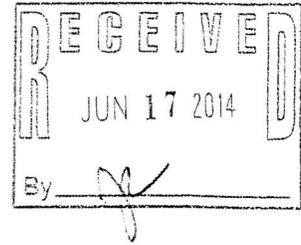
Megee Motors

PO Box 330

Georgetown, DE. 19947

302-745-6320

June 12, 2014



To the Town of Georgetown,

As an owner of the property next door, I have no objection to Fred Tanna putting an apartment in the upstairs back garage at 602 North Bedford Street. I have known it to be an apartment for a number of years and am not in objection to it continuing to be an apartment style residence.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Wyatt", written over a horizontal line.

Michael R. Wyatt  
Property owner, 522 North Bedford Street

# 6

**HALLER & HUDSON**  
Attorneys at Law  
101 S. Bedford St., P.O. Box 533  
Georgetown, DE 19947  
Telephone: 302-856-4525 Fax: 302-856-4531

June 16, 2014

Town of Georgetown  
Planning Department  
Attn: J. Craddock  
39 The Circle  
Georgetown, DE 19947

**RE: Case #2014-07**  
Conditional Use Application

Dear Members of the Planning Commission:

Please accept this letter as our objection to granting the above captioned conditional use application.

I am writing on behalf of Hilda M. Hudson, Susan Hudson, and myself, Howard W. Hudson, Jr. who collectively own 8 Bridgeville Road, 10 Bridgeville Road, 12 Bridgeville Road, and 615 North Bedford Street. Hilda Hudson is 99 years old and travels infrequently. Our daughter-in-law is currently hospitalized in Salisbury, MD. These circumstances make it practically impossible to attend the meeting in person.

Our reasons for objecting are as follows:

1. Traffic. The entrance to this property is at the intersection of N. Bedford Street and Bridgeville Road. When exiting the property in question and also the property served by the dirt road directly to the south, vehicles exit via the turn lane from Bridgeville Road east bound onto Bedford Street the wrong way. On occasion they have been observed going south out the single lane north bound from Bedford Street. No one proceeds north and does a U-turn. With multiple rental units and additional vehicles this problem will increase.

2. Property Value. It seems as though once a property is rented in a residential neighborhood it changes the character of the neighborhood so that only the current owner-occupiers stay. Thereafter when properties go on the market they are then purchased by absentee landlords for rental purposes. A rental complex behind a single

**HALLER & HUDSON**  
**Attorneys at Law**  
**101 S. Bedford St., P.O. Box 533**  
**Georgetown, DE 19947**  
**Telephone: 302-856-4525 Fax: 302-856-4531**

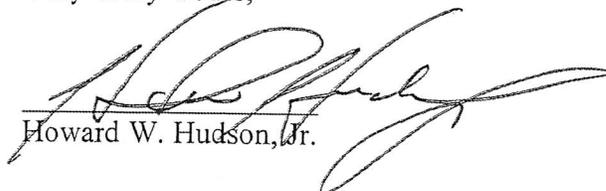
family residential structure such as is being proposed will have the effect of lowering property values for the area as a whole.

3. Code Enforcement. It is obvious that the town has trouble enforcing rules for rental properties. Numerous problematic cars, noise, pet chickens, and barking from unattended dogs all are visible throughout town. To have three rentals on a single property will certainly complicate this problem and cause a lessening of property values in the area.

In short, we oppose the conditional use application and argue that the only one who will profit from this is the applicant who is trying to squeeze three rental units onto the single residential property to the detriment of the neighborhood.

Thank you for your consideration.

Very Truly Yours,



Howard W. Hudson, Jr.

219 Ashford Drive  
Douglassville, PA 19518  
June 6, 2014

Planning Department  
39 The Circle  
Georgetown, DE 19947

Dear Planning Department:

Thank you for considering neighbors' input regarding the Conditional Use Application at 602 North Bedford Street.

I purchased my home because of Georgetown's small town ambiance. With gracious homes, wide porches and inviting yards it seemed as if it still retained the characteristics that I remember from years past when my parents visited friends in Georgetown. It has the feel of a town where walking to the square to grab a bite to eat, visit the library or find a treasure in the antique store is still an option.

The Conditional Use Application permanently changes that domicile potentially forever. Other requests may follow for the same consideration. Might I courteously question, "Isn't it a wiser path to require subdivision of said property for the purpose of rental property development?" Perhaps The Town would short change itself, and the tax payers, by allowing dwellings to be erected without a subdivision as opposed to requiring a subdivision of the lot thereby increasing the tax base.

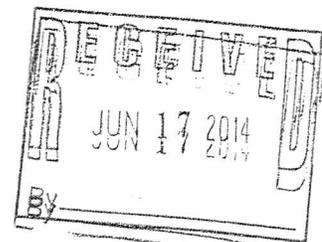
I realize that some people prefer to be tenants and others simply can not afford to purchase a home. But, is there a need for more rental properties? Are all of the available units rented?

I place my trust with the planners of The Town to have the foresight to consider the long term consequences of their decision, and further that they will take everything into consideration and plan for the long term viability of the community.

Respectfully submitted,



Ann Preston  
614 North Bedford Street



# TOWN OF GEORGETOWN - PLANNING COMMISSION

#7

## Draft Meeting Minutes July 16, 2014

### ATTENDANCE

#### Commissioners

Gary Tonge  
Chester Johnson  
Diane Greenberg  
John Painter  
Bob Ricker

#### Staff

Jocelyn Godwin, Planning  
Tim Willard, Solicitor  
Jamie Craddock, Planning

#### 1. CALL MEETING TO ORDER

Commission Chair Tonge called the meeting to order in the Town Hall at 6:01 p.m.

#### 2. APPROVAL OF MAY 21, 2014 MEETING MINUTES

Commissioner Johnson moved, seconded by Commissioner Greenberg, to approve the May 21, 2014 regular meeting minutes as presented. **APPROVED (Ayes – 4, Ricker – Abstain)**

#### 3. PUBLIC HEARING: CASE #2014-07

#### CONDITIONAL USE 602 North Bedford Street

*An application by Fred Tana, for Conditional Use approval to allow two residential rental units behind a single family residential structure. The property is located at 602 North Bedford Street, identified as Sussex County Tax District 135 Map 14.00 Parcel 174.00 zoned UR1 (Urban Residential).*

Fred Tana presented the application. The property was purchased 4 or 5 months ago. The old house was fixed up to be rented. The back garage had an apartment and the downstairs as a living quarters as presented by the realtor. There are also 21 building lots for single family homes as were approved by Capano in 2009. With the infrastructure being about \$50,000 to \$150,000, it was decided to fix the old house up and get the apartment, start paying some bills down, accumulate some money in the next 3-5 years and then start on the infrastructure for the 21 homes.

The applicant received word from the Town that there was never an approved apartment.

Commissioner Painter asked the applicant if any other properties are owned in town and if they are rented. Applicant confirmed yes. Commissioner asked if permits were applied for any of those. Applicant stated owned 15 homes at one time; however, due to health reasons, some of the homes were sold. At that time it was found that three or four of those were not licensed to rent and had to be inspected.

Commissioner Painter asked why the applicant didn't think a permit was needed to do the work done to the house and for the changes to make three residential units. The applicant stated that when the houses were bought they just got the licenses to rent, there were no inspections.

The applicant stated they cleaned the house out, the apartment was already in the garage, and the downstairs of the garage had to be structurally repaired. The apartment had been rented for years, supposedly since 1994.

Commissioner Painter pointed out that there is an impact on the community as far as the facilities.

Commissioner Johnson confirmed the zoning of the property is UR1, the building lots are UR1. The majority of the surrounding properties are UR1. Commissioner Ricker expressed the difficulty in permitting this use as a conditional use.

Commissioner Ricker shared clarification that a previous application had been turned down for an apartment over a garage for a property owner's son, due to the Town's regulations.

Commissioner Greenberg stated that the residential should stay residential. The surrounding businesses are not intrusive.

Commission Chair Tonge opened the public hearing for comment, either in favor or in opposition of the application. No one was in attendance either for or against the application. Mrs. Godwin confirmed there were letters received and placed in the Commissioner's packets, both for and against. Commissioner Chair Tonge then closed the public hearing.

**Commissioner Ricker moved, seconded by Commissioner Greenberg, to recommend denial to the Town Council of the application as the property is not in compliance with the Zoning Code §230-231 and §230-234. Poll vote:**

**Commissioner Painter – Deny, while the property looks very nice, the use is denied.**

**Commissioner Johnson – Deny, only a guest house or service quarters are permitted as accessory use.**

**Commissioner Ricker – Deny, under the grounds of §230-231 the request does not meet the intent of a Conditional Use.**

**Commissioner Greenberg – Deny, of Case 2014-07, based on the zoning.**

**Commission Chair Tonge – Deny, for the previously stated reasons.**

**APPROVED (UNANIMOUS)**



**STATION 93**  
**Georgetown EMS**  
**406 North Front Street**  
**Georgetown, Delaware 19947**

**July 29, 2014**

**Town of Georgetown**

**39 The Circle**

**Georgetown, De. 19947**

**Attn: Gene Dvornick, Jr. and Council**

**Mr. Dvornick, The American Legion Ambulance Service would like to request \$2,500.00 from the Emergency Contingency Fund in an effort to raise money to purchase ballistic vest for our personnel. The vest are needed for protection on EMS calls on a daily basis and have become necessary. Thank you for your consideration in this matter.**

**Respectfully,**

*Lisa M. Fensick*

**Lisa. M. Fensick, Administrator**

**Station 93**

TOWN COUNCIL  
AGENDA ITEM INFORMATION SHEET

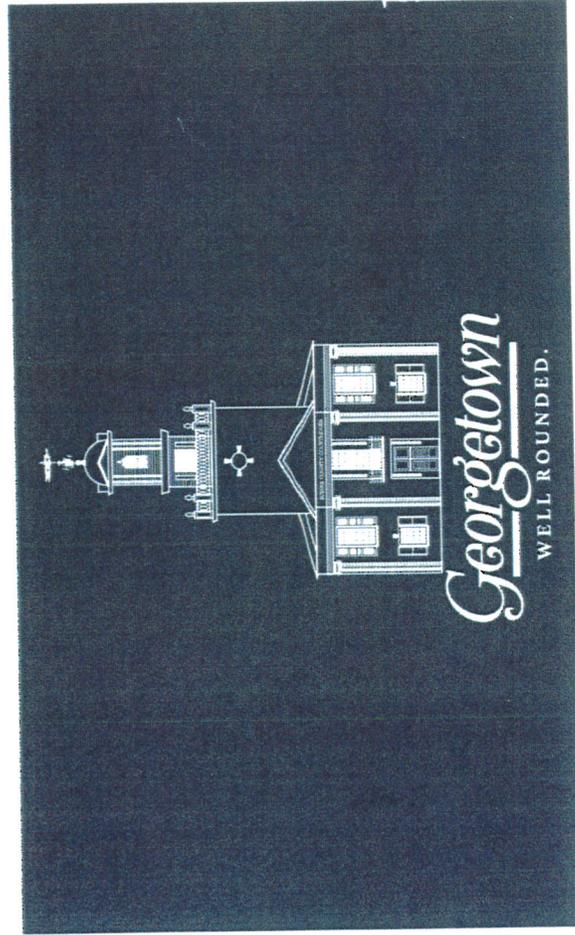
ITEM: Redesign of the Town's Flag

ITEM NO: 8

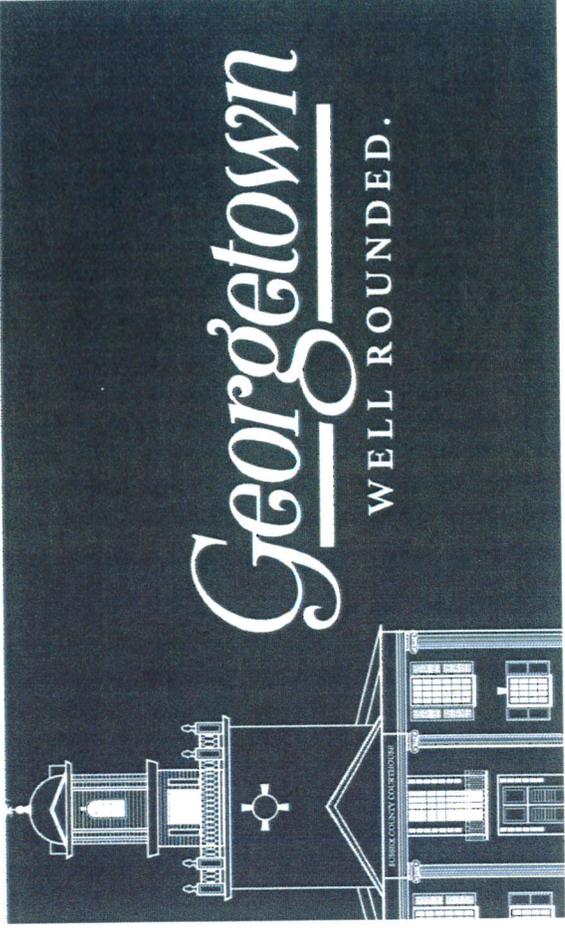
DATE: August 13, 2014

To allow for discussion and comment on the initial designs submitted by Ben Muldrow.

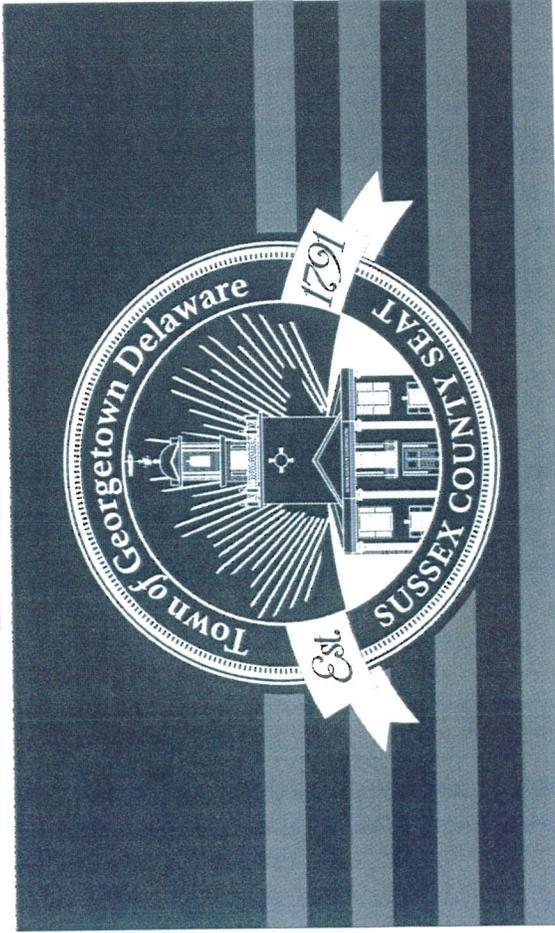
Once additional input is received, ideas and recommendations for revision will be communicated and a new design presented.



Design 1



Design 2



Design 3



Design 4

TOWN COUNCIL  
AGENDA ITEM INFORMATION SHEET

ITEM: Discussion of Amending Ordinance #2014-6 Signs §230-176 (H.) Signs permitted in all districts.

ITEM NO: 9

DATE: August 13, 2014

There has been some discussion with town merchants that if they hang their 3' by 5' flag at an angle so the bottom is 6 feet above the sidewalk, the top of the pole may exceed the 10 ft. height restriction as stated in the Code (see below).

**§ 230-176. Signs permitted in all districts.**

The following signs are permitted in all districts:

- H. Businesses may have one standard three feet by five feet flag with the word “open” on it and mounted on a pole only during business hours. Flags must be at least six feet above grade and a maximum height of 10 feet, and must not block the sidewalk, right-of-way or obscure the visibility of pedestrians or vehicular traffic.



## ORDINANCE NO. 2014-7

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN BY ADDING A NEW CHAPTER 114 TO BE ENTITLED HOTEL & MOTEL CODE, WHICH CHAPTER 114 ADDRESSES EXTENDED STAY HOTELS AND EXTENDED STAY MOTELS; TO ESTABLISH GUIDELINES FOR THE OPERATION AND MAINTENANCE OF SUCH HOTELS WITHIN THE TOWN OF GEORGETOWN, DELAWARE; AND FOR OTHER PURPOSES.**

WHEREAS, the Town Manager and his staff met internally to consider the issue of Hotels and Motels that operate within the Town of Georgetown, Delaware (“the Town”), and to develop suggestions for the operation and maintenance of such facilities; and

WHEREAS, it has been determined that there exist establishments that were originally operated as short term stay Hotels and Motels, but that now are essentially long term residential facilities; and,

WHEREAS, these facilities place a burden on Town services such as code enforcement, police responses to criminal activities, and other services including fire and ambulance; and,

WHEREAS, the Town Manager, with the assistance of his staff, have developed a set of amendments to be added to The Code of the Town of Georgetown, Delaware;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN, DELAWARE:

**Section 1.** The Code of the Town of Georgetown, Delaware is hereby amended to add the following:

**§ 114-1. Definitions.**

**§ 114-2. Exceptions for special accommodations due to legal or treatment reasons.**

**§ 114-3 Exemption for Extended Stay Motels and Hotels.**

**§ 114-4. Permitted Length of Occupancy.**

**§ 114-5. Prohibited Practices.**

**§ 114-6. Posted Information.**

**§ 114-7. Guest register generally.**

**§ 114-8. Penalty Provisions.**

**§ 114-9. Other remedies reserved.**

**§ 114-1. Definitions.**

**Lodging Accommodations - means the paid public occupancy by reason of concession, permit, right of access, rental, or other agreement, by any person or persons for a period of thirty (30) consecutive calendar days or less, or a total of no more than sixty (60) calendar days within a one hundred eighty (180) consecutive calendar day period.**

**Motel - means a facility which offers transient lodging accommodations to the general public with access to guest rooms provided by exterior or interior walkways.**

**Hotel - means a building in which lodging or boarding and lodging are provided for more than 15 persons, primarily transient, or with more than 10 guest rooms offered to the public for compensation. Ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public, in contradistinction to a boardinghouse, rooming or lodging house or an apartment house, which are herein separately defined. A Hotel may include restaurants, taverns, club rooms, public banquet halls, ballrooms and meeting rooms.**

**Extended Stay Hotel/Extended Stay Motel - means a facility offering transient lodging accommodations to the general public in which, in addition to normal sleeping beds, some or all of the rental units also provide cooking or kitchen facilities. Cooking and kitchen facilities indicative of an Extended Stay Hotel shall include any of the following: stove, microwave oven, dishwasher, kitchen-type sink, disposal, refrigerator (intended for use by the occupant for storing food and drinks), storage cabinets and vinyl floor area typically found in a food preparation or eating area. An Extended Stay Hotel unit may also include one or more separate attached bedrooms and living areas.**

**Guest register or register - means any book, index, or systematic compilation of documents in the form required by section 114-7.**

**Occupant - means any person over one year of age, including an owner or operator, living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit, rooming unit, or sleeping room or hotel unit.**

**§ 114-2. Exceptions for special accommodations due to legal or treatment reasons**

**Nothing in this Chapter shall be deemed to include asylums, correctional facilities, detention homes, group housing, hospitals, jails, orphanages, prisons, transitional housing, transitional shelters, sanitarium, or similar buildings or classifications, where human beings are housed or detained under legal restraint, court order, or as part of a treatment plan for a medical, physical, or mental condition.**

**§ 114-3 Exemption for Extended Stay Motels and Hotels.**

**The provisions of this Article shall not apply to any Motel or Hotel that meets the requirements of the definition of Extended Stay Hotel/Motel as presented in these regulations.**

**§ 114-4. Permitted Length of Occupancy.**

**No occupant shall be permitted to stay in any room of a Hotel or Motel:**

- 1) **In excess of thirty (30) consecutive calendar days; or,**
- 2) **In excess of sixty (60) calendar days within a one hundred and eighty (180) consecutive calendar day period of time.**

**§ 114-5. Prohibited Practices.**

**In any Hotel or Motel, subject to the provisions of this Chapter, the following shall not be permitted within any room:**

**1) Cooking**

- i. **With other than with microwaves provided by management;**
- ii. **With cooking appliances including, but not limited to, electric cookers, gas fired appliances, hot plates, or any other such device,;**
  1. **Provided, this prohibition does not apply to cooking appliances provided by management and the room is specifically designed for cooking in accordance with the International Fire, Building and Property Maintenance Code as adopted by the Town; and,**
  2. **Provided further, that, prior to such activity, if any such room is modified to meet the standards of the International Fire, Building and Property Maintenance Code, as adopted by the Town, to permit cooking, such modification has been reviewed, and approved, by the appropriate Town staff ;**

**2) Storing of Food Items;**

**3) Excess electrical appliances, including, but not limited to, computers, televisions, video systems, floor heaters, air conditioning units, lights, or other items if, in the opinion of the Fire Marshal, such items constitute a life threatening or life safety issue pursuant to Town Code or the Delaware State Fire Prevention Regulations;**

**§ 114-6. Posted Information.**

**The owner of any Hotel, or Motel, subject to the provisions of the Article, shall assure that the following is posted by the owner, or by management, in each room a printed sign that:**

- 1) Sets for the rules and regulations set by the owner, or management, if any, for occupation of the room; and,**
- 2) Sets forth the restrictions established in this ordinance as to cooking, storing of food items, or the use of excess electrical appliances; and,**
- 3) Sets out the procedure for registering a complaint with the owner, or management, as to maintenance, or health, safety and welfare complaints, or problems, that any occupant may have with a particular room; and,**
- 4) Sets forth the maximum number of days that a particular room may be occupied.**

**§ 114-7. Guest register generally.**

- 1) Every person conducting any hotel in the Town shall at all times keep and maintain therein a guest register, with the name and home address of each guest or person renting or occupying a room therein.**
- 2) Each person renting a room shall sign the register, provide personal identification, and list each person who will at any time visit or occupy the room.**
- 3) The proprietor of such hotel or his agent, shall thereupon write opposite such names so registered the number of the room assigned to and occupied by such guests, together with the time for which such room is rented. Until all of the aforesaid entries have been made in such register, no guest shall be permitted to occupy any room in such hotel.**
- 4) When the occupant of a room so rented pursuant to this section shall quit and surrender the same, it shall be the duty of the proprietor of the hotel, or his agent, to enter the time thereof in the register kept under this section, opposite the name of such occupant.**
- 5) The register required by this section shall be kept at all times open to the inspection of any police officer in the course of police business.**
- 6) No person who owns or operates any hotel in the Town shall be guilty of a violation of this section if such person has no knowledge of an undisclosed**

occupant, guest or visitor of a room and has complied, in good faith, with the requirements of this section.

- 7) Subsequent registrations with the same hotel/motel by an immediate family member of a registered occupant will be considered continued occupancy by each family member for purposes of calculating maximum stays.

**§ 114-8. Penalty Provisions.**

A) Any owner, operator, **manager**, or occupant of a Hotel, or a Motel who fails to comply with the provisions of this Chapter shall, upon conviction for such violation, be subjected to a fine not less than \$25.00 nor more than \$100.00, and shall pay the cost of prosecution. For the purposes of this article, each day or part thereof that a violation continues shall be deemed to be a separate offense.

B) Any owner, operator, **manager**, person or persons, convicted for a violation of this Ordinance shall be subject to forfeiture of the right to a business license, as outlined in § 130-9. License revocation, for the facility deemed in violation of the Ordinance because the facility is not being operated in accordance with Town ordinances.

**§ 114-9. Other remedies reserved.**

The Town reserves the right to seek any, and all, appropriate relief, including the declaration of a public nuisance, available to it by federal, state, or local laws, regulations, and ordinances.

**Section 2.** No Impact of Zoning or Land Use Ordinances. Nothing in this ordinance shall be deemed to impact any Town land use, subdivision, or zoning requirement.

**Section 3.** Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

**Section 4.** All ordinances or resolutions, or parts of ordinances or resolution, of Town in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**Section 5.** This Ordinance shall become effective following its adoption by a majority vote of all members elected to the Town Council.

**BE IT ENACTED** by the Town Council of the Town of Georgetown, Delaware on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2014.

\_\_\_\_\_  
Bill West, Mayor

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Chris Lecates, Secretary

1<sup>st</sup> Reading: July 23, 2014  
1<sup>st</sup> Reading: August 13, 2014  
2<sup>nd</sup> Reading: August 27, 2014  
Adoption: August 27, 2014