

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING AGENDA**

Meeting Date: Wednesday, October 23, 2013
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 6:45 P.M. Public Hearing
7:00 P.M. Regular Meeting

6:45 P.M. Public Hearing

Comprehensive Plan Amendment: Revision to Transportation

7:00 P.M. Regular Meeting

1. Pledge of Allegiance
2. Invocation
3. Adoption of Agenda
4. Approval of October 9, 2013 Town Council Minutes
5. Primeros Pasos Update
6. State of Delaware – Family Court Expansion Update
7. ShoreScan Solutions Presentation
8. 1st Reading of Ordinances
 - A. Ordinance #2013-16 Secret Electronic Recordings of Workplace Conversations
 - B. Ordinance #2013-17 Number of Animals Permitted and Removal of Fecal matter
 - C. Ordinance #2013-18 Trees
9. Departmental Reports
 - A. Gene Dvornick – Town Manager
10. Public Comment
11. 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).

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

Delaware State Planning Coordination
122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Name of Municipality: Town of Georgetown	
Address: 39 The Circle Georgetown, DE 19947	Contact Person: Gene Dvornick
	Phone Number: (302)856-7391
	Fax Number: (302)856-6348
	E-mail Address: gdvornick@georgetowndel.com

Date of Most Recently Certified Comprehensive Plan: January 13, 2010

Application Type:

Comprehensive Plan Amendment: X

Ordinance: _____

Other: _____

Comprehensive Plan Amendment or Municipal Ordinance prepared by:	
Address: 39 The Circle Georgetown, DE 19947	Contact Person: Jocelyn Godwin
	Phone Number: (302)856-7391
	Fax Number: (302)856-6348
	E-mail Address: jgodwin@georgetowndel.com

Maps Prepared by: N/A	
Address:	Contact Person:
	Phone Number:
	Fax Number:
	E-mail Address:

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

Delaware State Planning Coordination
122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Please describe the submission:

According to Section 2.9.12.1, Paragraph 3 from DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access,

"DelDOT recognizes that the standards in this manual will not be appropriate to all areas. A local government, as part of its adopted comprehensive plan, may determine that acceptance of a lower LOS (D, E or F) for some portion of the day is necessary and appropriate for the pattern of development they seek to create. If a proposed development is located in, or affects, such an area, DelDOT will consider the local government's standards to the extent that adherence to them does not result in substandard LOS or unacceptable operational condition outside that area."

The Town of Georgetown would like to add the following to the 'Transportation section of the Comprehensive Plan, on Page 48, following 'Route 113 Improvements' as a new subsection:

Impact Of Development On Level Of Service (LOS)

The Town of Georgetown recognizes the impact of commercial development at major intersections: US Route 9 (County Seat Highway) and US Route 113 (DuPont Boulevard) and State Route 18/404 (Seashore Highway) and US Route 113 (DuPont Boulevard).

Accordingly, a reduced level of service at these intersections (D, E or F) is acceptable for limited portions of the day (morning & afternoon rush hour) provided there are interior connector roads within the commercial development to permit travel within the development versus having to travel along the impacted roadways.

Level of Service (LOS) is a qualitative measure describing operational conditions within a traffic stream, based on service measures such as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience. Levels range from A (most desirable to the traveler) to F (least desirable to the traveler). For the purposes of long-range planning, Level of Service is generally measured in terms of volume-to-capacity ratios that are usually obtained from a travel demand model such as that used by DelDOT.

As funding becomes available, the limited access, on-alignment improvements should then be made.

to determine the peak 15-minute interval and the peak hour and then compute an overall intersection peak hour factor (PHF). Generally existing PHFs shall be applied to future conditions as well. Where the traffic counts are agreed to be a poor indicator of future PHF's, one of the following three PHFs shall be selected according to the total intersection volume in the future conditions. For a total intersection volume of 500vph or less, use 0.80. For a total intersection volume of 500 vph to 1,000 vph, use 0.88. For a total intersection volume over 1,000 vph, use 0.92. ~~where the counts are very low and significant growth is expected, a PHF of 0.92 should be assumed, except that for intersections where the total intersection volume is between 501 and 1,000 vph, a PHF of 0.88 should be used and where the total intersection volume is 500 vph or less, a PHF of 0.80 should be used. The TIS shall include calculate the peak hour factors for existing conditions. If no increases in volumes are projected, the TIS shall use these observed peak hour factors for future conditions as well. All peak hour factors must be calculated by lane group.~~

7. Lane Utilization Factors - Except as directed by DelDOT, all signalized intersection analyses shall use the HCM default lane utilization factors.
8. Percentage of Heavy Vehicles - The percentage of heavy vehicles should be determined from traffic counts ~~and should be calculated separately for each turning movement.~~ For unsignalized intersections, the percentage of heavy vehicles should be calculated separately for each turning movement. For signalized intersections, the percentage of heavy vehicles should be calculated separately for each lane group. Where the traffic counts are agreed to be a poor indicator of future heavy vehicle percentages, e.g. where the counts are very low and significant growth is expected, 7% and 9% should be assumed for two-lane highways and multi-lane highways, respectively, in rural areas; 6% and 8% should be assumed for two-lane highways and multi-lane highways, respectively, in all

other areas; and 3% should be assumed for intersections. To account for traffic from specific uses that generate unusually heavy vehicle volumes, e.g. industrial facilities, DelDOT may specify higher percentages. ~~Any modification of default values in the HCS software shall be listed in the report within the appropriate section(s) along with the reasoning for the modification.~~

9. Base Saturation Flow Rates - North of the Chesapeake and Delaware (C&D) Canal, base saturation flow rates for signalized intersections should be maintained at the HCS default value of 1,900 pchppl. South of the C&D Canal, base saturation flow rates for signalized intersections should be reduced to 1,750 pchppl unless data is available or provided to indicate that a higher value is appropriate. A procedure for collecting such data is provided in Chapter 16, Appendix H of the 2000 HCM. The Applicant's engineer is encouraged to collect data where little or none is available. ~~For specific facilities or circumstances where DelDOT determines that use of software other than HCS is more appropriate, it may authorize the use of that software at its sole discretion.~~

2.9.12 LOS STANDARDS

2.9.12.1 General

LOS standards shall be applied based on the location of the proposed development.

1. Development in Developed, Developing or Planned Development Areas

If a proposed development is located within a developed, developing or planned development area, all intersections, roundabouts, roadway sections, weaving sections and ramps analyzed will be subject to the LOS standards for those areas even if the intersection, roundabout, roadway section, weaving section or ramp is in a rural area..

2. Development in Rural Areas

If a proposed development is located in a rural area, all intersections, roundabouts, roadway sections, weaving sections and ramps shall be subject to the LOS standards for such areas even if the intersection, roundabout, roadway section, weaving section or ramp is inside a developed, developing or planned development area. Levels of service shall, in most cases, correspond directly to those in the HCM unless specified to the contrary.

3. Local Government Standards

DelDOT recognizes that the standards in this manual will not be appropriate to all areas. A local government, as part of its adopted comprehensive plan, may determine that acceptance of a lower LOS (D, E or F) for some portion of the day is necessary and appropriate for the pattern of development they seek to create. If a proposed development is located in, or affects, such an area, DelDOT will consider the local government's standards to the extent that adherence to them does not result in substandard LOS or unacceptable operational condition outside that area.

4. Development in Areas Designated for Re-Development

If a proposed development is located in an area, or on a land parcel or parcels of land, designated as a "re-development" site by either state or local government, with local government concurrence DelDOT may accept the existing Level of Service provided that the proposed development makes sufficient improvements, to DelDOT's satisfaction, to retain the existing measured Level-of-Service.

2.9.12.2 Uninterrupted-flow Standards

LOS for uninterrupted flow locations will be measured by density and volume to capacity ratio (V/C) and conform to the values shown in Exhibits 20-2, 21-2, and 23-3 of the HCM.

When a development is in a developed, developing, or planned development area, an increase in the uninterrupted-flow V/C ratio to the low point of LOS D (approaching LOS E) will be allowed

When a development is in a rural area, an increase in the uninterrupted-flow V/C ratio to the low point of LOS C (approaching LOS D) will be allowed in the FWP condition.

In analyzing facilities for which HCS does not calculate V/C ratios, e.g. multi-lane highways and freeways, separate calculation is required as determined by DelDOT.

2.9.12.3 Signalized Intersection Standards

All signalized intersections shall be analyzed using the following criteria for evaluating impacts and needed improvements:

1. Sites in developed, developing or planned development areas: For each intersection, deterioration up to 55 seconds (the bottom of LOS D) will be allowed for the FWP Condition.
2. Sites in rural areas: For each intersection, deterioration up to the 35 seconds (bottom of LOS C) will be allowed for the FWP condition.
3. Regardless of LOS, DelDOT shall require turning lane improvements to accommodate 95th percentile queue lengths.
4. The analysis shall document that the impacts of queuing from adjacent intersections or traffic restrictions have been addressed.
5. The analysis shall document the interaction of conflicting movements at adjacent entrances.
6. The analysis shall note changes made in signal timing and phasing (i.e. protected, permitted, etc). **The Applicant shall obtain approval from DelDOT prior to incorporating phasing changes in its analysis.**
7. Minimum green times must be equal to or greater than minimum pedestrian crossing times on each approach unless specifically authorized by DelDOT.
8. If there is a traffic signal within 2,640 feet of the site, an arterial analysis as in the HCM Chapter 15 may be required.
9. In determining the signal timing for FWOP it shall be assumed that the existing traffic signal hardware will still be in use. Any



Montchanin Development Group, Ltd.

911 Tatnall Street
Wilmington, DE 19801

August 31, 2012

Mr. Eugene S. Dvornick, Jr.
Town Manager
Town of Georgetown
Town Hall – 39 The Circle
Georgetown, DE 19947

RE: Georgetown Crossing – Routes 113 & 9.

Dear Gene,

The saga of Georgetown Crossing continues..... I know you haven't heard from me for awhile but we're still pursuing approvals for our site on Route 113. We had some partnership issues which have since been resolved and we are continuing our efforts to secure the blessings of DelDOT for ingress/egress. We met with DelDOT this week to review the scope of a revised TIS. As you know, the intersection of Routes 113 and 9 operates at a level unacceptable to DelDOT. Upon further discussions with their planning department, they agreed that a number of development projects now in the planning stages are unlikely to happen in the foreseeable future. They have agreed that we can ignore those projects in an updated TIS. Unfortunately, even removing those projects from our calculations does not produce projected operational levels acceptable to DelDOT.

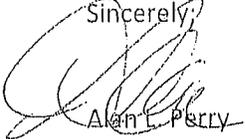
It was DelDOT's observation that the principal problem is weekday morning traffic turning east on Route 9 from Southbound 113. Unfortunately, we can't do much to ameliorate this problem. Our proposed occupancy doesn't add to this problem as the majority of our proposed tenancy does not create morning rush hour traffic as retailers typically don't open until 9:00 or 10:00, and 75% of the traffic generated by the contemplated convenience store is "pass-by" traffic which has very little impact on total trips.

We have looked at possible mitigation of our added traffic, but the only things that could make a discernible difference would be prohibitively expensive and frankly, only a band-aid. As you know, we're working on a plan for five pad sites. We've already agreed to build an interior road to State specifications to ultimately provide a service road when connected to the Isaacs Farm and properties south. Spending an additional \$1,000,000.00+ on a short term fix for the intersection cannot be absorbed by this project. When we ultimately develop the back portion of the site we may be in a position to make a contribution to off-

site improvements, but even that development won't sustain a million dollar contribution or even close to it. The cost of improvements to this intersection will have to be shared by many development projects up and down Route 113 as well as DelDOT itself. No one development can absorb the costs of meaningful mitigation at this location.

Although we have not received any specific recommendations or direction from DelDOT, in our meeting this week they said that to move forward they would need some additional commitments from Georgetown. Apparently the letter you wrote last October 18th is not sufficient for their purposes. I'm not sure why this is just coming to light now, but we were told that the letter would need to state that not only was the Town willing to accept a degraded level of service, but that the letter needed a commitment that the Town would amend its comprehensive plan to reflect that. I'm not sure I completely understood the motivation for this but Bill Brockbrough said that if you had questions, he would welcome your call to discuss and provide guidance on what he was looking for.

Therefore, I would like to impose upon you to reach out to Bill and hopefully provide what DelDOT needs to proceed with approvals. I will give you a call next week to discuss this request. In the meantime, have a great holiday weekend.

Sincerely,

Alan L. Perry



ShoreScan Solutions: Planning Department Records

Some Clients w/# of Systems with ShoreScan.

International Trade Center, DC (3)

New Carrollton (3)

Cambridge

Chestertown

St. Michaels'

Indian Head (2)

Taneytown

Charlestown

Queenstown

Secretary

Hurlock

Hurlock Police Dept.

Princess Anne (2)

Delmar

Milton

Lewes

Dagsboro

Ridgely (2)

Landover Hills

Morningside (2)

Pocomoke City Police Dept.

Other Types of Clients

Queen Anne's County Board of

Education (4): Construction,

Support Services, Administration

and Transportation Records.

Law Firms:

Holden Campbell

Cochran & Chabra

The Jacklitch Law Group

Jacobs & Barney

Fratrus Brady

Merrill Cruttenden & Collinson

ShoreScan Solutions provides "turn-key" digital record retention services for many local municipalities, agencies and businesses in the mid-Atlantic region. Partnered with eBridge Solutions of Tampa, FL; our program will provide access, organization and security to thousands of documents in the Planning (and other) Departments.

Current Concerns with Record Storage:

Fragmentation: 3 locations – next door, downstairs and upstairs.

Organization: multiple methods of storing paper by address, month / year. The later organizational technique at the main building was created to prevent from going next door.

Storage Hazards: next door is a dark, damp (potential mold and odor), unorganized vacant building lacking electric and climate control. Bug issues enhance the risk for paper records.

Time: due to the current situation, it takes an exorbitant amount of time to find a record or series of records.

Wide Format Plans \ Location \ Condition – 3 locations, no organization, difficult to find, multiple copies and can be found folded up, rolled or hanging.

Solution:

ShoreScan Solutions in conjunction with Jamie and Jocelyn will create a single digital repository using eBridge Solutions data centers here in the United States. The system will permit the following:

Search by: (not limited to)

- Address
- Tax Map – Parcel
- Type of Document
- Sub-Division
- Date

Other Features.....

- Multiple OCR Word Searching of ALL records.
- 100% audit trails for all users and activities
- Current digital files will simply be copied over
- Quality Control process
- "Speed Scanning" techniques during training

Access to information will be done from any Internet connection, tablet or Smart Phone via APP.

All documents will be stored in a PDF image format and will not be altered. Documents remain the property of Georgetown.

No paper will be discarded. Think of this as a type of insurance policy which saves time in searching and money in handling. Removal of records will be determined by Georgetown staff, not ShoreScan.

Lasting Value and Benefits for Georgetown Planning Department

1. Remove the hazards and risk related to the storage of vital paper document.
2. Fix the organizational concerns.
3. Create efficiencies to save time and money.
4. Provide the necessary tools for staff to effectively do the town work.
5. Reduce the cost of copies, shipping and supplies.
6. Offer opportunity to Interns, Students or Volunteers to gain work experience.
7. Connect remote users to gain instant access rather than delivering paper.
8. Turn storage space into profitable, more useful space while recycling file cabinets and paper.

There will be NO impact or IT cost associated with this service, hence removing the hidden cost typically associated with expensive software solutions.

Item(s) listed have been EXPERIENCED by ALL ShoreScan Customers.

Creating Your New ShoreScan Account

TECHNICAL SUPPORT

Support is normally offered during regular business hours. ShoreScan and eBridge combine to help solve any concern related to the service. Off hours, send an email to ShoreScan and it will be answered inside a couple of hours.

ZERO DOWNTIME

Using an Internet connection via PC or SmartPhone APP, your documents will be available at a moment's notice.

TURNKEY SOLUTION

80% of what we do is help you solve the ever going problem of creating a systematic organizational structure to your documents. The other 20% is the deployment of scanners and the "cloud" database to serve your digital retention needs. Everything we do is customized to your needs and when you are 100% satisfied with the total program we then consider your new service complete.

More information, contact:

Ken Carlsen

ShoreScan Solutions

877-774-7226

Direct: kencarlsen@verizon.net



Service Requirements:

Internet Connection \ Power \ USB Port per PC.

Scanners: - See NOTE:

2 Canon DR-M140 mid-duty scanners capable of 40 pages per minute \ color \ duplex \ auto-size.

Wide Format Scanner – Rental:

2 months – 42" ColorTrac scanner – state of the art technology with "photo-shop" type software.

NOTE: Based on our experience each primary user must have a scanner connected to their PC capable of handling the appropriate work load of the user. Shared machines, "scan stations" and using the centralized copier \ scanner creates an inefficient, non-convenient, multistep process which ultimately will defeat the process as users become frustrated. Scanners will also be set up to do non-ShoreScan scanning. This additional function will increase productivity and @Desk multi-tasking and productivity.

System Implementation

Despite the seemingly overwhelming scope of the project a couple of items must be realized.

- ❖ It will be done right by a thoughtful approach based on experience with other towns.
- ❖ The project may take a year or two based on labor, volume and condition of documents.
- ❖ The first couple of months will be "discovery" to best determine the system set up and plan.

First, ratify the 2 year Service Agreement, scanners, wide format rental and (optional) on-site help.

Secondly, ShoreScan will help with the initial configuration and upload town data (addresses, document types, etc.). Users will also be created at this time.

Third, the initial training, scanner installation and first draft of the configuration will be completed.

Optional – day(s) of ShoreScan help in the initial phase in of the program.

Fourth, secondary training to go over what we have learned, finalize the direction and configuration of the system.

Optional – day(s) of ShoreScan help to provide organizational assistance and scanning services on-site.

W I D E FORMAT SCANNER: The current recommendation is for 2 months on-site with a location in the primary space of Town Hall to the left of Gene's door against the wall. The delivery time is projected in the March – April time slot. This gives Planning a chance to determine what needs to be scanned or not.

Note: Based on experience 50% of all documents will not be scanned due to copies, drafts, not-approved, etc...



ORDINANCE NO. 2013-16

**AN ORDINANCE TO AMEND THE CODE TO THE TOWN OF
GEORGETOWN, CHAPTER 29, PERSONNEL**

THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN IN COUNCIL MET
AND HEREBY ORDAINS:

Section 1. Chapter §29, Personnel, of the Code of the Town of Georgetown is hereby amended as follows:

§ 29-44.1. Secret Electronic Recordings of Workplace Conversations.

Employees shall not intentionally secretly record electronically any conversations with co-workers or supervisors or management of the Town of Georgetown, except to conduct an investigation performed by a legitimate law enforcement agency. This prohibition is in effect whether or not the employee is a participant in the conversation, and whether or not such conversations take place at Town of Georgetown facilities or elsewhere.

Section 2. 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., 2013.

Michael R Wyatt, Mayor

Steve Hartstein, Secretary

Reading: October 23, 2013
Reading: November 13, 2013
Adoption: November 13, 2013



ORDINANCE NO. 2013-17

AN ORDINANCE TO AMEND THE CODE TO THE TOWN OF
GEORGETOWN, CHAPTER 52, ANIMALS

THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN IN COUNCIL MET
AND HEREBY ORDAINS:

Section 1. Chapter §52, Animals, of the Code of the Town of Georgetown is hereby amended as follows:

ARTICLE V
Misc. Provisions

§ 52-22. Restriction on the number of animals allowed.

- a) **It shall be unlawful for any person to possess, own, harbor, or care for more than (6) within the town except that a litter of puppies, kittens, or other young animals which may be kept for a period of time not exceeding five (5) months from birth. The intent of this section is to restrict the number of animals to six (6) within any household or other location unless otherwise exempted. The code enforcement officer or police officer is authorized to remove animals to reduce the number to that which is authorized by this ordinance.**
- b) **Pet fish are excluded from this subsection.**
- c) **This section shall not apply to any establishment where animals are kept in a licensed pet shop for commercial sale or boarding by a licensed facility or at licensed zoos or accredited educational institutions.**
- d) **Any person convicted of a violation of this section shall pay a mandatory minimum fine of not less than \$250.00 for the first offense, not less than \$500.00 for the second offense, and not less than \$750.00 for each subsequent offense.**

§ 52-23. and removal of animal fecal matter.

- a) **Every person possessing, owning, harboring, or caring for one or more animals shall take all reasonable and necessary measures to prevent accumulation of fecal matter of the same in the area in which such animals are customarily kept or are customarily allowed to stay or remain. No such person shall allow fecal matter to accumulate so as to create obnoxious or offensive odors, or to potentially create a health hazard. Disposal of fecal matter must be accomplished in a sanitary manner and must be placed in an airtight, sealed bag or container if placed in a trash receptacle.**
- b) **Before being charged with a violation of subsection (a), any such person shall be given notice of such violation either verbally or in writing. Any person who fails or refuses to remove the fecal matter within 12 hours of such verbal or written notice shall be deemed in violation of this section. The passage of each 24 hours after original notice and failure to properly dispose of fecal matter will constitute another violation of this section. Violations within six months after original notice will represent a violation of this section and shall not require another notice to establish a violation of this section.**

- c) **Any person possessing, owning, harboring, or caring for any animal shall immediately remove, in a sanitary manner in an airtight bag or other closed container, any fecal matter deposited by such animal upon any street, sidewalk, park, or upon any other public property, or upon any private property not owned by the person in control of said animal.**
- d) **Any person convicted of a violation of subsection (a) of this section shall pay a mandatory minimum fine of not less than \$100.00 for the first offense, not less than \$200.00 for the second offense, and not less than \$300.00 for each subsequent offense. Any person convicted of a violation of subsection (c) of this section shall pay a mandatory minimum fine of not less than \$50.00 for the first offense, not less than \$100.00 for the second offense, and not less than \$150.00 for each subsequent offense.**

Section 2. 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., 2013.

Michael R Wyatt, Mayor

Steve Hartstein, Secretary

Reading: October 23, 2013

Reading: November 13, 2013

Adoption: November 13, 2013



ORDINANCE NO. 2013-18

AN ORDINANCE TO ADD A CHAPTER TO THE CODE OF THE TOWN OF GEORGETOWN, ENTITLED CHAPTER 208, TREES

THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN IN COUNCIL MET AND HEREBY ORDAINS:

Section 1. Chapter §208, Trees, of the Code of the Town of Georgetown is hereby amended as follows:

§208-1. Definitions.

§208-2. Creation and Establishment of Town Tree Board.

§208-3. Duties and Responsibilities.

§208-4. Street Tree Species to be Planted.

§208-5. Spacing.

§208-6. Distance from Curb and Sidewalk.

§208-7. Distance from Street Corners and Fireplugs.

§208-8. Utilities.

§208-9. Public Tree Care.

§208-10. Tree Topping.

§208-11. Pruning, Corner Clearance.

§208-12. Dead or Diseased Tree Removal on Private Property.

§208-13. Removal of Stumps.

§208-14. Interference with Town Tree Board.

§208-15. Arborists' License and Bond.

§208-16. Review by Town Council.

§208-17. Penalty.

§208-1. Definitions.

Street Trees - are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways with the Town.

Park Trees - are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Town, or to which the public has free access as a park.

§208-2. Creation and Establishment of Town Tree Board.

There is hereby created and established a Town Tree Board for the Town of Georgetown, Delaware, which shall consist of the Town Manager, Director of Public Works, and a Delaware State Forester.

§208-3. Duties and Responsibilities.

It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Town Council and upon their acceptance and approval shall constitute the official comprehensive Town Tree Plan for the

Town of Georgetown, Delaware. The Board, when requested by the Town Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming with the scope of its work.

§208-4. Street Tree Species to be Planted.

The following list constitutes the recommended Street Tree species for Georgetown, Delaware. No species other than those included in this list may be planted as Street Trees without written permission of the Town Tree Board.

- **Small Trees: Apricot, Crabapple, Golden Rain Tree, Hawthorne, Bradford Pear, Redbud, Soapberry, Japanese Lilac Tree, Flowering Peach, Purpleleaf Plum, Serviceberry**
- **Medium Trees: Green Ash, Hackberry, Honeylocust (thornless), Linden or Basswood, Red Mulberry (fruitless, male), English Oak, Red Oak, Japanese Pagodatree, Pecan, River Birch, Osageorange (male, thornless), Persimmon, White Poplar, Sassafras**
- **Large Trees: Kentucky Coffeetree, Silver Maple, Sugar Maple, Bur Oak, Sycamore, London Sycamore, Cottonwood (cottonless, male)**

§208-5. Spacing.

The spacing of Street Trees will be in accordance with the three species size classes listed in §208-4 of this ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

§208-6. Distance from Curb and Sidewalk.

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in §208-4 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

§208-7. Distance from Street Corners and Fireplugs.

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No Street Tree shall be planted closer than 10 feet of any fireplug.

§208-8. Utilities.

No Street Trees other than those species listed as Small Trees in §208-4 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

§208-9. Public Tree Care.

The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or preserve or enhance the symmetry and beauty of such public grounds.

The Town Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection of said trees is in accordance with §208-4 through §208-8 of this ordinance.

§208-10. Tree Topping.

It shall be unlawful as a normal practice for any person, firm, or Town department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Town Tree Board.

§208-11. Pruning, Corner Clearance.

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches in accordance with Chapter 165, Article I, §165-6.1. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign.

§208-12. Dead or Diseased Tree Removal on Private Property.

The Town shall have the right to cause the removal of any dead or diseased trees on private property within the Town, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the Town. The Town Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of the owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

§208-13. Removal of Stumps.

All stumps of Street and Park Trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

§208-14. Interference with Town Tree Board.

It shall be unlawful for any person to prevent, delay or interfere with the Town Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

§208-15. Arborists' License and Bond.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing Street or Park Trees within the Town without first applying for and procuring a Town of Georgetown business license. Before any license shall be issued, each applicant shall be fully insured as specified and shall be completely covered by State Workers' Compensation during the life of this license. The applicant shall have liability insurance in the amount of \$1,000,000.00 for each occurrence and shall name the Town as an additional insured on its policy for the work being performed in the Town of Georgetown.

§208-16. Review by Town Council.

The Town Council shall have the right to review the conduct, acts and decisions of the Town Tree Board. Any person may appeal from any ruling or order of the Town Tree Board to the Town Council who may hear the matter and make a final decision.

§208-17. Penalty.

Any person violating any provision of this ordinance shall be, upon conviction or plea of guilty, subject to a fine not to exceed \$500.00.

Section 2. 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., 2013.

Michael R Wyatt, Mayor

Steve Hartstein, Secretary

Reading: October 23, 2013

Reading: November 13, 2013

Adoption: November 13, 2013