

7. DEPARTMENTAL REPORTS

- A. Gene Dvornick – Town Manager
- B. RL Hughes II – Chief of Police

8. PUBLIC COMMENT

9. ADJOURNMENT



ORDINANCE 2017-05

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN,
CHAPTER 230 THEREOF, ENTITLED ZONING**

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

Section 1. Chapter 230, Article XVIII HD Historic District, § 230-135 Signs is hereby
amended as follows:

§ 230-135. Signs:

~~No sign may be erected or altered without first submitting a drawing of the proposed sign depicting
size, style, colors, lettering and location to the Planning Commission for review, comments,
recommendations and changes. The Planning Commission may approve a sign if it is in character
with the purposes and overall concept of the Historic District.~~

Section 2. Chapter 230, Article XXII Signs, § 230-173 Signs is hereby amended as follows:

§ 230-173. Signs permitted in HD Districts.

The following signs may be erected and maintained in an HD Historic District:

A. All signs must reflect the character of the district, ~~and receive approval from the Planning
Commission.~~

**B. Sign design should be compatible with the Town of Georgetown Development Design
Standards.**

Section 3. 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., 2017.

William E. West, Mayor

Robert L. Holston, Jr., Secretary

Synopsis

This repeals the requirement that signs in the Historic District must be approved by the Planning Commission.

PC Public Hearing: August 16, 2017

TC Public Hearing: August 23, 2017

1st Reading: September 13, 2017

2nd Reading: September 27, 2017

Adoption: September 27, 2017

Draft



ORDINANCE 2017-06

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN,
CHAPTER 230 THEREOF, ENTITLED ZONING**

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

Section 1. Chapter 230, Article III, Definitions, § 230-5 is hereby amended as follows:

LOADING SPACE

A space within the main building or on the same lot providing for the standing, loading or unloading of trucks, having a minimum width of ~~10~~ 12 feet, a minimum depth of ~~30~~ 40 feet and a vertical clearance of at least 14 feet.

Section 2. Chapter 230, Article III, Definitions, § 230-5 is hereby amended by adding the following:

AISLE

Any accessway between rows of parking spaces or islands which provides internal vehicular passage through a parking lot.

BITUMINOUS MATERIAL

Composed of, similar to, derived from, relating to, or containing bitumen. The term bituminous is descriptive of asphalt and tar products.

COMMUNITY CENTER

A building or portion of a building in which members of a community may gather for social, educational, recreation or cultural activities.

COMPACT CAR

Automobiles that are 16 feet or less in length and six feet or less in width.

CONTINUING CARE RETIREMENT COMMUNITY

A retirement community with accommodations for independent living, assisted living and nursing home care offering residents a continuum of care.

CONVENIENCE STORE WITH GAS SALES

Any retail establishment offering for sale prepackaged freshly prepared products, household items, and other goods commonly associated with the same, along with the retail sales of gasoline and related fuel products, but excluding any type of automotive repairs.

DRIVEWAY

A private vehicular accessway from a public street serving a residential lot, unit or property.

Section 3. Chapter 230, Article XX. Off-Street Parking and Loading Requirements is repealed completely and replaced with the following:

This section specifies off-street parking and loading spaces for all land uses. The following standards are intended to minimize street congestion and traffic hazards; provide safe and convenient access to residences, businesses, public services and places of public assembly; and make the appearance of parking areas aesthetically pleasing and compatible with surrounding land uses.

§ 230-148. Required off-street parking spaces.

Every building or structure hereafter installed, constructed, enlarged or structurally altered and every use of property hereafter modified or expanded, shall be required to provide off-street parking and loading facilities, as specified in this section. The spaces shall be improved and installed prior to final building inspection or occupancy. When justified, a deferral of the required number of parking spaces may be approved. All required off-street parking shall be maintained in good condition for the duration of the use that they are intended to serve. Parking design standards can be found in the Town of Georgetown Development Design Standards, and the Design and Construction Standards for water, sewer and streets.

<u>Use</u>	<u>Parking Requirement</u>
<u>Automobile service and repair garage</u>	<u>1 space per 150 square feet of gross floor area. Service bays shall not be counted as required spaces.</u>
<u>Beauty and barber shops; cosmetology services</u>	<u>1 space per 200 square feet of floor area.</u>
<u>Bed-and-breakfast, inn</u>	<u>1 space per rental room, plus 2 spaces for the resident owner.</u>
<u>Car wash establishment:</u>	

<u>Use</u>	<u>Parking Requirement</u>
<u>Coin-do-it-yourself</u>	<u>2 parking spaces at waiting area for each lane. 1 parking space at exit area for each lane.</u>
<u>Coin operated automatic drive-through</u>	<u>4 parking spaces at waiting area for each lane. 2 parking spaces at exit area for each lane.</u>
<u>Employee-operated</u>	<u>8 parking spaces at waiting area for each lane. 2 parking spaces at exit area for each lane.</u>
<u>Church or other place of worship</u>	<u>1 space per 50 square feet of floor area in the primary assembly area.</u>
<u>Commercial nurseries</u>	<u>1 space per 300 square feet of interior sales area, plus 1 additional space per 500 square feet of outdoor retail area.</u>
<u>Community center</u>	<u>1 space per 250 square feet of gross floor area.</u>
<u>Community residential facility, emergency housing facility, freestanding foster care home, overnight shelter, shelter for battered persons, transitional housing facility</u>	<u>1.5 spaces per every 4 adult facility residents.</u>
<u>Convenient store with gas sales</u>	<u>1 space per 200 square feet.</u>
<u>Day nursery, day-care center, private preschool or kindergarten</u>	<u>1 space per 1,000 square feet of floor area, plus 1 space per employee.</u>
<u>Eating place, tavern or bar, and night club</u>	<u>1 space per 50 square feet assigned for patron use, plus 1 space per 2 employees on the largest shift.</u>
<u>Elementary and middle school</u>	<u>1 space per staff, plus 1 space per 5 seats in the auditorium or gymnasium or other facility open to the public.</u>
<u>*(Moved to Convenient store with gas)</u>	
<u>Food service drive-in facility</u>	<u>15 spaces minimum plus 1 space per 150 square feet of floor area.</u>

<u>Use</u>	<u>Parking Requirement</u>
<u>Funeral home</u>	<u>1 space per 20 square feet of floor area used for seating accommodations, plus 1 space per employee.</u>
<u>Furniture and appliance stores</u>	<u>1 space per 400 square feet of floor area devoted to sales and display purposes.</u>
<u>Hospital</u>	<u>1 space per 2 beds, plus 1 space per 600 square feet of area.</u>
<u>Hotel, motel, lodging inn</u>	<u>1 space per rental room or suite. If a restaurant, open to the public, is operated in connection with such use, additional off-street parking space meeting the minimum requirements for a restaurant must be provided.</u>
<u>Independent living with a continuing care retirement community</u>	<u>1 space per unit, plus 1 guest space per 4 units for visitors.</u>
<u>Indoor commercial recreation / health and fitness center</u>	<u>1 space per 150 square feet of floor area or 1 space per 4 seats for patron use, whichever is applicable to the particular use.</u>
<u>Medical and dental clinics and offices</u>	<u>1 space per 250 square feet of gross floor area.</u>
<u>Nursing home, convalescent home and home for the aged</u>	<u>1 space per 4 patient beds, plus 1 space per employee on the largest shift.</u>
<u>Office, office building, bank or other financial office</u>	<u>1 space per 250 square feet of floor area, exclusive of basement, if not used for office or customer service purposes, with a minimum of 3 spaces.</u>
<u>Public library</u>	<u>1 space per 400 square feet of floor area for public use, plus 1 space per 2 employees.</u>
<u>Residential Development or Subdivision</u>	<u>Plus 1 recreational vehicle space for each 10 units.</u>
<u>Retail store, supermarket</u>	<u>1 space per 300 square feet used for sales or display of merchandise purposes with a minimum of 3 spaces.</u>

<u>Use</u>	<u>Parking Requirement</u>
<u>Rooming, boardinghouse</u> <u>*(Moved to Bed-and-breakfast)</u>	<u>1 space per 3 occupancy units.</u>
<u>Sales of new and used cars, trucks, boats, mobile homes, trailers and campers *(Moved from Commercial nurseries)</u>	<u>1 space per 250 square feet of office area, plus 1 additional space per 150 square feet of service area, plus 1 space per 1,000 square feet of display or sales area.</u>
<u>Sales of outdoor equipment or furniture *(Moved from Commercial nurseries)</u>	<u>1 space per 400 square feet of floor area devoted to sales and display, plus 1 space per 1,000 square feet of outdoor sales or display area.</u>
<u>Senior high, trade and vocational school, college and university</u>	<u>1 space per staff, plus 1 space per 10 students enrolled, plus 1 space per 5 seats in the auditorium, gymnasium or other facility open to the public.</u>
<u>Shopping center</u>	<u>1 space per 300 square feet of gross leasable area.</u>
<u>Single and multifamily dwellings, townhouses and condominiums</u>	<u>2 spaces per dwelling unit.</u>
<u>Sober house</u>	<u>1.5 spaces per every 4 adult facility residents.</u>
<u>Stadium, assembly hall, theater and civic center</u>	<u>1 space per 4 fixed seats in the assembly area or per 50 square feet of floor area for rooms having movable seats.</u>
<u>Visitor Parking for Multifamily and Townhouses</u>	<u>1 guest space per 4 dwelling units.</u>
<u>Wholesaling, manufacturing establishments</u>	<u>1 space per 600 square feet (manufacturing) or 1 space per 1,000 square feet (warehouse), whichever is greater.</u>

§ 230-148.1. Modification of parking requirements.

- A. The Town Manager may reduce the required number of spaces by up to 20% if for the reasons of topography, mixes of uses, ride share programs, availability of transit, limited**

customer stays, or other conditions specific to the site, provided the reduction in the required number of parking spaces satisfies the intent of this article.

- B. The Town Manager shall make available an appropriate procedure and a parking reduction request form to be used by applicants requesting consideration under this section.
- C. Whenever the required number of parking spaces cannot be provided on-site in a manner that satisfies the requirements of this section, the applicant shall pay a fee in lieu of one or more required spaces, in an amount determined by the Town Council sufficiently equivalent to the estimated costs of establishing additional public parking spaces. Such fees shall be kept in a dedicated fund to provide for municipal parking purposes and shall be used for such purposes.

§ 230-149. Additional regulations.

The following provisions shall be applicable with respect to the requirements for off-street parking:

- A. The parking requirements set forth in this article are in addition to any space for storage of trucks or other vehicles used in connection with any permitted use.
- B. Floor area shall be as defined in Article III, Definitions.
- C. Where fractional spaces result, the number of parking spaces required shall be construed to be the next highest whole number.
- D. Except as otherwise provided, the number of employees shall be computed on the basis of the maximum number of persons employed on the premises at one time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.
- E. Parking space requirements for use not specifically listed in this article shall be the same for a listed use of similar characteristics.
- F. In the case of mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of a joint use of a building or premises, or in the case of a joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the various uses computed separately.
- G. Whenever the building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise creating a need for an increase of parking spaces of 10% or more than those required before the change or enlargement, such additional space shall be provided on the basis of the change or enlargement. No

additional spaces shall be required for the first change or enlargement which would result in an increase of spaces of less than 10% of those required before the change or enlargement but this exception shall not apply to a series of changes or enlargements which together result in a need for an increase in parking spaces of more than 10%.

§ 230-150. Regulations for joint use of parking facilities.

Whenever joint use for parking facilities and off-site parking facilities are provided, the following regulations shall apply:

- A. All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained at a distance not to exceed 400 feet from an institutional building or other nonresidential building served by such facilities.
- B. Up to 50% of the parking spaces required for theaters, public auditoriums, bowling alleys, dance halls and night clubs and up to 100% of the parking spaces required for a church or auditorium may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not normally opened, used or operated during the same hours as those permitted by the joint use, and up to 100% of parking spaces required for schools may be provided and used jointly by a church auditorium; provided, however, that a written agreement setting forth the terms and conditions of such use is properly executed and recorded.
- C. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided or used, such parking area shall be established by a recorded covenant or agreement as parking area to be used in conjunction with the principal use and shall be reserved as though such an encumbrance on the title of the property to be designated as required parking space, such encumbrances to be valid for the total period the use or uses for which the parking is needed are in existence. A Certificate of Recording shall be furnished to the Town Manager.

§ 230-151. Parking area standards.

The following design standards are required for all parking areas:

- A. For the purpose of these regulations, an off-street parking space is an all-weather surfaced area not in a street or alley and having an area of no less than 10 feet by 20 feet for vertical or diagonal parking, and 10 feet by 22 feet for parallel parking. The minimum dimensions for standard parking spaces are shown in Figure 1. Off-street parking areas that make it necessary for vehicles to back out directly into a public road

are prohibited, except for dwelling units each having an individual driveway. An all-weather surfaced area will be a minimum of two courses of bituminous surface treatment, or equivalent paving treatment. Alternative paving treatments can be approved by the Planning Commission.

- B. Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material in accordance with applicable state and local specifications.
- C. Off-street parking areas shall be maintained in a clean and orderly condition at the expense of the owner or lessee and not used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.
- D. Off-street parking spaces shall be separated from walkways, sidewalks, streets or alleys by a wall, fence or curbing or other approved protective device, or by distance so that vehicles cannot protrude over publicly used areas. Parking within front yard setback shall be discouraged and subject to site plan review by the Planning Commission.
- E. Location and design of entrances and exits shall be in accord with the requirements of applicable state regulations and standards. Landscaping, curbing or approved barriers shall be provided along lot boundaries to control entrance and exit of vehicles or pedestrians.
- F. The provision of parking spaces shall also include adequate driveway and necessary turning areas for handling the vehicles for which provision is made. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle. Example dimensions of aisle width and angle of parking are shown in Figure 1. Aisles providing access to parking spaces shall have the following minimum dimensions:

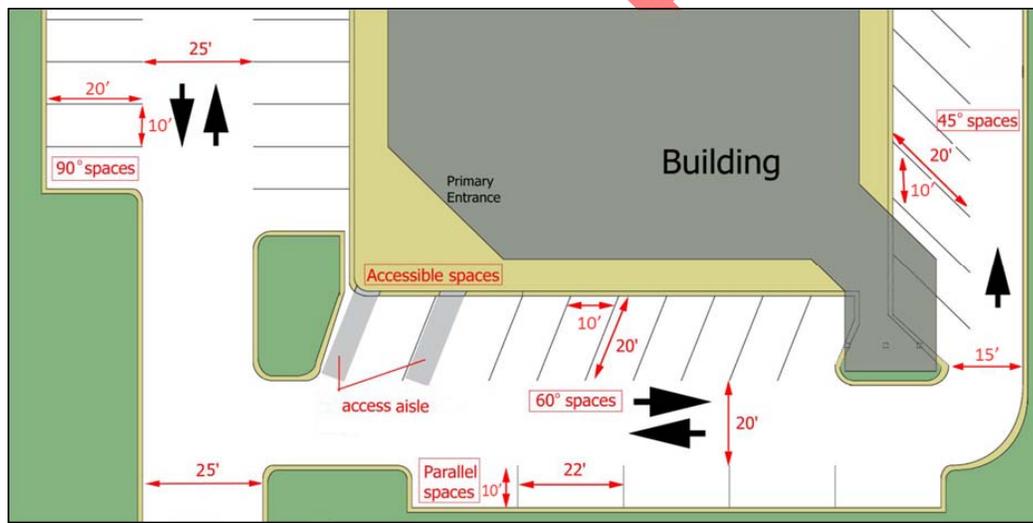
<u>For Parking Spaces Ten Feet Wide</u>		
<u>Angle of Parking</u>	<u>One-Way Aisle (feet)</u>	<u>Two-Way Aisle (feet)</u>
<u>90°</u>	<u>22</u>	<u>25</u>
<u>60°</u>	<u>18</u>	<u>20</u>
<u>45°</u>	<u>15</u>	<u>20</u>
<u>30°</u>	<u>12</u>	<u>18</u>
<u>Parallel</u>	<u>12</u>	<u>18</u>

- G. All parking spaces in lots shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operation of the lot.
- H. Outdoor lighting used to illuminate parking spaces, driveways, maneuvering areas, or buildings shall be fully shielded light fixtures and be designed, arranged and screened so

that the point of light source shall not be visible from adjoining lots or streets. Refer to the Georgetown Design Standards for additional lighting requirements.

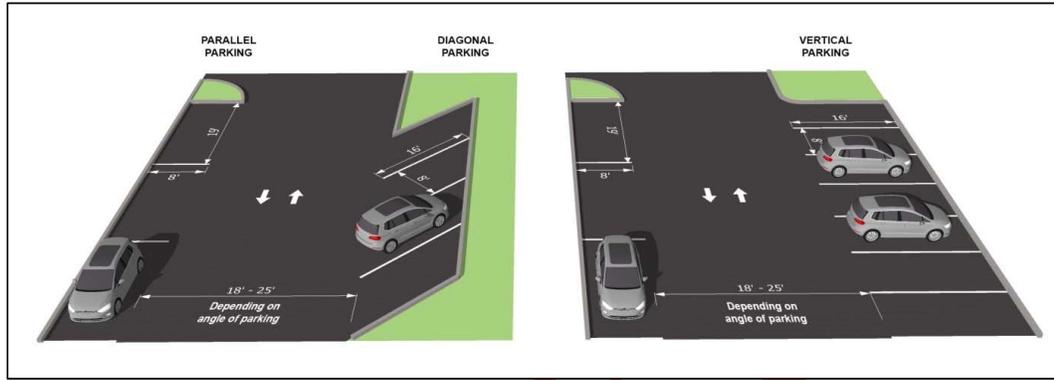
- I. When off-street parking areas for 10 or more automobiles are located closer than 50 feet to a lot in a residential district, or to any lot upon which there is a dwelling as a permitted use under these regulations, and where such parking areas are not entirely screened visually from such lot by an intervening building or structure, there shall be provided along the lot a continuous visual screen with a minimum height of six feet. Such screen may consist of a compact evergreen hedge or foliage screening, a louvered wall or fence.
- J. Holding or detention ponds utilized in stormwater management plans or other ponds and ditches shall be located at the rear of a property away from highly traveled areas or areas of high public use and shall be constructed so as to protect the public safety and character of the neighborhood, except as approved by the Planning Commission.

FIGURE 1



- K. Compact cars shall have an area no less than 8 feet by 16 feet for vertical or diagonal parking, and 8 feet by 19 feet for parallel parking. The minimum dimensions for compact parking spaces are shown in Figure 2. Compact parking spaces shall be located in one or more continuous areas and not be intermixed with spaces designed for full sized cars. Compact parking spaces shall be clearly designed by pavement marking and labeled as “Compact Cars Only.” Parking lots with 10 or less spaces do not require compact car spaces. Parking lots with 11 or more spaces shall dedicate 10 percent of the total number of spaces to compact car spaces.

FIGURE 2



L. For bicycle parking

- 1) Off-street parking areas containing 10 or more parking spaces shall provide one bike rack for every 10 parking spaces.
- 2) Bicycle racks shall be placed within 50 feet of the primary entrance of the building they are intended to serve.
- 3) The style of the bike rack shall be approved by the Town Manager.

All accessible parking spaces must comply with the American with Disabilities Act (ADA) standards, as amended from time to time, and any State of Delaware requirements.

§ 230-152. Off-street loading requirements.

The following provisions shall be applicable with respect to the requirements for off-street loading:

- A. Except as otherwise provided in this chapter, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by 25% or more, or any building is hereafter converted, for the uses listed in Column 1 of the chart below, when such buildings contain the floor areas specified in Column 2, accessory off-street loading spaces shall be provided as required in Column 3 or as required in subsequent sections of this article:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Use or Use Category</u>	<u>Floor Area as Defined in Article III, in square feet</u>	<u>Loading Spaces Required</u>
<u>Retail store, department store,</u>	<u>2,000 - 10,000</u>	<u>1</u>
<u>restaurant, wholesale house,</u>	<u>10,000 - 20,000</u>	<u>2</u>
<u>warehouse, general service,</u>	<u>20,000 - 40,000</u>	<u>3</u>
<u>manufacturing or industrial</u>	<u>40,000 - 60,000</u>	<u>4</u>

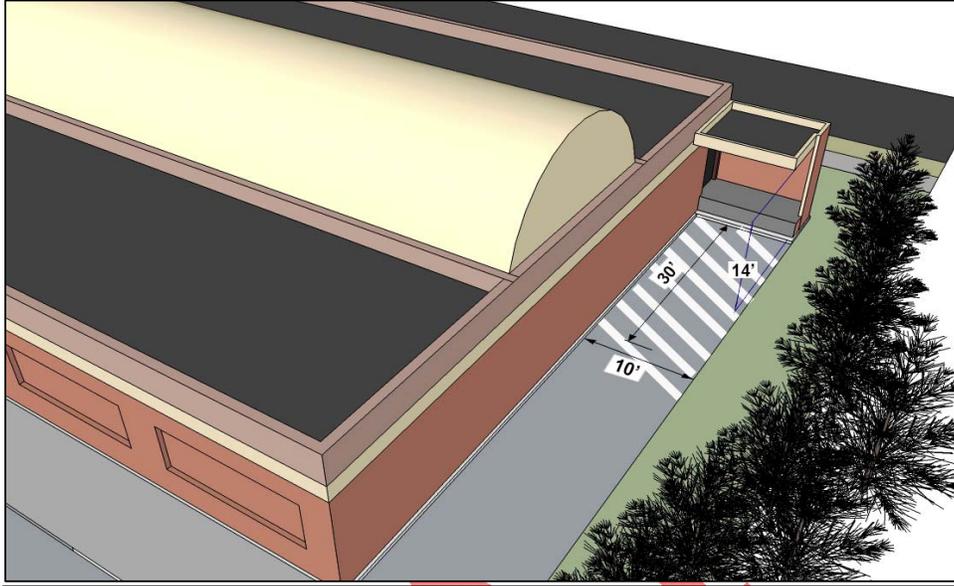
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Use or Use Category</u>	<u>Floor Area as Defined in Article III, in square feet</u>	<u>Loading Spaces Required</u>
<u>establishment</u>	<u>Each 50,000 over 60,000</u>	<u>1 addt'l</u>
<u>Apartment building, motel, hotel, offices or office building, hospital, medical clinic or similar institutions, or places of public assembly</u>	<u>5,000 - 25,000</u> <u>25,000 - 100,000</u> <u>100,000 - 200,000</u> <u>Each 100,000 over 200,000</u>	<u>1</u> <u>2</u> <u>3</u> <u>1 addt'l</u>
<u>Funeral home or mortuary</u>	<u>1 berth for each chapel</u>	

- B. The loading space requirements apply to all districts, but do not limit the special requirements which may be imposed in the district regulations.
- C. The loading space requirements in this article do not limit special requirements which may be imposed in connection with nonconforming uses or special use exceptions.
- D. The Town Manager may reduce the required number of loading spaces by up to one loading space if for the reason of the use being able to operate properly without routine delivery or shipment of goods, provided the reduction in the required number of loading spaces satisfies the intent of this article. The request for waiver shall be made to the Town Manager in writing testifying to the nature of the business and justifying the waiver sought. The Town Manager shall put in writing the decision on the waiver with the reasons for such determination.
- E. Where a building is used for more than one use or for different uses, and where the floor area used for each use for which loading space is required is below the minimum for required loading spaces, but the aggregate floor area used is greater than such minimum, then off-street loading space shall be provided as if the entire building were used for that use in the building for which the most spaces are required. In such cases, the Town Manager may make reasonable requirements for the location of required loading spaces.
- F. Design standards for off-street loading shall be as follows:
- 1) Minimum size. For the purpose of these regulations, a loading space is a space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum width of 10 feet and a minimum depth of 30 feet. Loading spaces must also provide a minimum vertical clearance of 14 feet. The minimum dimensions for loading spaces are shown in Figure 3.
 - 2) Loading spaces for a funeral home may be reduced in size to 10 feet by 25 feet and vertical clearance reduced to eight feet.

- 3) Off-street loading facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys, and surfaced with erosion-resistant material in accordance with applicable Town specifications.
- 4) Off-street loading areas shall be maintained in a clean and orderly condition at the expense of the owner or lessee and not used for sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.
- 5) Location and design of entrances and exits shall be in accord with applicable requirements of state traffic regulations and standards.

DRAFT

FIGURE 3



Section 4. 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., 2017.

William E. West, Mayor

Robert L. Holston, Jr., Secretary

Synopsis

This repeals and replaces the current Off-Street Parking and Loading Requirements and updates definitions.

PC Public Hearing: August 16, 2017

TC Public Hearing: August 23, 2017

1st Reading: September 13, 2017

2nd Reading: September 27, 2017

Adoption: September 27, 2017

DRAFT



ORDINANCE 2017-07

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN,
CHAPTER 61 THEREOF, ENTITLED BUILDING CONSTRUCTION**

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

Section 1. Chapter 61, Article I, Building Permits, § 61-2 is hereby amended as follows:

Chapter 61. Building Construction

Article I. Building Permits

§ 61-2. Permit for construction required; application; **failure to obtain.**

- A. Before the construction, alteration, repair, placement, removal or demolition of any building or structure or addition thereto or any part or parts thereof shall be commenced or undertaken, the person or persons, firm or corporation being the owner or ownership or having charge of said building or structure or the lands upon which such building or structure is located or to be located, or the duly authorized agent or agents of such owner or owners, shall first secure from the Town Council a written permit approved by said Town Council and signed by the Mayor and Secretary of said Town Council, for the erection, construction, alteration, repair, placement, removal, demolition, use or occupancy of the building or structure to be erected, constructed, altered, repaired, removed, demolished, used or occupied.
- B. Before the permit required in the subsection above shall be issued by said Town Council, said owner or owners of the property, or his or their duly authorized representative, shall before commencing work submit an application, in writing, to the Town Council, which shall contain the following information:
1. The name, residence and business address of the owner or owners of the property upon which the proposed work is to be done.
 2. An accurate description of the location and size of the premises upon which the building or structure is located, or upon which said building or structure is to be erected.

3. A description of the work proposed to be done. The Town Council is hereby authorized, if it deems it to be necessary, to require of the applicant for such permit a detailed plan of the proposed work.
4. The estimated cost of the building.
5. The nature of the use to be made of the building or structure. If the building is to be devoted to business, the nature of such business must be stated.

C. Any person or persons, firm or corporation being the owner or agent, or having charge of, said building structure or lands which fails to obtain any necessary building permit prior to commencement of work shall be subject to a \$750 fine.

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., 2017.

William E. West, Mayor

Robert L. Holston, Jr., Secretary

Synopsis

This adds a penalty for work being performed without first obtaining a building permit.

1st Reading: September 13, 2017

2nd Reading: September 27, 2017

Adoption: September 27, 2017



ORDINANCE 2017-08

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN, CHAPTER 130 THEREOF, ENTITLED LICENSING OF BUSINESSES

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

Section 1. Chapter 130, Licensing of Businesses, § 130-15 is hereby amended as follows:

No rental license shall be issued for any rental unit under this chapter until the applicant shall certify, in writing, on a form prepared by the Town, that:

- A. Each such rental unit has a functioning smoke-detection device and those other safety devices required by the Fire Marshal of Sussex County.
- B. The number and relationship of people per unit or building is in compliance with the Town's Housing Code, Building Code and Zoning Ordinance.
- C. That the license holder shall maintain the appearance of the dwelling, parking area and grounds.
- D. That the license holder or applicant has not made any misrepresentation of fact in the license application.
- E. That the license holder or applicant acknowledges that the unit meets the current applicable federal and state laws and local ordinances, including but not limited to the Building Code, Zoning Ordinance, Housing Code, and other health, safety and fire codes applicable within the Town of Georgetown, which the Town seeks to enforce.
- F. That the license holder or applicant acknowledges receipt of the following Town of Georgetown Codes:
 - a. Chapter 116, Housing Standards.
 - b. Chapter 144, Noise.
 - c. Chapter 165, Property Maintenance.
 - d. Chapter 212, Vehicles, Abandoned or Inoperable.
- G. That the unit complies with the off-street parking requirements in the Zoning Ordinance.

H. A pre-license inspection is required on all new rental units at the applicant's expense. The first application for a rental license on a property will include a minimum fee to be paid at the time of application. Any additional fees required by the inspection that are not normally required will be invoiced. If a license lapses, or there is a change in ownership, a rental inspection and fee shall be required as if it were new.

I. Inspection access.

A. Property owners shall permit the Town Manager or his/her designee to inspect all premises to determine if the building is operated as a rental property and/or to determine compliance with the provisions of this Code, and shall fully cooperate with such inspections. The property owner shall make reasonable efforts to notify tenants of planned inspections of their rental units to the extent required by state law.

B. The property owner or his/her designee shall be present on the premises during inspections; however, failure of a property owner to comply with this requirement shall not deprive the Town of the authority to inspect.

C. Failure of a property owner to obey any of the requirements of this section shall subject the property owner to suspension or revocation of license, in addition to other penalties provided for in this code. Any such suspension or revocation shall continue until the inspection has been completed, any violations satisfactorily remedied and any outstanding fees or penalties have been paid.

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., 2017.

William E. West, Mayor

Robert L. Holston, Jr., Secretary

Synopsis

This adds Inspection Access as a requirement under the Rental license section of the Town Code.

1st Reading: September 13, 2017

2nd Reading: September 27, 2017

Adoption: September 27, 2017

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