

**AN ORDINANCE TO AMEND CHAPTER 95, RENTAL PROPERTY,
OF THE MUNICIPAL CODE OF THE TOWN
OF HENLOPEN ACRES, DELAWARE, BY
AMENDING SECTIONS 95-1, 95-3, 95-5, 95-6, AND 95-11
RELATING TO RENTAL PROPERTY**

WHEREAS, the Mayor and Commissioners desire to amend Chapter 95, Rental Property, of the Henlopen Acres Municipal Code.

BE IT ORDAINED by the Commissioners of the Town of Henlopen Acres, in session met, a quorum pertaining at all times thereto, in the manner following to-wit:

Section 1. Chapter 95, Section 95-1, of the Municipal Code of the Town of Henlopen Acres, Delaware, as amended be and the same is hereby further amended by making insertions as shown by underline and deletions as shown by strikethrough as follows:

§ 95-1 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ESTABLISHMENT OR PLACE OF BUSINESS

Any building or part thereof located within the corporate limits of the Town of Henlopen Acres ("Town"), including rental units.

GROUP RENTALS

Group rentals are prohibited and are defined as rentals to more than 3 parties unrelated by blood or marriage.

LOCAL AUTHORIZED AGENT

A person who shall be at least 21 years of age and available to be contacted at all times during the term, duration, or lease period of any lease or rental agreement for any rental unit and who will arrive at the property 24/7 within one hour of notification to address any significant property or rental tenant related matters.

PERSON OR PERSONS

Individuals, partnerships, firms, companies, associations and corporation.

RENTAL UNIT

Any dwelling house which is leased, let, rented or otherwise made available for use or occupation and for which consideration is received.

Section 2. Chapter 95, Section 95-3, of the Municipal Code of the Town of Henlopen Acres, Delaware, as amended be and the same is hereby further amended by making insertions as shown by underline and deletions as shown by strikethrough as follows:

§ 95-3 **Application for annual license.**

- A. Application for a license required by § 95-2 hereof shall be made on the prescribed form, which may be amended from time to time, to the Town Manager in the Town Hall, and no license shall be granted until the license fee shall have been paid in full. Each such license and such application shall specify to whom it shall be issued and give the following information, including but not limited to:
- (1) The home and business address of the applicant.
 - (2) If the applicant is a partnership, the names and addresses of the individuals composing the partnership.
 - (3) If the applicant is a corporation, the names and addresses of the principal officers of the corporation.
 - (4) The specific location of the business, occupation or activity, giving lot and block number.
 - (5) The number of sleeping rooms or bedrooms in each rental unit and the number of persons to be accommodated.
 - (6) A statement that the applicant has complied with all laws and ordinances of the Town and that all taxes and assessments, if any due the Town, upon the property which the licensee will operate are paid.
 - (7) The name, address, and telephone numbers of a Local Authorized Agent.~~at least one emergency contact person who shall be at least 21 years of age and who will be located within Sussex County, Delaware, and available to be contacted at all times during the term, duration, or lease period of any lease or rental agreement for any rental unit.~~
- B. It is presumed that each license applicant and each license holder meets certain required qualifications and has completed an affidavit to such effect, as follows:
- (1) Has not made a misrepresentation of fact in the license application.
 - (2) Has consistently complied with all provisions of this article and all other laws and ordinances of the Town.
 - (3) Has paid all taxes, fees, ~~and assessments~~ and fines due the Town.
- C. No rental license shall be issued for any rental unit under Subsection A(5) of this

section until the applicant shall certify, in writing, on a form prepared by the Town, that:

- (1) Each such rental unit has the minimum number of functioning smoke detection devices, in accordance with National Fire Protection Association (NFPA) requirements.
- (2) The number of people per unit building is in compliance with the Housing Code of Sussex County and of the State of Delaware and, in any event, shall not exceed 12 persons, and acknowledgement of compliance with Town zoning laws. Group rentals are specifically prohibited.
- (3) The rental unit will not be subleased or sublet.
- (4) The term, duration, or lease period provided in any lease or rental agreement for any rental unit will not be less than seven days, and the rental unit will not be rented more than eight times in a calendar year, with no more than six times where any portion of the rental term is rented in-season, defined as the period of time between and including May 15 and September 15.
- (5) A copy of all rental agreements will be provided to the Town Manager at least three business days in advance of the commencement of the rental term.
- (6) The information on the application is true and correct and that a false answer can subject the application to denial or a license to revocation.

Section 3. Chapter 95, Section 95-5, of the Municipal Code of the Town of Henlopen Acres, Delaware, as amended be and the same is hereby further amended by making insertions as shown by underline and deletions as shown by strikethrough as follows:

§ 95-5 Appeals from decisions of Town Manager.

Any person aggrieved by the decision of the Town Manager may within five days take an appeal to the Commissioners by giving written notice of his election so to do to the office of the Town Manager and upon payment of a fee as provided by the fee schedule on file in the Town offices. The Town Manager shall notify the Mayor, who shall call a meeting of the Commissioners to hear the appeal after giving notice of the hearing in a newspaper of local circulation at least 10 days prior to said hearing. The decision of the Town Manager shall not be stayed upon the filing of an appeal and shall continue to be operational unless reversed by the Commissioners.

Section 4. Chapter 95, Section 95-6, of the Municipal Code of the Town of Henlopen Acres, Delaware, as amended be and the same is hereby further amended by making insertions as shown by underline and deletions as shown by strikethrough as follows:

§ 95-6 Deadline for payment of license fees; expiration of licenses.

All license fees shall be due and payable to the Town not later than the 31st ~~first~~ day of January of each year, and all licenses shall expire on the 31st day of the December following.

Section 5. Chapter 95, Section 95-11, of the Municipal Code of the Town of Henlopen Acres, Delaware, as amended be and the same is hereby further amended by making insertions as shown by underline and deletions as shown by strikethrough as follows:

§ 95-11 Violations and penalties.

Any violation of any provision of this chapter is declared to be a civil offense and is subject to the voluntary assessment and other procedures described in Chapter ~~55~~ of this Code.

Any person violating ~~Section 95-2~~any provision of this chapter shall pay a civil assessment of ~~\$50~~\$1000 per day for the first three days, ~~then \$100 per day thereafter~~ rental period, and shall also pay the Town's court costs and expenses, including its attorneys' fees. A separate violation shall be deemed committed each ~~day~~rental period during or on which a violation occurs or continues.

Any person violating Section 95-3 of this chapter shall pay a civil assessment of \$500 per rental period, and shall also pay the Town's court costs and expenses, including its attorneys' fees. A separate violation shall be deemed committed each rental period during or on which a violation occurs or continues.

Section 6. If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 7. This Ordinance shall take effect immediately upon its adoption by the Commissioners of the Town of Henlopen Acres.

Adopted by the Commissioners
of the Town of Henlopen Acres

January 8, 2021

Beatriz D. Richards

Secretary of the Commissioners of
the Town of Henlopen Acres

SYNOPSIS: This Ordinance amends the Town's Municipal Code concerning rental property.