

**AN ORDINANCE AMENDING OCEAN VIEW CODE, CHAPTER 93,
SECTION 93-15 TO CLARIFY FEES, PARKING AND OTHER REQUIREMENTS
FOR RENTAL PROPERTIES IN THE TOWN OF OCEAN VIEW**

WHEREAS, the Town Council has the power to adopt ordinances for the protection and preservation of town property and for securing the protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents of the town; and

WHEREAS, the Town Council on April 9, 2019, adopted Ordinance No. 360 to establish occupancy, parking, and other requirements for residential rental properties within the Town in order to preserve and protect Ocean View from the adverse impacts of overcrowding such as inadequate parking, and

WHEREAS, the Town Council is desirous of clarifying the parking requirements; and

WHEREAS, the Town Council of Ocean View is of the opinion that it promotes the health, safety, morals, beauty and good appearance of the Town to regulate the number of occupants in residential rental properties within the Town.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN
COUNCIL OF THE TOWN OF OCEAN VIEW;**

Section 1. Amend Chapter 93, Licenses, § 93-15, Tax on Rentals, by deleting those portions in brackets and by adding thereto those portions indicated by underlining, as follows:

§ 93-15 Tax on rental properties.

A. There is hereby imposed and assessed a gross receipts tax at a rate of 5% of the rent for occupancy of any private and public lodging facilities and housing accommodations, including rooms, rooming homes, boardinghouses, bed-and-breakfast inns, cottages, cabins, houses, apartments (whether in condominiums or not), stores, garages, warehouses, or any commercial buildings or structures which rent or lease space or other facilities. The payment of the tax shall be the

responsibility of the person who is the owner of the property being rented; provided, however, that such person may designate an agent to collect and pay the tax to the Town. Where said designated agent is a real estate broker or agent, the latter shall collect and pay the tax to the Town, unless authorized in writing by the owner of the property to collect the tax and remit said tax to the owner for the owner's payment to the Town.

B. For the purpose of this section, the following terms shall have the meanings indicated:

BEDROOM - An area contained within a residential rental, heated or cooled by any equipment, which is used, occupied, listed or labeled for human habitation and designated as a sleeping room or area.

MOTOR VEHICLE – a self-propelled device licensed as a motor vehicle used for transportation of people or goods over roads.

OCCUPANCY - The use or possession or the right to use or possession of any property referred to in Subsection A hereof.

PERSON or PERSONS - Individuals, partnerships, firms, companies, associations, corporations, limited liability companies and trusts.

RECREATIONAL VEHICLE – a vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

RENT - The consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash credits and property or services of any kind or nature.

RESIDENTIAL RENTALS - single-family, semidetached, duplex, townhouse and multifamily dwellings used for rental purposes on a daily, weekly, monthly, seasonal, or annual basis.

C. Every property owner offering property for rent or receiving any rent on which the tax is imposed under Subsection A shall be obligated to file, or have filed by a designated agent, a rental tax report form with the Town Manager and to pay the Town the amount of tax due the Town, as follows: The tax on rent received in any year for occupancy which occurs during the period from January 1 through June 30 of that year shall be due and payable on or before August 15 of that year; the tax on rent received from July 1 through December 31 of that year shall be due and payable on or before February 15 of the following year.

D. The rental tax report form referred to in Subsection C above shall be furnished by the Town Manager to the owner of the rental property, or designated agent thereof, at the time of issuance of the annual license. It is the responsibility of the owner of the property to obtain a rental tax form from the Town Manager.

E. Any person obligated to pay the tax imposed and assessed by this section who fails or refuses to file the required rental tax report and to remit the tax required to be paid within the time and in the amount specified in Subsection A hereof, unless it is shown that such failure is due to reasonable cause, shall be charged, in addition to the amount of tax owed the Town, **[interest thereon at the rate of 1 1/2% per month] a penalty as established by Council pursuant to Section 3-1** until such debt is fully paid. If such debt remains unpaid by the time of expiration of the license to rent the property concerning which the rental tax has not been paid, a renewal rental license shall not be issued with regard to such property.

F. Residential rental requirements:

i. The property owner shall use reasonable business practices to ensure that the occupants and guests of a residential rental complies with all applicable codes concerning fire, building, health and safety, zoning, and all other relevant laws.

ii. The overnight occupancy of a residential rental shall not exceed the sum of two persons per bedroom plus an additional two persons. Children under the age of six years shall not be counted towards the overall number of occupants.

iii. The property owner shall use reasonable business practices to ensure that the occupants and guests of the residential rental do not create unreasonable noise disturbances, engage in disorderly conduct, or violate provisions of this Code or any applicable law of the State of Delaware.

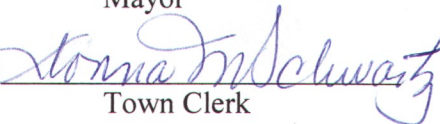
iv. **[The property owner shall provide 1 off-street parking space for each bedroom.] The property owner shall limit their rental occupants to one (1) motor vehicle parking space (not to include a recreational vehicle) for each bedroom as shown in the property assessment records of the Town, with all off street parking available to the rental property utilized first. The Property Owner shall include the parking limitations set forth in this Section in any rental agreement and all other communication with tenants.**

v. The property owner shall provide adequate waste and recycle services.

Section 2. Upon its adoption by a majority of the members of the Town Council present and voting, this ordinance shall become effective January 1, 2020.

TOWN OF OCEAN VIEW

By: 
Mayor

Attest: 
Town Clerk

Adopted: 11-12-2019

Synopsis

This ordinance revises OV Code § 93-15, (1) to reference OV Code § 3-1 for penalty to be charged for late payment of gross rental tax; (2) to eliminate off-street parking as a license requirement; (3) to clarify that the bedroom count for occupancy and parking requirements shall be based upon the Town's assessment records; and (4) to limit parking to no more than 1 parking space per bedroom, with off street parking utilized before any on street parking is used.

This ordinance will become effective January 1, 2020.

[DLS Draft 08-23-19]
[DLS Rev 1 08-27-19]
[DLS Rev. 2 08-27-19]
[DLS Rev. 1 08-29-19]
[DLS Rev. 2 08-29-19]
[RCK Rev 10-1-19]
[RCK Rev 11-13-19]