



Town of Dewey Beach Newsletter

MAYOR
Dell Tush

TOWN MANAGER
Gordon Elliot

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COMMISSIONERS
Marc Appelbaum
Rich Hanewinkel
Diane Hanson
Marty Seitz

Dewey Beach Accommodations Tax: Information You Need to Know if You Rent

From the Town Council of Dewey Beach

In September 2008, Dewey Beach property owners overwhelmingly voted to approve an Accommodations Tax of 0-3% on gross rental receipts for short-term residential rentals. It will go before the General Assembly for approval this March. If approved, it will then be ratified by the Commissioners.

Any lease agreement written after January 1, 2009 for a rental that will be completed after approval and ratification of the tax, will be subject to the tax.

It is advised that language be inserted into any lease agreement written after January 1, 2009, advising that the tax will be due on any rental completed after the tax is approved. It will be the responsibility of the property owner to pay this tax. That said, it is customary to pass the tax through to the tenant by adding the tax as a separate line item in the lease agreement, analogous to retailers (in other states) adding sales tax to purchases. In this way the tax is paid by the tenant and collected and remitted to the Town by the owner. If a rental agent rents your property they usually collect the tax from the tenant and remit it directly to the Town. If you rent your property directly we urge you to add the tax as a separate line item in your leases for 2009.

The tax is not retroactive – no tax is due on rentals completed before ratification by the Commissioners. In the event the General Assembly does not approve the charter change, no tax will be collected in 2009.

There are a number of important facts pertaining to the tax that you should know including:

- *How do I know if my rental is covered by this new tax?* The tax will be assessed on any short-term (less than 1 year) residential rental, commencing on or after the date the Town Council passes the ordinance enacting the tax. A pro-rated tax will be assessed on any short-term residential rental that starts before this date and extends to a date after passage. No tax will be assessed on any short-term rental that concludes prior to the date the Town Council enacts the tax. Rental contracts of one year or longer are not taxed.
- *What is the tax rate?* Over time the Town Council will assess projected Town revenue needs and adjust the rate of the tax from 0% to 3%. Based on the current state of Town finances the tax is anticipated to be 3% in 2009.
- *What is taxed?* The tax is assessed against the gross rent. Other charges such as cleaning fees, pet fees and

Table of Contents

Page 2	Message From The Mayor Cinema in Sand Recycling
Page 3	DBP Educate Grads about Laws Changes to Civil Codes
Page 4	Congratulations Corner New Zoning Code Recordings Available
Page 5	Beautification Day Banners Rental License
Page 6	2009 Season Info
Page 7	2009 Season Info

security deposits are not taxed.

- *When is payment of the tax due?* The Town Council will review a payment schedule and will likely have two or more periodic due dates throughout the year.

To reiterate, in anticipation of Town Council's implementation of the tax, you should consider including provisions in your 2009 Rental Agreements to collect a 3% tax on the gross rent from your renters. If tax is collected from a renter for a rental period that concludes prior to the implementation date of the tax, the property owner or rental agent should refund the tax to the tenant.



Cinema in the Sand and Bonfires on the Beach... — Could it be the last Picture Show?

Due to the fiscal issues, last year's Movie Mondays and Bonfire Wednesdays on the beach have not made it into this year's budget. These were well attended each week last summer. In order to continue providing the Monday Movies on the beach at a cost of about \$600 per week, we need to raise \$6000. Please help us keep this program alive by providing donations at any level. Whether you can send \$25, \$50, or \$100...100% goes towards funding these family-friendly events on our beach for 10 weeks over the summer. Please make checks payable to The Town of Dewey Beach, and mail them to Dewey Beach Town Hall, 105 Rodney Street, Dewey Beach, DE 19971. Please mark the checks for MOVIES on the BEACH FUND.

Recycling Comes To Dewey Beach

Check it out. Two pick ups per month for \$6. This program offers curbside pick-up of your recyclables. Residents signing up for curbside recycling receive a 65-gallon cart on wheels. Using this one-cart system means cans and bottles can be recycled together with newspaper, cardboard and many other recyclables. There is no need to separate any material that goes into the cart.

<http://www.delawarerecycles.com/shopsite/index.html>

Message From The Mayor

- **Beach Re-nourishment.** Dewey Beach is slated to have our beach re-nourished beginning on March 31st. Winter storms and work on other beaches have delayed this project by the Army Corps of Engineers. Taking approximately 30 days, the project will be completed before our season begins. Tony Pratt of DNREC has indicated that Dewey Beach will receive 300,000 cubic yards of sand coming from the Fenwick Shoal area. The sand is slated to be placed on the southern end of Dewey Beach since the sand washes to the north and will naturally re-nourish the northern end as well. Our beach will have better quality sand with this re-nourishment and won't have the rocks and shells that we experienced the last time.

- **Planting Dune Grass by DNREC – March 21, 2009.** We need volunteers to plant dune grass. I have arranged for young adults from the 4H Club, Future Farmers of America (FFA), the Boy Scouts of America, members from the Center for the Inland Bays, and students from the Cape Henlopen High School Environmental Club to help us. DNREC also has people coming but we need approximately 90. DNREC will have the dune built prior to the re-nourishment to enable us to do this on March 21. To volunteer, please call me at 302-227-0938 or 302-270-2894 or send an email to delltush@townofdeweybeach.com.

- **Dewey Beach asks DE General Assembly to Ratify Three Charter Changes.** (1) 35-foot height limit: By placing the height limit of 35 feet in our charter, it provides added protection for the town. Any change from 35 feet will require a referendum vote by the citizens, not just a majority vote on council. This gives the people more of a voice in this important issue. (2) Accommodations Tax: This tax on residential rentals to be paid by

renters will give more stability to our budget. (3) Voter Regulations: This brings our voter regulations in line with the new DE voter law (Title 15) and is required by the State. A fourth charter change re: stable period of employment was withdrawn for further study and legal review.

- **Noise Committee Meeting on January 9.** The hearing was well attended by citizens and business owners. Many concerns about noise and late night issues were raised. I felt it was a very good exchange of ideas and we talked about ways to work together on these problems. We are planning to schedule another meeting in March as well as April. Watch the web site for dates and times.

- **Roads Committee Working on Bayard Avenue Project.** The Roads Committee has chosen Duffield Associates as the engineering firm to begin a study of the long-standing flooding problems on Bayard Avenue and surrounding area. We look forward to their completed study.

- **American Shore and Beach Preservation (ASBPA) Conference, Washington, DC – March, 2009.** The ASBPA is a national organization devoted to keeping the coastal areas of the United States replenished, dedicated to protecting our shoreline, our properties, and our tourism. This group lobbies Congress to make sure that money is appropriated for this purpose. I am attending the Conference at my own expense to make sure Dewey Beach is represented. Our beach is being re-nourished again this year and I feel my presence at this conference for the last three years has helped in our getting this re-nourishment done.

I look forward to hearing from anyone who has questions about any issues you may have.

Thanks. Dell C. Tush

Dewey Beach Police Educate Spring High School Graduates About Dewey's Laws

By Sgt. Clifford Dempsey, Dewey Beach Police Department

Over the past ten years, the Dewey Beach Police Department has seen an increase in the number of young people who travel to our area to celebrate high school graduation. It is estimated that about 3000 to 5000 per week come to Dewey, during the last week of May and first two weeks of June. During the winter of 2003, we began to examine all recorded incidents involving the students. These incidents ranged from motor vehicle violations to more serious complaints such as sexual assaults and the distribution of illegal narcotics. We decided to initiate a program to try to prevent these crimes.

In the spring of 2003, Dewey Beach police officers began visiting Delaware High Schools. The

officers spoke to parents and students about the problems the students would encounter during their time in Dewey. We provided information on the Delaware Criminal Code as well as the laws of Dewey Beach. We also provided information on the parking regulations and furnished the students with a list of safe and legal activities in our area. Over two hundred parents and students attended.

In 2004 we were contacted by the University Schools Alliance (USA), a division of the University of Delaware, and were asked to participate in their seminars. The purpose of the USA is to assist students with the transition between high school and college. These events were highly

publicized and the turn out was massive. Also, in 2004 we were asked to travel to Bethesda MD to speak at several schools whose students travel to our area. These events were attended by hundreds of parents and students.

After five years of conducting these seminars we have seen a decrease in the number of incidents involving high school students. We have also noticed they seem more educated about our laws. As the 2009 summer season quickly approaches, the Dewey Beach Police Department has already begun preparing for our young visitors. Several seminars have been scheduled at Delaware and Maryland high schools.

Changes Made In Dewey Beach Criminal and Civil Codes

The Commissioners recently updated our Criminal and Civil Codes to improve efficiency of law enforcement and fairness to citizens.

The "Crimes and Conduct" section of our Code deals with a variety of criminal offenses from serious crimes to not picking up your dog's waste. In our Code, when a law enforcement officer witnesses a person committing a criminal offense, it is the police's "lawful duty" to institute an arrest: take a person into custody, take a 'mug shot' and collect a set of fingerprints to be sent to the state databank. The person can be brought before the Town Alderman to answer for the charge through an arraignment and may be required to post a bond for a subsequent trial. Going through this process for all violations is costly and time consuming for the police and is "overkill" for some minor violations.

Town Officials worked to find a better way to make the punishment fit the offense, but effectively create more efficient means of enforcement in doing so. Through the efforts of Chief of Police Sam Mackert, Town Manager Gordon Elliott, and Town Solicitor Glenn Mandalas, Esq., a review was made of the existing criminal offenses that warranted the attention of enforcement but that they believed could be adjudicated in an alternative manner.

After several Town Meetings, the Commissioners elected to declare certain offenses enforceable through the use of "Civil Summons" instead of criminal charges. A civil offense is "still breaking the law" but will not require the same process as that used with criminal offenses. To accomplish this, they created a new Chapter in the Dewey Beach Code titled "Civil Offenses." The new provision

establishes the Town's authority to detain an offender, issue a citation (ticket), and allow for the matter to be disposed of through a voluntary payment. Citizens still have the right to protest the citations through the Town's Alderman's court.

The Commissioners believe this legislation will improve the enforcement of fundamental laws yet relieve the police of the lengthy process of making arrests for less serious crimes. More importantly, it brings the treatment of citizens more in line with the seriousness of their violations.

Crimes being converted to civil offenses are: unlicensed selling or conducting commercial activity on the beach; carrying alcoholic beverages on the beach; carrying opened containers of alcohol on the street; littering, including animal waste; and sleeping in a vehicle.

Congratulations

Corner



Volunteer of the Year: David King

As Co-Chair of the Dewey Beach Planning and Zoning Commission, David King was a leader in the multi-year task of revising Dewey Beach's zoning code. He also serves on the Town's Budget and Finance Committee and is always willing to pitch in on whatever project comes up. King was honored at the annual meeting of the Dewey Beach, Rehoboth Beach Chamber of Commerce with the Dewey Beach Volunteer of the Year award for his tireless efforts on behalf of the Town. Congratulations, David. Your award is well deserved.



Lifeguard of the Year: Allen Fedale

Captain Todd Fritchman of the Dewey Beach Patrol presented the Lifeguard of the Year Award to Allen Fedale. His peers elected Allen who has served as a Dewey Beach lifeguard for the past five years.



The Starboard Selected as

Business of the Year

Our own Starboard was honored as the Business of the Year at the annual meeting of the Chamber in January. The owners—Steve Montgomery (Monty), Jim Weisgerber and Dick Heidenberger—were honored for not only running a highly successful business, but also for the restaurant's participation in many charity events and community service.

New Zoning Code Adopted

At the January 10, 2009 Town Meeting the Town Commissioners voted unanimously to approve Ordinance #634 to adopt a new zoning code. Comprehensive review and amendment of Chapter 185 Zoning, of the Town's Municipal Code, was required for the implementation of the zoning aspects of the Town's 2007 Comprehensive Development Plan. The new code can be accessed through links at the bottom of Ordinance #634 Zoning Regulations and Zoning Districts. Ordinance #634 can be accessed by links in the Town's website or directly at:

www.townofdeweybeach.com/index.cfm?fuseaction=content.pageDetails&id=109&typeID=28

Please note that the version of Chapter 185 Zoning, of the Town's Municipal Code accessed through links to state codes (e.g., via the ecode360.com link) on the Town's web site is the old, outdated version, and is no longer in force. The Town is working on updating the state site version. Hard copy of the new code can also be obtained at Town Hall.

Recordings of Town Council meetings available

These recordings are available on the town website on an experimental basis, intended to help those who do not find it possible to attend the meetings in person. We would like your opinion on the value of continuing the process; especially if you have actually used the recordings. Please fill in a questionnaire to help us decide whether or not to continue posting these recordings.

Spring Beautification Day — May 16, 2009

Our Beautification Day has a new chairperson. Diane Hanson's commitments as Town Commissioner preclude her from continuing in this capacity and Marie Hutton has graciously agreed to take the helm. Diane will still be working closely with Marie in organizing the event and will specifically be volunteer coordinator as well as marketing the event.

On May 16, we need your help again with planting flowers and sprucing things up at the Dewey Beach Civic League's third annual Unity for Beauty Day, in cooperation with the Town of Dewey Beach. To volunteer to help, contact Diane Hanson at 302-226-5998 or by email at dianehanson@deweybeachcivicleague.com



Reminder: For Those Who Rent

If you have not yet paid for your rental license, you can download a copy from the town website: <http://www.townofdeweybeach.com> or call Town Hall at 302-227-6363 to have them fax you a copy. Send the completed form with check to Town Hall.

Banners for Sale

It will be another banner year in Dewey with bright blue banners down the center of town. The banners not only brighten up the town center, but also help bring in money for the beautification of our Town. For more information or to purchase a banner for 2009, please contact

Rob Marshall: RCM@dmv.com or
Joy Howell at
joy@cambridgestrategicpartners.org.



A seal takes a nap on Dewey Beach near Collins Street on January 22. Seals were spotted on several occasions throughout the winter.

From The Editor

To save money based on our limited budget for 2009, we will only be sending out three issues of the newsletter this year. Budgetary restrictions also permit us to send only one hardcopy to the property owners on file. If you would like to receive additional copies via email, please contact me directly. Email: dianehanson@townofdeweybeach.com or Phone: 302 858 8926.

Diane Hanson
Commissioner

Town Of Dewey Beach – 2009 Season

Parking Permit Rules – Strictly Enforced

- * Parking Permits and Parking Meters are in effect May 15 thru September 15 from 10:00 a.m. until Midnight 7 days a week.
- * Vehicles parked on the right-of-way between 10:00 a.m. and Midnight must display a permit.

2009 Parking Permit Fees

Seasonal	\$200.00
Weekly - Any seven (7) consecutive days	50.00
1 Day - For use on a Monday, Tuesday, Wednesday or Thursday.....	10.00
1 Day - For use on a Friday, Saturday, Sunday or any Major Holiday.....	15.00
2 Day - For use on any two (2) consecutive days.....	20.00
3 Day - For use on any three (3) consecutive days.....	30.00
4 Day - For use on any four (4) consecutive days.....	40.00

Property owners who have paid their Beach Replenishment Tax may purchase up to two (2) Seasonal Permits prior to May 25, 2009 (Memorial Day) for \$100.00 each.

Mail Orders (Seasonal Permits only!)

Seasonal Permits may be purchased by check through the mail. However, permits purchased must be picked up at the Town Hall; they cannot be mailed.

A \$50.00 fee will be charged on any check returned because of Non-sufficient Funds.

Lost or stolen permits can be replaced one (1) time at half the original cost, provided the Police Department is notified and a report filed.

Parking Meters are in use at selected sites; a parking permit is not valid at these locations.

General Parking Guidelines

Failure to pay a parking fine within the prescribed time can result in a \$50.00 fine increasing to \$110.00 and a \$70.00 fine increasing to \$145.00; the vehicle is also subject to the Town's "Scoff Law" List.

It is the responsibility of property owners to designate private (off street) parking for their guests or tenants (as governed by the laws of the Town). As a general rule, telephone poles mark the line between the right-of-way (where permits are required) and private property.

Town Hall Office Hours

Off Season - Monday thru

Friday.....9:00 a.m. to 5:00 p.m.

Summer Season - Monday thru

Friday..... 9:00 a.m. to 5:00 p.m.

Parking Permit Sales

May 15 thru September 15 - Monday thru Saturday..9:00 a.m. to 5:00 p.m.*

May 15 thru September 15 - Sunday sales at Parking Permit Machine only

- * **After 5:00 p.m.** and on **Sundays** – Purchase permits at machine at the end of the Town Hall parking lot.

Town Of Dewey Beach – 2009 Season

Synopsis Of The Municipal Code For The Summer Season

*No alcoholic beverages are allowed in public, including the beach.

*No one is allowed on the beach between the hours of 1:00 a.m. and 5:00 a.m.

*No sleeping is allowed in vehicles or other public places, including the beach.

*No surf fishing is allowed within 100 ft. of bathers between 10:00 a.m. and 5:00 p.m.

*No private vehicles are allowed on the beach during the Summer Season.

*The following are prohibited on the beach:

- Glass bottles or glass containers
- More than three (3) beverage containers unless in bulk metal or hard plastic containers
- More than three (3) empty beverage or food containers

Curfew for Minors – No minor shall remain in or upon any public place between the hours of **11:00 p.m. and 5:00 a.m.** of the following day except on Fridays and Saturdays when the curfew hours shall be from **12:00 Midnight to 5:00 a.m.**

Disorderly Houses are prohibited. Convictions may lead to a tenant's eviction, and the owner could be subject to the loss of his/her Rental License. To report a disorderly house or noise emanating from a commercial establishment, call the Dewey Beach Police Department at 227-1110.

Occupancy Limits are two (2) persons per bedroom, plus a maximum of two (2) additional persons allowed in a general living area.

Dogs must be licensed with the Town (may be obtained at Town Hall) at a one-time cost of \$15.00 unless lost (replacement license is also \$15.00). Dogs are not allowed on the beach between the hours of 9:30 a.m. and 5:30 p.m. Owners/handlers must clean up and dispose of the pet's feces in a sealed container.

Beach Fires require a \$30.00 Permit, plus a \$40.00 Security Deposit; this \$70.00 must be in the form of cash!

Volleyball play will be permitted only in areas and at times as designated by the Town.

Littering is prohibited within Town limits.

No commercial activity is allowed on the beach or public streets unless approved by the Town.



Town of Dewey Beach

105 Rodney Avenue

Dewey Beach, DE 19971

www.townofdeweybeach.com

**Important Parking Fees and
Accommodations Tax
Information Enclosed**