



# TOWN OF DEWEY BEACH

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Gordon E. Elliott  
Town Manager

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND CHAPTER 185, ARTICLE III, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE, ENTITLED "GENERAL PROVISIONS" TO ADD A PROHIBITION AGAINST THE CONVERSION, DEDICATION, OR DECLARATION OF EXISTING HOTEL, MOTEL AND/OR CONDOMINIUM UNITS TO FRACTIONAL TIME UNIT OWNERSHIP COMMONLY KNOWN AS TIMESHARE OWNERSHIP**

**WHEREAS**, the Commissioners of the Town of Dewey Beach recognize the legislative responsibility to regulate the use of land in accordance with a comprehensive plan, to make regulations designed to lessen congestion in the street, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land and to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, and sewerage, and to regulate land uses with reasonable consideration to the character of the particular district and its suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, all in accordance with provisions of 22 Del. Code Section 303; and

**WHEREAS**, the Dewey Beach Town Commissioners have previously received recommendations from its duly appointed Voter Eligibility Committee that time share and fractional interest real property ownership creates and unequal and unreasonable imbalance of voting interests and privileges within the Town; and

**WHEREAS**, the Dewey Beach Town Commissioners have considered evidence that conversion of hotel, motel and/or condominium units to time share and fractional interest units has been detrimental to the Town as evidenced by additional and unreasonable parking difficulties, unregulated occupancy of units as transient rental units causing unintended density of population, traffic congestion, in addition to voter registration and eligibility difficulties;

**NOW THEREFORE:**

**BE IT ENACTED AND ORDAINED**, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware that Chapter 185, Article III, entitled General Provisions, is hereby amended by the addition of a new Section 185-22.1 as follows:

**185-22.1 Conversion, dedication, or declaration of hotel, motel and/or condominium units to fractional interest or timeshares is prohibited.**

The conversion, dedication, or declaration of any hotel, motel and/or condominium unit, as defined by the provisions of the Delaware Unit Property Act, within the Town of Dewey Beach to fractional time unit ownership or ownership commonly known as timeshare interests is prohibited. Any hotel, motel and/or condominium, Declaration of Hotel, Motel and/Condominium and hotel, motel and/or condominium Code of Regulations describing or providing for a fractional interest time share form of ownership which has filed of record in the Office of the Recorder of Deeds in and for Sussex County as of the date of the adoption of this Ordinance shall not be subject to the prohibitions of this Ordinance.

**ORDAINED AND ENACTED** into law this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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DELL TUSH  
Mayor

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GORDON ELLIOTT  
Town Manager