



## **CODE ENFORCEMENT DIVISION CITY OF NEWARK**

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220 South Main Street · Newark, Delaware 19711  
302.366.7000 · Fax 302.366.7098 · [www.cityofnewarkde.us](http://www.cityofnewarkde.us)

### **PLANNING AND DEVELOPMENT DEPARTMENT CODE ENFORCEMENT DIVISION**

#### **GUIDE TO RENTAL PERMITS**

##### **INTRODUCTION:**

Welcome to the Newark, Delaware Planning and Development Department Code Enforcement Division's Guide to Rental Permits. If this is your first time applying for a rental permit in Newark we welcome you to our community. If you have already done business with the City and are looking for any updates, welcome back!

Our goal is to make this process as easy as possible for you our customer while at the same time ensuring we are in compliance with all federal, state and local regulations. Our task is to provide safe and secure rental properties.

One of the best ways to have an outstanding experience with the City during your rental permit review process, is to review this guideline, ask any question you may have and to submit all required materials in a timely manner. We will do whatever we can to assist you and make sure you are satisfied with or services throughout the entire review and approval process.

#### **DEPARTMENTAL ORGANIZATION**

The Planning and Development Department is organized on a divisional basis. The Code Enforcement Division and the Planning Division will be, by and large, your direct contact for building permits, certificates of occupancy, sign permits, and other building activities. The Planning Division primarily responsible for zoning and subdivision review. Either Division, however, stands ready to assist you through the development review process.

#### **CODE ENFORCEMENT DIVISION HOURS OF OPERATION**

Code Enforcement Division personnel are available between the hours of 7:30 am – 5:00 pm, Monday through Friday except for holidays. Questions can be answered throughout the day during normal business hours in person, by phone by e-mail or regular mail. Our contacts are:

City of Newark  
Code Enforcement Division  
220 South Main Street  
Newark, DE 19711

Our phone number is (302) 366-7000.  
Our fax number is (302) 366-7098.  
Our web address is [www.cityofnewarkde.us](http://www.cityofnewarkde.us)

**RENTAL PROPERTIES**

**SINGLE FAMILY TYPE DWELLING**

**ZONING REGULATIONS:**

**Student Homes**

Student Homes are defined as single-family detached dwellings occupied by three post-secondary students, unrelated by blood or legal adoption, attending or about to attend a college or university, or who are on a semester, winter, or summer break from studies at a college or university. Student homes not located on non-exempt streets are very limited in Newark. Contact the Planning Department or Code Enforcement Division at 302-366-7000 for more information on which streets these limitations apply.

On a non-exempt street a student home is permitted on a lot only if any portion of the lot is no closer to any portion of another student home, than a distance determined by multiplying 10 times the required lot width for a single-family detached dwelling in the zoning district in which the proposed student home is located.

For purposes of this calculation, nonowner-occupant single-family detached, semi-detached, and new homes with rental permits for the taking of boarders and roomers and existing on May 24, 1999 are considered student homes.

A permitted student home may be occupied by no more than three persons. The owner and owner's agent, if any, is responsible for compliance with the occupancy limitations set forth in the City Code. All student homes require rental permits.

**Non-Student Homes**

Owners who live in their single-family type houses (detached, semi-detached or row and townhouses), not including student homes, may take in (2) roomers or boarders without a permit.

Owners who do not live in their single-family type houses (detached, semi-detached, or row and townhouses), not including student homes, who rent or lease their property may rent to (or allow to be occupied by) no more than the maximum number or unrelated individuals permitted in the relevant zoning districts as follows

3 – RH, RT, RS	3 – RR
3 – RD	4 – RM

Please note that in certain instances properties in Newark are deed restricted to limit the number of renters to less than the number permitted in relevant zoning districts. You should check your deed.

**Rental Permits:**

Every non-occupant owner who is renting to roomers, and every owner-occupant taking in more than two roomers is required to make application for, and receive, an annual permit from the Code Enforcement Division to rent a single-family type dwelling. These include detached, semi-detached, and row homes. Applications are made in writing and on a form provided by the City Code Enforcement Division. An annual inspection is required for these rental units.

## **Leases**

Written leases are required for rental of residential properties leased or rented for more than 30 days. Leases must be provided to the Code Enforcement Division upon request, and must include notification to tenants regarding Maximum Occupancy and Conviction of Violations, as described below:

### **Maximum Occupancy of Unrelated Persons**

- The number and names of unrelated persons who may occupy the premises.
- Violation of the allowable number of occupants' results in termination of the rental leases as it applies to all renters or occupants of the premises; all renters must vacate the dwelling. Evictions are based on the provisions of 25 Delaware Code, Part III, Landlord-Tenant Code.

### **Conviction of Violations**

- Conviction of any renter who violates Alcoholic Beverage, Noise, or Disorderly Premises regulations more than one time within a one-year period result in termination of the lease as it applies to all renters, and all renters must vacate the dwelling. Evictions are based on the provisions of 25 Delaware Code, Part III, Landlord-Tenant Code.
- The City will notify the landlord, owner, or owner's agent if a renter is convicted of violating Chapter 20A Noise and/or Section 22.74.1 Disorderly Premises of the Municipal Code.

Landlords or owners are required to stipulate in writing, as part of their application for rental permits, that the lease for the dwelling unit(s) contains this notification to tenants.

## **Posting**

Each owner of a single-family type house (detached, semi-detached, or row and townhouse), that requires a rental permit, is required to post the following:

- Address of rental property.
- Maximum number of unrelated persons who may lawfully inhabit the dwelling.
- Number and location of on-site, off-street parking spaces available for the rental dwelling.
- Statement of penalties for failure to comply.
- Name and telephone number of the property owner or owner's agent.
- Telephone number of the City of Newark Code Enforcement Division.

The Posting must be prominently displayed in the dwelling unit, and be readily visible to all tenants residing on the property. Violations or misrepresentations are subject to permit revocation.

## **PARKING**

### **Residential Parking Permits**

Any resident living within a special Residential Parking District who wishes to apply for a parking permit must file an application with the Newark Police Department in the Municipal Building on Elkton Road. No more than 2 permits will be issued per address for any non-owner occupant single-family type dwelling requiring a rental permit.

In special Residential Parking Districts, residents with permits for their vehicles may request and receive from the Newark Police Department additional guest parking permits to park the vehicles of their guests.

Please contact the Newark Police Department for more details.

### **Parking Prohibited**

Vehicles may park in approved driveways of single-family dwellings.

In addition to posted locations, stopping, standing, and parking is prohibited in the following areas:

- On a sidewalk.
- In the front yard (an area extending the full width of the lot between the front street line and the single-family residential dwelling).
- In front of a public or private driveway.
- Off a hardened surface

Vehicles are not permitted to be parked on any street for the purpose of:

- Displaying the vehicle for sale.
- Greasing or repairing a vehicle (except for emergency repairs).

### **Inoperative or Unlicensed Vehicles**

No inoperative or unlicensed motor vehicle shall be parked, kept, or stored on any premises or city street.

## **RENTAL HOME EXTERIOR**

### **Refuse Collection**

Owners of rental dwellings must supply standard 20 or 32-gallon refuse cans (maximum size), conspicuously labeled with the address of the rental unit. Each refuse can must have a tight-fitting detachable lid and suitable handles.

Refuse placed for collection must:

- Weigh less than 40 pounds (including the container).
- Be placed near the curb by 7:00 a.m. of the day of collection but no sooner than 6:00 p.m. the previous day.
- Empty cans should be removed from the curb within 10 hours.

Detached instructions regarding refuse collection, leaf pickup, large items, tree and plant limbs, etc. can be obtained from the Public Works Department (302) 366-7000, at the Municipal Building.

### **Litter, Weeds and Grass**

All properties within the City must be kept free of litter. Accumulated litter must not be swept into the gutter, street or sidewalk and shall be placed in receptacles.

Owners are responsible for cutting and removing any weeds, growth, litter, or the like from their lots, as well as from the area between the sidewalk and the curb or paved portion of any street abutting the curb. A notice will be sent to owners if weeds and grass exceed 10 inches in height.

#### **Snow and Ice Removal**

The owner, tenant, or occupant of a rental home must remove snow or ice from the sidewalk abutting his property within 24 hours from the time the snow ceases to fall or ice to form, in order to provide a clear pathway at least 3 feet wide in residential districts. Snow or ice must not be placed in the gutter or street.

#### **Prohibited Furniture**

Interior type furniture, such as upholstered couches and chairs or other fabric-covered articles, are not intended for outdoor use, and must not be placed outside the house.