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**ORDINANCE NO \_\_\_\_\_**

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**AN ORDINANCE TO AMEND CHAPTER 173-3, REPLACEMENT OF TREES REMOVED UNDER PERMIT, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH TO GRANT WAIVERS REGARDING REMOVAL OF TREES**

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**BE IT ENACTED AND ORDAINED**, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware, in session met, as follows:

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**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware, in session met, as follows:

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**Section 1.** Amend §173-3 of the Code of Ordinances by adding thereto a new subsection to read as follows:

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E. Waiver. Upon consultation with the town’s arborist, the Town Manager is hereby authorized to grant waivers from the strict enforcement of §173 requirements in the course of the permit approval process, when such requirements:

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- (1) significantly and negatively impact a neighboring property;
- (2) create a hazard to a dwelling located on the subject property; or
- (3) due to considerations of available space and tree circumference, call for the planting of a replacement tree in a non-viable location.

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**Section 2.** If any provisions 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.

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**Section 3.** This Ordinance shall take effect immediately upon its passage by a majority vote of the Commissioners of the Town of Dewey Beach.

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Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 20<sup>th</sup> day of September, 2024.

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SYNOPSIS

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This Act creates a waiver process that extends during the permit approval process only, where the Town Manager may lessen the requirements of §173-3 due to appropriate considerations and upon seeking the advice of the town’s arborist.

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Mayor, William Stevens

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Town Manager, Bill Zolper