

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 71 BUILDING CONSTRUCTION TO
ALLOW INTERNAL CONSTRUCTION ON CERTAIN HOLIDAYS**

WHEREAS, The restriction of certain types of construction on holidays may create a burden to the homeowner and cause lost wages to workers, including veterans, and;

WHEREAS, Construction work on the interior of a building such as painting and cleaning will not cause a disturbance to neighbors, vacationers, and residents, and;

WHEREAS, The Commissioners of the Town of Dewey Beach would like to allow internal construction activities on certain off-season holidays when it is not a disturbance to visitors and residents;

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE
TOWN COMMISSIONERS OF THE TOWN OF DEWEY BEACH, DELAWARE
IN SESSION MET THIS _____, THAT:**

SECTION 1. Amend Section 71-7A Construction, pile driving and demolition limitations, to read as follows:

"A. Construction activities shall not be performed between the hours of 6:00 p.m. and 8:00 a.m. daily. Construction activities shall not be performed on any Saturday or Sunday or on any holiday identified hereinbelow, except that commencing September 16 and extending through May 14 of each year, permitted hours of construction shall include Saturdays from 9:00 a.m. through 6:00 p.m. Construction activities are defined as any activity whatsoever relating to construction, including, but not limited to: site preparation, grading and excavation; construction of foundation; construction, fabrication, and placement of any structure upon or within the premises; painting, drywalling, roofing and application of any materials whatsoever to the structure being constructed or placed upon the premises, including installation of plumbing, electrical fixtures and wiring, heating, ventilation and air-conditioning equipment; and any activity whatsoever related to construction, installation, site preparation, landscaping, paving or improvement of the premises. Persons who are property owners performing construction activities which do not require the issuance and approval of a building permit are exempt from the Saturday, Sunday and holiday prohibitions stated herein, but such persons may not commence work earlier than 9:00 a.m. nor work after 6:00 p.m. The term "persons who are individual property owners" shall not be defined as a corporation, limited liability company or business entity which is a contractor or subcontractor and which is identified

as the owner of the premises.

(1) "Holidays" shall be defined as follows:

(a) New Year's Day.

~~(b) Martin Luther King's Birthday.~~

~~(c) Presidents' Day.~~

(b) Memorial Day.

(c) Independence Day.

(d) Labor Day.

~~(g) Columbus Day.~~

~~(h) Veterans' Day.~~

(e) Thanksgiving Day.

(f) Christmas Day

(2) Construction activities are permitted on the following holidays provided that the activity is performed inside an enclosed structure and creates no noise or disturbance.

(a) Martin Luther King's Birthday

(b) President's Day

(c) Columbus Day

(d) Veterans' Day

SECTION 2. Severability. If any provision 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.

SECTION 3. Adoption. This Ordinance shall take effect immediately upon its adoption by a majority vote of the Commissioners of the Town of Dewey Beach.

Adopted by at least a majority vote of all Commissioners of the Town of Dewey
Beach on _____, 2017.

BY: _____

Mayor Dale Cooke

ATT: _____

Town Manager Marc Appelbaum